

TO: Sydney Central City Planning Panel – Electronic Determination

SUBJECT: 84 Percival Road, SMITHFIELD

APPLICATION No: DA2019/0480

Application lodged	16 December 2019
Applicant	Dvyne Design JT Pty Limited
Owner	MTR Property Pty Limited
Application No.	DA2019/0480
Description of Land	84 Percival Road, SMITHFIELD Lot 1 DP 555910
Proposed Development	Alterations to an existing industrial premise and use as a waste management facility including construction of a weigh bridge. The proposal is classified as Designated Development under the provisions of the Environmental Planning and Assessment Regulation 2000.
Site Area	6,195.7m ²
Zoning	IN1 – General Industrial (HLEP 2013)
Disclosure of political donations and gifts	Nil disclosure
Heritage	The subject site does not contain a heritage item, and is not located within the vicinity of the heritage item or heritage conservation area.
Principal Development Standards	N/A
Issues	Location of fencing, landscaping and car parking within the front setback area (HDCP 2013)

SUMMARY

1. Development Application No. 2019/0480 was lodged on 16 December 2019 seeking consent for alterations to an existing industrial premise and use as a waste management facility including construction of a weigh bridge. The proposal is classified as Designated Development under the provisions of the Environmental Planning and Assessment Regulation 2000.
2. The proposed development is classified as 'Designated Development' under the provisions of the Environmental Planning and Assessment Regulation 2000, as the proposal is for a waste management facility within 500 metres of a residential zone, located north of the site. An Environmental Impact Statement has been prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs) issued on 10 May 2019 (SEAR No. 1327).
3. The application was advertised in the local paper, and publicly notified to occupants and owners of the surrounding properties for a period of 28 days from 6 February to 8 March 2020. In response, no submissions were received.
4. The application was deferred on 23 March 2020, and additional information was submitted on 15 April 2020. The additional information and amended plans submitted by the Applicant to address the deferral items did not require re-notification.
5. The proposal involves minor departures to development controls contained within HDCP 2013 with respect to the location of fencing, landscaping and car parking within the front setback area, which are existing conditions of the site, and considered acceptable on merit.

6. The application is recommended for approval via a deferred commencement consent subject to the conditions as provided in the draft determination.
7. The application is referred to the Panel in accordance with Clause 7(c) – Particular designated development of Schedule 7 Regional significant development to *State Environmental Planning Policy (State and Regional Development) 2011*, as the proposed development is for the purposes of a waste management facility which meet the requirements for designated development under Clause 32 of Schedule 3 – Designated Development to the *Environmental Planning and Assessment Regulation 2000*.

REPORT

SUBJECT SITE AND SURROUNDING AREA

The site forms Lot 1 in DP555910 and is known as 84 Percival Road, Smithfield. The site has a total site area of 6,195.7m²

The site is rectangular in shape with a frontage of 26.56m to Percival Road, and lot depth of 233.24m (north) and 233.32m (south). The site has a gradual fall of approximately of 7.41m-8.25m from front/east to rear/west.

The property is currently occupied by an existing industrial building operating as a commercial and residential building supplies company (Fast Stud), with at-grade car parking provided within the front setback area, and palisade front fencing.

The subject site is zoned IN1 – General Industrial. Land directly adjoining the site and in the immediate surrounds of the site are also zoned IN1 – General Industrial. Land further north of the site (approximately 360m) is zoned R2 – Low Density Residential. South of the site is the Liverpool-Parramatta Transitway and Sydney Water pipeline.

The immediate industrial zoned area comprises of industrial warehouses and uses. R2 zoned land north of the site is characterised by low density residential development.



Figure 1 – Aerial view of subject site (highlighted in yellow) and surrounding development. Source: Cumberland City Council 2020.

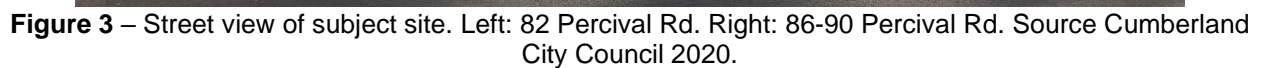
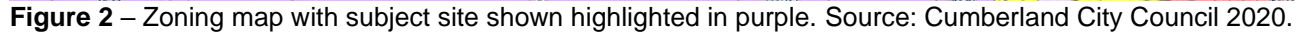




Figure 4 – Left: 82 Percival Rd. Right: Subject site – 84 Percival Rd. Source Cumberland City Council 2020.



Figure 5 – Location of proposed weighbridge along the northern boundary of subject site. Source Cumberland City Council 2020.



Figure 6 – Front building elevation and setback area of subject site. Source Cumberland City Council 2020.



Figure 7 – Streetview of 86-90 Percival Rd. Source Cumberland City Council 2020.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

Development consent is sought for the following:

- Change of use of premises to a scrap metal recycling facility;
- Demolition of existing outbuilding at the rear of the site;
- Reconfiguration of existing on-site car parking to accommodate 12 parking spaces (including 1 accessible parking space); and
- Construction of a weighbridge along the northern boundary/driveway area of the site.

Key features of the proposed development are as follows:

Waste handling

- The premises will receive, handle and sort metals including scrap steel, aluminium, copper and brass. Metals received would be separated on-site and on-sold to metal recyclers.
- The proposed scrap metal recycling facility will allow consumers to deliver unwanted metal scrap to the premises.
- Approximately 20,000 tonnes of metal would be accepted per year.

Truck and private vehicle waste loads

- The incoming waste loads of trucks entering the site will be screened upon arrival by the weighbridge to manage and record the quantity, type and source of waste received by the facility.
- Unloading of truck loads will occur within the receival bay at the rear of the site.
- Private vehicles enter the premises via the southern roller door and use the public scales within the building.

Storage

- The maximum storage capacity of metal material on site at any one time will be 80 tonnes.
- Nine (9) designated storage bays are proposed within the building. The designated storage bays can store between 3-8 tonnes depending on the contents of the metal waste (A maximum of 72 tonnes of material can be stored within the designated storage bays contained in the building).
- Scrap metal stored external to the building would have a daily turnover and only 1-2 truckloads would be stored externally at any one time.

Equipment

- 1 x electric compactor
- 1 x copper granule machine
- 1 x 20 tonne diesel excavator
- 1 x 8 tonner diesel excavator
- 3 x LPG forklifts

Hours of Operation

- Monday to Friday: 7am to 4pm
- Saturday: 7am to 1pm
- No works on public holidays or Sundays

Staff

The facility will employ a total of 8 staff.

There is no business identification signage associated with the subject application.

HISTORY

On 12 December 2018, DA2018/377 seeking consent for demolition of an existing outbuilding at the rear of the site, provision of car parking within the front setback area, construction of a weighbridge and change of use of the land into a scrap metal recycling warehouse; was rejected by Council in accordance with Clause 52 of the Environmental Planning and Assessment Regulations 2000, as the proposal qualified for "Designated Development" and was not accompanied by an Environmental Impact Statement.

On 6 June 2014, DA2014/26 granted development consent for alterations and additions to an industrial building and use as a warehouse.

On 16 December 1983, Development Consent No. 83/236 (Development Application No. 258) granted approval for the manufacture and wholesale distribution of wines in conjunction with current use as a cooperage.

APPLICANTS SUPPORTING STATEMENT

The applicant has provided an Environmental Impact Statement prepared by Think Planners dated 5 November 2019, in support of the application.

CONTACT WITH RELEVANT PARTIES

The assessing officer has undertaken a site inspection of the subject site and surrounding properties and has been in regular contact with the applicant throughout the assessment process.

INTERNAL REFERRALS

Development Engineer

The subject site is identified as a flood control lot. The development application was referred to Council's Development Engineer for comment who has advised that the proposed works are clear of the 1 in 100 year flooding and that the proposal can be supported, subject to the imposition of Schedule A conditions requiring detailed drainage plans and amended architectural plans demonstrating safe truck and vehicle manoeuvring to, from and within the site, and compliance with Australian Standard AS2890.1 and AS2890.6 and Holroyd Development Control Plan 2013.

Environment and Health

The development application was referred to Council's Environment and Health Officer for comment who has advised that the development proposal is satisfactory and therefore can be supported subject to recommended conditions of consent.

Landscaping and Tree Management

The development application was referred to Council's Tree Management Officer for comment who advised that the development is supportable subject to the retention of the existing landscaped area within the front setback area.

Waste Management

The development application was referred to Council's Waste Management Officer for comment who has advised that the development proposal is satisfactory having regard to on-going waste management and therefore can be supported subject to recommended conditions of consent.

EXTERNAL REFERRALS

Environment Protection Authority (EPA)

The development application was referred to the Environment Protection Authority (EPA) for review and comment. On 24 March 2020, the EPA outlined that as the estimated annual throughput is approximately 20,000 tonne a year with no more than 100 tonnes to be stored at any one time, general terms of approval are not required to be provided as the proposed development is below the metallurgical activities threshold under Schedule 1 of the Protection of the Environment Operations Act 1997 to require licensing.

Transport for NSW (former Roads and Maritime Services)

The development application was referred to the Transport for NSW (TfNSW), in accordance with the provisions of Clause 104 of State Environmental Planning Policy (Infrastructure) 2007. On 30 March 2020, TfNSW advised that no objection was raised to the proposed development as it is unlikely to have a significant impact on the classified road network.

INTEGRATED DEVELOPMENT

The proposed waste management facility carries out *metallurgical activities* being *scrap metal processing*, which is listed under Schedule 1 of the Protection of Environment Operations Act 1997 (PEO). The threshold for scrap metal processing is capacity to process more than 150 tonnes of scrap metal per day or 30,000 tonnes per year (if not carried wholly indoors), or 50,000 tonnes per year (if carried out wholly indoors).

The proposed development is estimated to process no more than 20,000 tonnes of scrap metal per year, and as such below the threshold which requiring an environmental protection licence for this activity. Noting the above, the proposal is not classified as 'Integrated Development' pursuant to Section 4.46 of the Environmental Planning and Assessment Act 1979 (EP&A) or 'nominated integrated development' within the meaning of Section 4.45 of EP&A 1979. A comprehensive assessment against Clause 26 – Metallurgical activities is contained at **Attachment 2**.

PLANNING COMMENTS

The provisions of any Environmental Planning Instruments (EP&A Act s4.15 (1)(a)(i))

State Environmental Planning Policies

The proposed development is affected by the following State Environmental Planning Policies:

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

Development of a type that is listed in Schedule 7 of SEPP (State and Regional Development) 2011 is defined as 'regional significant development'. Such applications require a referral to a Sydney District Panel for determination as constituted by Part 3 of Schedule 2 under the Environmental Planning and Assessment Act 1979. The proposed development constitutes 'Regional Development' as the proposed development is for the purposes of a waste management facility which meets the requirements for designated development under Clause 32 of Schedule 3 – Designated Development to the *Environmental Planning and Assessment Regulation 2000*. While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney Central City Planning Panel.

(b) State Environmental Planning Policy No. 33 – Hazardous and Offensive Development (SEPP33)

A preliminary risk screening in accordance with SEPP33 has been prepared and is attached to Environmental Assessment prepared by Benbow Environmental accompanying the application. The preliminary risk screening includes the class, quantity and location of all dangerous good and hazardous materials to determine whether a Preliminary Hazard Analysis is required.

The preliminary risk screening submitted outlines that the proposed chemicals, dangerous goods and hazardous materials to be stored on site will not exceed the SEPP33 preliminary risk screening thresholds, and as such a preliminary hazard analysis is not required.

Council's Environmental Health Officer has reviewed the preliminary risk screening and has also concluded that a preliminary hazard analysis is not required. Conditions are recommended to be imposed requiring a Hazardous Materials Survey Report to be prepared by a suitably qualified person (such as a certified Occupational Hygienist) prior to the commencement of any demolition works on site. The report shall identify and record the type, location and extent of any hazardous materials on site, and make recommendations as to the safe management and/or removal to ensure the site is safe for demolition and construction works and future use.

(c) State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable or can be made suitable to accommodate the proposed development. The matters listed within Clause 7 have been considered in the assessment of the development application.

Matter for Consideration	Yes/No
Does the application involve re-development of the site or a change of land use?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
In the development going to be used for a sensitive land use (e.g.: residential, educational, recreational, childcare or hospital)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Matter for Consideration	Yes/No
Does information available to you indicate that an activity listed below has ever been approved, or occurred at the site? acid/alkali plant and formulation, agricultural/horticultural activities, airports, asbestos production and disposal, chemicals manufacture and formulation, defence works, drum re-conditioning works, dry cleaning establishments, electrical manufacturing (transformers), electroplating and heat treatment premises, engine works, explosive industry, gas works, iron and steel works, landfill sites, metal treatment, mining and extractive industries, oil production and storage, paint formulation and manufacture, pesticide manufacture and formulation, power stations, railway yards, scrap yards, service stations, sheep and cattle dips, smelting and refining, tanning and associated trades, waste storage and treatment, wood preservation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the site listed on Council's Contaminated Land database?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the site subject to EPA clean-up order or other EPA restrictions?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the site been the subject of known pollution incidents or illegal dumping?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the site adjoin any contaminated land/previously contaminated land?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Has the appropriate level of investigation been carried out in respect of contamination matters for Council to be satisfied that the site is suitable to accommodate the proposed development or can be made suitable to accommodate the proposed development?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Details of contamination investigations carried out on site: <p>The site is not identified in Council's records as being contaminated. A site inspection reveals the site does not have any obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated. In addition, the proposal seeks consent for minor external works related to the creation of car parking spaces and location of required machinery on site and does not seek any substantial alterations to the existing industrial building on site. In this regard, an environmental site assessment is not required for the proposal.</p> <p>Council's Environmental Health Officer has also reviewed the proposal and considers the proposed development to be satisfactory subject to the imposition of conditions requiring works to stop should any unexpected finds be found during construction works.</p> <p>On this basis, the development satisfies the provisions of Clause 7.</p>	

(d) State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

The development application was referred to Endeavour Energy and Transgrid in accordance with the provisions of Clause 45 as the site is located within 5m of exposed overhead electricity power lines fronting the site. A response has not been received to date. Notwithstanding, a condition of consent has been recommended requiring the developer obtain a clearance certificate from the energy provider prior to the issue of an Occupation Certificate, if such clearance has not been previously issued.

The development was referred to TfNSW (formerly RMS) pursuant to the provisions of Clause 104, as the development is traffic generating development as identified in Schedule 3; given the development is for the purposes of a waste management facility. Advice was received advising that no objection is raised to the development, as the proposed development is unlikely to have a significant impact on the classified road network. No conditions are recommended to be imposed as part of any development consent granted.

(e) State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017

SEPP (Vegetation in Non Rural) 2017 applies to the Cumberland Local Government Area for sites zoned IN1 – General Industrial. However, there are no existing trees and vegetation on site, with the exception of existing turfed areas within the front setback area and rear yard of the site proposed to be retained. Therefore, the proposal does not exceed the biodiversity offsets scheme threshold.

(f) State Environmental Planning Policy (Coastal Management) 2018

The subject site is not identified as land within the coastal zone or land identified in proximity to coastal wetlands or littoral forest.

Regional Environmental Plans

The proposed development is affected by the following Regional Environmental Plans:

(a) Greater Metropolitan Regional Environmental Plan No. 2 Georges River Catchment

The subject site is identified as being located in the located within the Greater Metropolitan Region. The subject site is identified as a flood control lot, however flood control works are not proposed as part of the development. The proposed use of the site as a waste management facility is also not listed in the planning control table. Accordingly, only the planning principles listed at Part 2 are applicable to the development. A detailed compliance table is provided at **Attachment 3**.

Local Environmental Plans

(a) Holroyd Local Environmental Plan 2013 (HLEP 2013)

The subject site is zoned IN1 – General Industrial pursuant to HLEP 2013.

The proposed development is defined as a ‘waste management facility’.

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).*

‘Waste or resource management facility’ is not a development specified in item 2 or 4 of the IN1 Land Use Table. In this regard, a waste management facility is permitted with consent in the IN1 – General Industrial zone which applies to the land.

Based on the available information provided, the proposal would satisfy the relevant LEP definition and also satisfies the objectives of the IN1 zone as listed below:

- *To provide a wide range of industrial and warehouse land uses.*
- *To encourage employment opportunities.*
- *To minimise any adverse effect of industry on other land uses.*
- *To support and protect industrial land for industrial uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*

The proposed development complies with all applicable development standards. A comprehensive HLEP 2013 compliance table is provided at **Attachment 4**.

The provisions of any proposed instrument that is or has been the subject (EP&A Act s4.15 (1)(a)(ii))

(a) Draft Cumberland Local Environmental Plan 2020 (Draft CLEP) and Development Control Plan 2020 (Draft CDCP)

The Draft Cumberland Local Environmental Plan 2020 (Draft CLEP) and Draft Cumberland Development Control Plan 2020 (Draft CDCP) have been prepared by Cumberland Council to provide a single planning framework for the future planning of Cumberland City. The changes proposed seek to harmonise and repeal the three existing LEPs and DCPs currently applicable to the Cumberland local government area, those being:

- Holroyd Local Environmental Plan 2013 and Holroyd Development Control Plan 2013.
- Parramatta Local Environmental Plan 2011 and Parramatta Development Control Plan 2011.
- Auburn Local Environmental Plan 2010 and Auburn Development Control Plan 2010.

Draft Cumberland Local Environmental Plan

The current planning controls for the subject site, as contained within the HLEP are not proposed to change under the Draft CLEP.

Draft Cumberland Development Control Plan

It is noted that there are no specific parking rates contained in Part A of HDCP 2013 for waste management facilities. The most appropriate parking rate for the proposed use is comparable to a warehouse. The minimum on-site parking spaces required for the proposed development are based on the warehouse (including amenities) parking rate.

A review of the relevant controls of the Draft CDCP confirmed the proposal remains compliant with the new car parking requirements proposed for warehouses in industrial zones. There are no specific parking rates contained within the Draft DCP for waste management facilities.

The following minimum car parking rates for warehouses in accordance with Table 1 Part G3 Section 3 of the Draft DCP applies to the site:

- 1 car space per 300m² GFA; and
- 1 bicycle parking space per 1,000m² GFA

Therefore, 5 on-site car parking spaces plus 2 bicycle parking space will be required. With the proposed 12 car parking spaces on site, the proposal will comply with the proposed car parking requirements of the Draft CDCP, and bicycle parking space can be accommodated on the site.

(b) Draft State Environmental Planning Policy (Environment)

The draft SEPP relates to the protection and management of our natural environment with the aim of simplifying the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. The changes proposed include consolidating the following seven existing SEPPs:

- State Environmental Planning Policy No. 19 – Bushland in Urban Areas
- State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011
- State Environmental Planning Policy No. 50 – Canal Estate Development
- Greater Metropolitan Regional Environmental Plan No. 2 – Georges River Catchment
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No.2-1997)
- Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Willandra Lakes Regional Environmental Plan No. 1 – World Heritage Property.

The draft policy will repeal the above existing SEPPs and certain provisions will be transferred directly to the new SEPP, amended and transferred, or repealed due to overlaps with other areas of the NSW planning system.

Changes are also proposed to the Standard Instrument – Principal Local Environmental Plan. Some provisions of the existing policies will be transferred to new Section 117 Local Planning Directions where appropriate.

The provisions of any Development Control Plans (EP&A Act s4.15 (1)(a)(iii))

The Holroyd Development Control Plan 2013 (HDCP 2013) provides guidance for the design and operation of development to achieve the aims and objectives of the HLEP 2013.

The following table highlights non-compliances with the provisions of the HDCP 2013 with respect to the location of fencing, landscaping and car parking within the front setback area, which are existing conditions of the site, and considered acceptable on merit.

Part D – Industrial Development			
No.	Control	Provided	Comment
2.5	Setbacks		
	Front setback areas shall not be used for storage, display of goods, excessive signage, loading / unloading or large areas of car parking.	<p>Car parking and hardstand area are currently located within the required 15m front setback area.</p> <p>The proposal seeks to reconfigure existing on-site parking within the front setback area to be adjacent to the building entry only, and implement line marking to formalise car parking spaces.</p> <p>Conditions of consent are imposed requiring entry/exit driveways to be indicated with appropriate signage and line marking to avoid traffic conflicts at the driveway.</p> <p>The existing landscaped area within the front setback area is proposed to be retained.</p>	This is an existing non-compliance which is considered acceptable as existing landscaping is proposed to be retained and manoeuvring within the site is improved through directional line marking and signage, and the line marking of parking spaces.
	Landscape setbacks shall be free from overhangs, paths, ramps, signs, parking and advertising structures.	Front landscape setback area contains parking, and handstand area required for maneuvering of trucks and vehicles within the site. The existing landscaped area is proposed to be retained. As this is the existing conditions of the front setback area, the landscape setback treatment is considered acceptable.	No - Acceptable
2.6	Parking and Vehicular Access		
	Permit only limited visitor & disabled car parking (max. 50% of street frontage) within the front setback, where the front setback equals or exceeds 15m (excluding multi-unit industrial development).	<p>Maneuvering for trucks and vehicles are located within the 15m front setback area.</p> <p>Car parking provided within the front setback area is considered acceptable as discussed above.</p>	No - Acceptable
2.8	Fences		
	Fences shall be located within the 3m width landscape frontage (between the front parking and boundary).	Location of existing palisade fencing along the front boundary, provides controlled access and security, and is acceptable as sight lines are not obstructed.	No – Acceptable as no change to existing fencing sought.
	Max. height of 1.2m for fences in the front setback, or 2.1m for fences behind the front setback.		

A comprehensive assessment and compliance table is contained in **Attachment 5** to this Report.

Having regard to the above discussion, the abovementioned departures from the HDCP 2013 controls are considered acceptable on merit and may be supported for the reasons detailed above.

The provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4 (EP&A Act s4.15(1)(a)(iia))

There is no draft planning agreement associated with the subject Development Application.

The provisions of the Regulations (EP&A Act s4.15 (1)(a)(iv))

In accordance with Schedule 3, Part 1, Clause 32 Waste management facilities or works of the Environmental Planning and Assessment Regulation 2000 (The Regulations), the proposed development is identified as 'Designated Development', as the proposal is for the purposes of a waste management facility within 500m of a residential zone. The Regulations define *waste management facilities or works* as follows:

(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—*

(d) *that are located—*

- (i) in or within 100 metres of a natural waterbody, wetland, coastal dune field or environmentally sensitive area, or*
- (ii) in an area of high watertable, highly permeable soils, acid sulphate, sodic or saline soils, or*
- (iii) within a drinking water catchment, or*
- (iv) within a catchment of an estuary where the entrance to the sea is intermittently open, or*
- (v) on a floodplain, or*
- (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.***

An Environmental Impact Statement (EIS) has been prepared in accordance with the Secretary's Environmental Assessment Requirements (SEARs). The development has been assessed against the key issues outlined in the SEARs and the likely impacts of the development in accordance with Section 4.15(1)(b) of the EP&A Act 1979, and considered satisfactory with respect to relevant matters prescribed within the Regulations.

A comprehensive assessment against Clause 32 – Waste management facilities or works is contained at **Attachment 1**.

The Likely Environmental, Social or Economic Impacts (EP&A Act s4.15 (1)(b))

The development is providing an employment generating land use, consistent with the objectives of the Cumberland Employment and Innovation Lands Strategy 2019 (The Strategy), which was adopted by Council in May 2019. The Strategy provides a strategic and coordinated approach that has been developed by Council in consultation with the community and industry to support future economic opportunities for Cumberland that will continue to make the area an attractive place for residents, workers and visitors.

The development of the site for industrial land uses contributes to the development of the Services and Innovation precinct of the Cumberland LGA, as identified in The Strategy, by providing new service and activities within the industrial land use setting.

The development is providing opportunities for economic and social growth within the locality as well as the broader LGA, through employment opportunities and income generation.

For the reasons detailed above, it is considered that the proposed development will facilitate positive environmental, social and economic impacts in the locality.

The suitability of the site for the development (EP&A Act s4.15 (1)(c))

The subject site is considered suitable for the proposed development. The subject site is not known to be affected by any natural hazards or other site constraints likely to have a significant adverse impact on the proposed development. Potential impacts on existing surrounding development, including existing residential development within the vicinity of the site, have been addressed to ensure traffic, noise and environmental impacts are adequately mitigated.

Accordingly, it is considered that the development is suitable in the context of the site and surrounding locality.

Submissions made in accordance with the Act or Regulation (EP&A Act s4.15 (1)(d))

Advertised (newspaper) ☒

Mail ☒

Sign ☒

Not Required ☐

In accordance with Schedule 1 of Environmental Planning and Assessment Act 1979 and Council's Notification requirements contained within the HDCP 2010, the proposal was publicly notified for a minimum period of twenty-eight (28) days between 6 February and 8 March 2020. As a result of the notification period, no submissions were received.

The public interest (EP&A Act s4.15(1)(e))

In view of the foregoing analysis it is considered that the development, if carried out subject to the conditions set out in the recommendation below, will have no significant adverse impacts on the public interest.

SECTION 7.11 (FORMERLY S94) CONTRIBUTION TOWARDS PROVISION OR IMPROVEMENT OF AMENITIES OR SERVICES

On 15 January 2020, the Cumberland Local Infrastructure Contributions Plan (Cumberland Contributions Plan) came into effect and applies to all land within the Cumberland Local Government Area (LGA).

The Cumberland Contributions Plan includes saving provisions for those development applications lodged prior to the adoption of the Cumberland Contributions Plan, which provides that:

Applications for development consent that were made before this plan commenced will be determined against the contributions plan that applied at the date the application was lodged.

When development consent includes a condition requiring payment of a development contribution and that condition is affected by a proposed application to modify the consent, the contribution shall be amended as if the contribution plan referenced within the condition is still in force.

At the time of lodgement of this application, the Holroyd Council Section 94 Contributions Plan 2013 was the development contribution plan in force. The proposal does not attract payment of any development contributions in accordance with the Holroyd Council Section 94 Contributions Plan 2013.

DISCLOSURE OF POLITICAL DONATIONS AND GIFTS

The Applicant and notification process did not result in any disclosure of Political Donations and Gifts.

CONCLUSION

The development application has been assessed in accordance with the relevant requirements of the *Environmental Planning and Assessment Act 1979*, and is considered to be satisfactory for approval, subject to conditions.

The proposed development is appropriately located within the IN1 land use zone, under the relevant provisions of the HLEP 2013. The proposal is consistent with all statutory and non-statutory controls applying to the development. Minor non-compliances with Council's controls have been discussed in the body of this report. The development is considered to perform adequately in terms of its relationship to its surrounding built and natural environment, particularly having regard to impacts on adjoining properties.

For these reasons, it is considered that the proposal is satisfactory having regard to the matters of consideration under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and the development may be approved subject to conditions.

RECOMMENDATION

1. **That Development Application No. DA2019/0480 for Alterations to an existing industrial premise and use as a waste management facility including construction of a weigh bridge; on land at 84 Percival Road, Smithfield be approved via a deferred commencement consent subject to attached conditions provided in the draft determination.**

ATTACHMENTS

1. Environmental Planning and Assessment Regulation 2000 (Designated Development assessment)
2. Environmental Planning and Assessment Act 1979 (Integrated Development assessment)
3. Greater Metropolitan Regional Environmental Plan compliance table
4. Holroyd Local Environmental Plan 2013 compliance table
5. Holroyd Development Control Plan 2013 compliance table
6. Draft Notice of Determination
7. Architectural plans
8. Environmental Impact Statement (EIS) prepared by Think Planners – including Planning Secretary's Environmental Assessment Requirements (SEARs)
9. Environmental Assessments prepared by Benbow Environmental to support the EIS
10. Traffic & Parking Impact Assessment prepared by ML Traffic Engineers
11. Traffic Statement dated 15 April 2020 prepared by Multipro Consultants Pty Ltd in response to Council's letter
12. Weighbridge Specifications
13. Noise Impact Assessment
14. Flood Study and Flood Risk Management Plan
15. Transport for NSW Correspondence dated 30 March 2020
16. NSW Environment Protection Authority Correspondence dated 24 March 2020