

APPENDIX B: CONSIDERATIONS UNDER SECTION 4.15

Section 4.15 of the EP&A Act requires that the consent authority, when determining a development application, must take into consideration the following matters:

<p>(a) the provisions of:</p> <ul style="list-style-type: none"> (i) any environmental planning instrument, and (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and (iii) any development control plan, and (iiia) 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, and (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and (v) any coastal zone management plan (within the meaning of the <i>Coastal Protection Act 1979</i>) that apply to the land to which the development application relates, 	<p>Detailed consideration of the provisions of all environmental planning instruments (including draft instruments subject to public consultation under this Act) that apply to the proposed development is provided in Appendix C of this report.</p> <p>The Applicant has offered to enter into a planning agreement under Section 93F.</p> <p>The Department has undertaken its assessment of the proposed development in accordance with all relevant matters as prescribed by the regulations, the findings of which are contained within this report.</p> <p>The site is not located within a coastal zone and no coastal zone management plan applies to the development.</p>
<p>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</p>	<p>The Department has considered the likely impacts of the development in detail in Section 6 of this report. The Department concludes that all environmental impacts cannot be appropriately managed and mitigated through conditions and the application should be refused, as outlined in Section 6 of this report.</p>
<p>(c) the suitability of the site for the development,</p>	<p>Given the uncertainty around the air emissions and the potentially unacceptable risk to human health, the planning setting of the proposal in close proximity to densely populated residential areas, schools, childcare centres and employment areas, presents an unacceptable risk. The development as proposed, in this location, is not suitable.</p>
<p>(d) any submissions made in accordance with this Act or the regulations,</p>	<p>All matters raised in submissions have been summarised in Section 5 of this report and given due consideration as part of the assessment of the proposed development in Section 6.3 of this report.</p>
<p>(e) the public interest.</p>	<p>The Department has considered the issue of the public interest very closely in Section 6.4 of this report. The assessment reveals there are no obvious amenity benefits to the surrounding residents as a result of the proposed development, only impacts in the short, medium and long term. On balance, the Department does not consider the public benefit of an energy from waste facility of this scale in close proximity to residential areas in Western Sydney outweighs the potential unacceptable air quality impacts and risk to human health that the proposed development would have on the surrounding local community. As a consequence, the Department does not consider the proposed development is in the public interest.</p>