

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 SREP No. 20 – Hawkesbury- Nepean River, SEPP (State and Regional Development) 2011, SEPP (Infrastructure) 2007, SEPP No. 55 – Remediation of Land and the Growth Centres SEPP 2006. The proposed residential subdivision is a permissible land use within the R2 Low Density Residential zone and satisfies the zone objectives outlined under the Growth Centres SEPP. The proposal is consistent with the Riverstone Precinct Plan and the specific development standards applying to the Scheduled Lands.	Satisfactory
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	Prior to the lodgement of this application, a draft amendment to the Growth Centres SEPP 2006 was exhibited by the Department of Planning and Environment in May 2017, referred to as the 'Explanation of Intended Effect'. This exhibition was undertaken to coincide with the release of the Land Use and Infrastructure Implementation Plan (the purpose of which is to guide new infrastructure investment, make sure new developments don't impact on the operation of the new Western Sydney Airport, identify locations for new homes and jobs close to transport, and coordinate services in the Growth Areas). A key outcome sought by the Department of Planning and Environment (DPE) is the establishment of minimum and maximum densities for all residential areas that have been rezoned under the SEPP (i.e. density bands). Currently the planning controls nominate only a minimum density. This proposal will have a significant influence on the ultimate development capacity (i.e. yield) of the Growth Centre precincts. The proposed density bands for land zoned R2 Low Density Residential in the Riverstone Precinct are proposed to be: - Minimum of 15 dwellings per hectare which equates to 94.5 dwellings for this site (currently 15 dwellings per hectare). - Maximum of 25 dwellings per hectare which equates to 158 dwellings for this site (currently no maximum). This proposal is for 108 lots over 6.3 hectares (gross area inclusive of half width roads), which equates to 17 dwellings per hectare. Therefore, this proposal satisfies the exhibited density band for this site.	Not a matter for consideration as this is a draft amendment which is not certain or imminent.

Heads of Consideration	Comment	Complies
(iii) Any development control plan (DCP)	The Growth Centres DCP applies to the site. The proposed development is compliant with the numerical controls established under the DCP, including the specific development controls applying to the Scheduled Lands. The development seeks a minor road pattern variation to the Riverstone Indicative Layout Plan to add a bit of road and not to delete an adopted road pattern. This is considered acceptable on its merits.	No, but a variation is supported in this instance.
(iii a) Any Planning Agreement	N/A	N/A
(iv) The regulations	The DA is consistent with the <i>Paper Subdivisions Development Control Plan</i> under Schedule 7 of the <i>Environmental Planning and Assessment Act 1979</i> .	Yes
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 traffic, access, design and stormwater management, have been satisfactorily addressed. In view of this it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.	Yes
c. The suitability of the site for the development	The subject site is zoned R2 Low Density Residential under the Growth Centres SEPP. The proposed residential subdivision is permissible with consent. The site is located within the former Riverstone Scheduled Lands and specific development controls are now in place to allow the orderly re-subdivision of the land. The proposal is consistent with these specific development controls. The site has an area and configuration that is suited to this form of development. The construction of new roads and infrastructure will ensure the site is suitable for the development.	Yes
d. Any submissions made in accordance with this Act, or the regulations	One confidential submission was received from the notification, which is dealt with in confidential attachment 7 for the Panel.	Yes
e. The public interest	The proposal is considered to be in the public interest as it allows the orderly development of part of the Riverstone Scheduled Lands. Due to the minimal environmental impact of the development and its socio-economic benefits, the proposal is considered to be compatible with the public interest.	Yes

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

Summary comment	Complies
The Sydney Central City Planning Panel (SPP) is the consent authority for all council related development with a capital investment value (CIV) of over \$5 million. As the DA has a CIV of \$7,202,008, Council is responsible for the assessment of the DA and determination of the application is to be made by the SPP.	Yes

3 State Environmental Planning Policy (Infrastructure) 2007

Summary comment	Complies
The SEPP ensures that Roads and Maritime Services (RMS) is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP. The development was referred to RMS, who found the development acceptable subject to conditions of consent.	Yes, subject to conditions

4 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. The Applicant has submitted a Remediation Action Plan prepared by DLA Environmental Services Pty Ltd. The site has been identified as containing contamination and the RAP details all necessary actions to be undertaken at the site to render the site suitable for residential development in accordance with the Residential A criteria in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013. Suitable conditions will be imposed to require validation of the site as suitable for residential development without any limitations in accordance with the NEPM Guidelines, by an Environment Protection Authority (EPA) recognised geoscientist prior to the release of a Subdivision Certificate for the site.	Yes, subject to conditions

5 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

6 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: Liveability - Improving housing choice - Improving housing diversity and affordability - Contributing to the provision of services to meet communities' changing needs.	Yes

7 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Summary comment
We have assessed the DA against the relevant provisions and found that it is compliant with all matters under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

8 Blacktown City Council Growth Centre Precincts Development Control Plan 2016 (Growth Centre DCP)

Summary comment
We have assessed the DA against the relevant provisions and the table below only identifies where compliance is not fully achieved. It is compliant with all other matters.

8.1 Part 2.0 Precinct planning outcomes (from main body of DCP)

DCP requirement	Proposal	Complies
2.2 Indicative Layout Plan DA is to be generally in accordance with Indicative Layout Plan (ILP)	The DA is generally in accordance with the ILP, with the exception of a minor road pattern variation which involves adding a small section of a connecting road to ensure the orderly development of this stage. This is addressed in the Assessment report and is acceptable.	No, but only a minor variation and it adds a road, not deletes it

Schedule 2 Riverstone Precinct
Section 4 Scheduled Lands Residential Controls

4.3 Residential Development

2	Where an alternative subdivision pattern is proposed, the Applicant is required to demonstrate to Council, as part of the Development Application, that: - the ability to supply water, sewer and underground electricity services to the property and to adjoining residential properties will not be adversely affected - appropriate arrangements are able to be made for the drainage of the land and adjoining lands - access to the land and to adjoining lands by public roads will not be prevented - the resulting street pattern will contribute to the safe and efficient movement of pedestrians, cyclists and vehicles - the proposal will not result in the clearing of additional native vegetation, when compared to the extent of clearing that would be required for development that complies with the preferred subdivision pattern in the DCP.	The minor road pattern addition variation, which is discussed in the Assessment report, will not affect the delivery of services, drainage or native vegetation. The agreement of all landowners affected by the alternative subdivision pattern has been obtained. The provision of water, sewer and underground electricity services will not be compromised. In fact, the extra road will provide more opportunities for services location. The addition of this small bit of road will assist in collecting and directing drainage. Council's Drainage Engineers are satisfied with the drainage arrangements subject to conditions. The additional road will increase the accessibility of adjoining land to public roads. The addition of this small section of road will result in safe and efficient movement for pedestrians, cyclists and vehicles. Council's Traffic Section has raised no objection to the proposed road layout. Vegetation to be cleared would have been cleared if a residential lot was created in the area of land this section of road will occupy.	Varied but acceptable Varied but acceptable Varied but acceptable Varied but acceptable Varied but acceptable
8	The minimum frontage width for residential development on corner lots is 15 m (development of an existing single lot on a street corner will therefore not be possible anywhere in the Scheduled Lands without re-subdivision or amalgamation).	6 lots, located on the corner of an existing laneway and roads, do not meet the minimum width of 15 m. These are lots 322, 323, 353, 375, 376 and 398, having widths of 14.5, 14.5, 10.3, 13.72, 13.72 and 10.97 m respectively.	No, but variation is acceptable in the unique circumstances of the existing configuration of the Scheduled Lands allotments.

DCP requirement		Proposal	Complies
		The frontages of these lots are considered adequate and acceptable as the lots are the amalgamation of lots adjoining an existing laneway, which is an existing constraint on the site. All 6 lots are able to be developed with appropriate setbacks and are unique given the laneway will only be for pedestrian purposes and existed prior to this subdivision.	