

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:		Yes
(i) Any environmental planning instrument (EPI)	The proposal is considered to be consistent with the relevant environmental planning instruments, including SREP No. 20 – Hawkesbury- Nepean River, SEPP (State and Regional Development) 2011, SEPP (Infrastructure) 2007, SEPP BASIX 2004, SEPP No. 55 – Remediation of Land and the Growth Centres SEPP 2006. The proposed development is defined as a multi dwelling housing development which is a permissible land use within the R3 Medium Density Residential zone and satisfies the zone objectives outlined under the Growth Centres SEPP. The proposed development is compliant with the controls of the Growth Centres SEPP.	
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	N/A	Not applicable
(iii) Any development control plan (DCP)	The Growth Centre DCP applies to the site. The proposed development is compliant with the numerical controls established under the DCP.	Yes
(iii a) Any Planning Agreement	No voluntary planning agreement is applicable to the proposed development.	Not applicable
(iv) The regulations	The development application is compliant.	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, parking, access, design, waste management, flora and fauna, salinity, contamination and stormwater management, have been satisfactorily addressed. A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. In view of the above, 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 R3 Medium Density Residential with a 14 m building height limit under the Growth Centres SEPP. The proposed multi dwelling housing development is permissible with consent.	Yes

Heads of Consideration	Comment	Complies
	The site is surrounded by other residential properties of the same zoning to the north, east and south-east. Properties zoned R2 Low Density Residential exist to the west. The development is in line with the desired future character of the area and would not result in any significant adverse impacts on the amenity of the locality. Accordingly, the site is considered to be suitable for the proposed development.	
d. Any submissions made in accordance with this Act, or the regulations	The application was exhibited for comment for a period of 14 days. No submissions were received during the notification period.	Yes
e. The public interest	The proposal will assist in delivering a range of housing options to the area by introducing a range of 3, 4 and 5 bedroom dwelling options. 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 is the consent authority for all development with a capital investment value (CIV) of over \$20 million (being the CIV applicable for applications lodged but not determined prior to 1 March 2018 under Clause 23 transitional provisions of this SEPP). As this DA has a CIV of \$ 47.2 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the Panel.	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 Application was referred to Transport for NSW, which has no objections to the proposal. The application was also referred to RMS, which has confirmed that its concurrence is not required. The application was also referred to TransGrid, which has provided conditions of consent.	Yes

4 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Summary comment	Complies
The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP, including BASIX certification. A BASIX Certificate was submitted with the Development Application in line with the provisions of this SEPP. The BASIX Certificate demonstrates that the proposal complies with the relevant sustainability targets and will implement those measures required by the certificate. This will be conditioned in any consent granted.	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. A subsurface detailed site investigation was completed by Martens & Associates Pty Ltd. The soil samples tested for a range of contaminants, including heavy metals, OCP/OPP, BTEX, TRH, PAH and asbestos. The concentrations of all the analytes from the samples were below adopted 'site assessment criteria'. Additional sampling was recommended after demolition of dwellings and sheds to address the data gaps, due to limited access inside/beneath existing dwellings and sheds during the detailed study. A data gap assessment was then undertaken by Geotesta Pty Ltd where additional soil samplings were carried out beneath the dwellings and sheds after they were demolished. The assessment concluded that the overall contamination of the soils is less than the threshold levels and the site is considered suitable for the proposed land use for residential development and that no further contamination investigation is required. Notwithstanding the fact that all contaminated areas will be remediated as part of the subdivision works approved under JRPP-16-03321, appropriate conditions have been included in conditions of consent to ensure that remediation of any unexpected finds occurs and that the site is made suitable for residential use to National Environment Protection Measure 2013 Guidelines.	Yes, subject to conditions

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. The development generally complies with the standards and controls.	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 complies with all matters under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

8 Blacktown City Council Growth Centre Precincts Development Control Plan 2020 (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 under the Blacktown City Council Growth Centre Precincts Development Control Plan 2020 (Growth Centre DCP).

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.	A minor variation to the Marsden Park ILP is proposed by removing one of the roads. A private road is proposed that will perform the same function as the public road to be removed, which is to provide access to the dwellings in that block. Council's Traffic Management Section has raised no objection to the proposed change. This minor variation is acceptable as the road pattern still maintains an adequate level of connectivity and achieves a permeable layout to facilitate vehicle and pedestrian movements. The remainder of the roads are in line with the ILP.	No, but the variation is considered acceptable

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, this proposal is consistent with the following overarching Planning Priorities of the Central City District Plan: Liveability - Improving housing choice - Improving housing diversity and affordability.	Yes

10 Blacktown Local Strategic Planning Statement 2020

Summary comment	Complies
The Blacktown Local Strategic Planning Statement outlines a planning vision for the City over the next 20 years to 2041. The statement contains 18 Local planning priorities based on the themes of Infrastructure and collaboration, Liveability, Productivity, Sustainability and Implementation. The Development Application is consistent with the following priority: • LPP5: Providing housing supply, choice and affordability with access to jobs, services and public transport.	Yes