

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)	<p>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, BLEP 2015 and the Central City District Plan 2018.</p> <p>The proposed development comprises permissible land uses within the B7 Business Park zone and satisfies the zone objectives outlined under BLEP 2015. The Applicant has submitted a request to vary the height control development standard pursuant to Clause 4.6 of BLEP 2015. The height control is varied by up to 2.07 m.</p>	<p>Yes</p> <p>No, but acceptable in the circumstances for minor encroachments of rooftop structures and recreation features.</p>
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	Not applicable.	Not applicable
(iii) Any development control plan (DCP)	Blacktown DCP 2015 applies to the site. The proposed development is compliant with the numerical controls established under the DCP, with the exception of the street setback.	No, however acceptable in this instance as discussed at Section 8 of this attachment.
(iii a) Any Planning Agreement	There are no Planning Agreements associated with this proposal.	Not applicable
(iv) The regulations	The proposal is consistent with the regulations.	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	<p>It is considered that the likely impacts of the development, including access, traffic and parking, trees and landscaping, design, bulk and scale, overshadowing, noise, privacy, waste management and stormwater management have been satisfactorily addressed, subject to conditions.</p> <p>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 adverse social, economic or environmental impacts.</p>	Yes

Heads of Consideration	Comment	Complies
c. The suitability of the site for the development	<p>The site is zoned B7 Business Park with a 32 m building height limit under BLEP 2015. Hotel or motel accommodation is permissible on the site with development consent.</p> <p>The site has an area and existing access arrangement that is suited to this form of development. The design solution is based on sound site analysis and responds positively to the constraints of this sloping site and different types of land uses adjoining the site.</p> <p>The site is located next to major transport roads and the Transitway. The site is also a convenient distance from the Blacktown railway station, Blacktown bus interchange and Blacktown CBD. The site is also located near services, facilities and a major arterial road network, making it suitable for hotel accommodation and a conference room.</p>	Yes
d. Any submissions made in accordance with this Act, or the regulations	<p>2 submissions were received as a result of the notification of this DA. In response to further information and amendments provided by the Applicant, 1 submission was formally withdrawn.</p> <p>The remaining submission was received from an industrial facility on Tattersall Road to the north of the subject site. Issues raised include land use conflict, visual outlook, conversion to apartments, outlook from the proposed hotel, adequacy of the Acoustic Report, setback, exceeding the maximum permitted building height and impact of traffic generation on Sunnyholt Road.</p> <p>The Applicant provided a response to these issues, which is assessed at attachment 9.</p> <p>These issues are considered to be suitably addressed and, subject to conditions of consent, do not warrant the refusal of this application.</p>	Satisfactory, as the issues raised in the submission do not warrant refusal of this application.
e. The public interest	<p>It is considered that no adverse matters relating to the public interest arise from the proposal.</p> <p>The proposal provides high quality hotel accommodation and a conference room that provides valuable services to the Blacktown Business Park and general locality.</p>	Yes

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

Summary comment	Complies
<p>The Sydney Central City Planning Panel (SCCPP) 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).</p> <p>As this DA has a CIV of \$23.2 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the Panel.</p>	Yes

3 State Environmental Planning Policy (Infrastructure) 2007

Summary comment	Complies
<p>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.</p> <p>The site fronts a classified road, being Sunnyside Road. The development was referred to RMS, and it objected to the location of the driveway in its original form. In response, the Applicant amended the proposal, which is now supported by RMS, subject to conditions of consent. Therefore, the amended application is satisfactory with regard to the requirements of SEPP (Infrastructure) 2007.</p>	Yes

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

Summary comment	Complies
<p>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.</p> <p>The application is accompanied by a Stage 1 and Stage 2 Environmental Site Assessment prepared by Environmental Investigation Services dated November 2017. The assessment concludes that the site can be made suitable for the proposed development provided that the following recommendations are implemented:</p> <ul style="list-style-type: none"> • Undertake a Hazardous Materials Assessment (Hazmat) for the existing buildings prior to the commencement of demolition work. • The areas beneath the existing buildings are inspected following demolition of pavements. <p>In the event unexpected conditions are encountered during development work or between sampling locations that may pose a contamination risk, all works are to stop and an environmental consultant is to be engaged to inspect the site and address the issue.</p> <p>These requirements ensure that the site is remediated and made suitable for the proposed development to the strict standards under the <i>National Environmental Protection (Assessment of Site Contamination) Measure (NEPM) 2013 guidelines</i>.</p>	Yes

5 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

Summary comment	Complies
<p>The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of Blacktown LEP 2015. The development complies with the development standards and controls established within Blacktown LEP 2015, to enable the orderly development of the site. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.</p>	Yes

6 Central City District Plan 2018

Summary comment	Complies
<p>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:</p> <p>Productivity</p> <ul style="list-style-type: none"> Delivering visitor accommodation complementary to Blacktown and its health precinct Driving the growth of the Central City Delivering job targets in strategic and district centres Growing Central City District's economy with smart jobs Improving access to a greater number of jobs and centres within 30 minutes Supporting tourism and visitation. <p>Liveability</p> <ul style="list-style-type: none"> Improving access to jobs and services Contributing to the provision of services to meet communities' changing needs. 	Yes

7 Blacktown Local Environmental Plan 2015

Summary comment			
Blacktown LEP 2015 applies to the site with regard to the proposed hotel. The following table outlines the proposal's compliance with the Blacktown LEP.			
Blacktown LEP Requirement		Proposal	Complies
4.3 Height of buildings	Maximum building height is 32 m.	The proposal complies with the building height with the exception of the lift and stair overrun structures (to provide access to the rooftop recreation area), the gymnasium, pool fencing, pergolas and roof feature. The proposal exceeds the height limit by up to 2.07 m, being 6.5%.	No, variation sought. Refer to section 7 of the Assessment report.
4.6 Exceptions to development standards	The Applicant must submit a written request to justify the contravention of the development standard.	The Applicant has submitted a Clause 4.6 request in support of a variation to height which is provided at attachment 7.	The Clause 4.6 request is satisfactory in this instance and is supported.

8 Blacktown Development Control Plan 2015

Summary comment	Complies
The provisions of BDCP, including Part A - Introduction and Design Guidelines, Part E – Development in the Industrial Zones, Part G – Site Waste Management and Minimisation and Part J - Water Sensitive Urban Design and Integrated Water Cycle Management are relevant to the proposal. The proposal complies with the relevant	No, variation sought to street setback. The variation is

Summary comment	Complies
<p>provisions of BDCP, with the exception of the street setback in Part E.</p> <p>The DCP requires a building setback of 20 m to Sunnyholt Road. The proposal provides a setback of 13 m, being a shortfall of 7 m. The reduced setback is supported in this instance as the proposal satisfies the objectives of the DCP, achieving an attractive streetscape utilising the street setback area for landscaping and the outdoor restaurant terrace area. The resulting building envelope provides adequate dimensions for the proposed building, including suitable servicing and loading arrangements. The proposed setback is consistent with, or greater than, the setback of the existing buildings on the adjoining properties, creating an attractive and consistent presentation as viewed from the public domain, and is supported in this instance.</p>	<p>supported in this instance.</p>