

## 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 generally consistent with the relevant EPIs, including SEPP 55 – Remediation of Land, SEPP BASIX and the Growth Centres SEPP 2006.</p> <p>The proposed development is a permissible land use within the R2 Low Density Residential zone subject to locational criteria and satisfies the zone objectives outlined under the Growth Centres SEPP.</p>	Satisfactory
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	<p>The exhibited North West Draft Exhibition Package (SEPP amendment) aims to establish maximum densities for all residential areas that have been rezoned under the Growth Centres SEPP 2006. At the present time under the SEPP there is only a mandatory minimum density control, which for this site is 15 dwellings/ha.</p> <p>The draft SEPP was on exhibition from 15 May to 4 July 2017, but has not been adopted to date.</p> <p>The proposed dwelling density for the site is approximately 49 dwellings/ha. Since the changes remain a draft proposal, the SEPP is neither imminent nor certain. The DA is being assessed on the current applicable densities.</p>	Satisfactory
(iii) Any development control plan (DCP)	The Growth Centre DCP applies to the site. The proposed development is compliant with the relevant controls established under the DCP.	Yes
(iiia) Any Planning Agreement	There is a current Voluntary Planning Agreement (VPA) with Council which predated Contributions Plan (CP) 21 and the Applicant seeks to amend the VPA to include this DA.	Yes
(iv) The regulations	There are no regulations to be considered.	N/A
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 traffic and access, design, salinity, contamination and stormwater management have been satisfactorily addressed.</p> <p>A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties.</p> <p>In view of the above it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.</p>	Satisfactory

Heads of Consideration	Comment	Complies
c. The suitability of the site for the development	The subject site is zoned R2 Low Density Residential. The proposal is considered to have minimal environmental impacts on the natural and built environment and will not impact on the amenity of the surrounding development	Yes
d. Any submissions made in accordance with this Act, or the regulations	The application was notified from 4 March to 6 April 2018. No submissions were received.	Satisfactory
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides new housing stock within the Marsden Park Precinct.	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 due to this being a development with a CIV 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 \$22.246 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 (Building Sustainability Index: BASIX) 2004

Summary comment	Complies
<p>The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP, including BASIX certification.</p> <p>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.</p>	Yes

## 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.	Yes

<p>A detailed site investigation, prepared by GeoEnviro Consultancy, was submitted with the approved DA-14-01948 for the bulk earthworks in Precincts 2 and 3. The investigation concluded that there are no potential items of contamination within Lot 111 (the mother lot) with no remediation works required. Council's Environmental Health Unit (EHU) did not object to DA-14-01948 subject to conditions.</p> <p>Bulk earthworks are currently being carried out in accordance with that consent and the site contamination validation requirements in that consent and conditions will be included to ensure continued compliance with the requirements of the Site Investigation Report.</p>	
---	--

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

Summary comment
<p>We have assessed the DA against the relevant provisions and the table below only identifies where compliance is <b>not fully achieved</b>.</p> <p>It is compliant with all other matters under <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i>.</p>

### 6.1 General development standards

Development standard	Complies
<b>Part 4 Development controls – general</b>	
<b>Cl. 18 Water recycling and conservation</b>	<p>Sydney Water's <i>Growth Servicing Plan July 2014 to June 2019</i> indicates that developers are responsible for funding and delivering all reticulation works as part of the Section 73 compliance certificate process. This includes any recycled water reticulation works for schemes regulated by the Independent Pricing and Regulatory Tribunal (IPART). Recycled water will therefore be dealt with at the Section 73 Certificate stage.</p> <p>Yes, subject to conditions for a Section 73 Certificate.</p>
<b>Part 5 Development controls – flood prone and major creek land</b>	
<b>Part 6 Development controls – vegetation</b>	
<b>Part 7 Development controls – cultural heritage landscape area</b>	
<b>Cl. 25-26 Cultural heritage landscape area</b>	<p>The site is not identified as containing potential Aboriginal or European heritage constraints.</p> <p>An Aboriginal Heritage Impact Assessment letter was submitted under Section 90 of the NP&amp;W Act by the NSW Office of Environment and Heritage as part of DA-14-01948 - bulk earthworks for Precincts 2 and 3. No further consideration of Aboriginal heritage is therefore required as part of this application.</p> <p>Yes, subject to conditions</p>

Development standard		Complies
	Notwithstanding the above, it is recommended that conditions of consent are imposed to ensure that if any Aboriginal objects are unearthed during works, that the activities cease and the Office of Environment and Heritage be advised.	

## 7 Central City District Plan 2018

Whilst the *Environmental Planning and Assessment Act 1979* does not require consideration of District Plans in the assessment of development applications, an assessment of the Central City District Plan has been undertaken.

Outlined below is where the Development Application is consistent with the overarching planning priorities of the Central City District Plan 2018:

### Liveability

- Improving housing choice
- Improving housing diversity and affordability
- Creating great places.

## 8 Blacktown City Council Growth Centre Precincts Development Control Plan 2018 (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 2018 (Growth Centre DCP).

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

DCP requirement		Proposal	Complies
<b>2.3.2 Salinity and soil management</b>	Land within areas of potential salinity and soil aggressivity risk figure must be accompanied by a salinity report. A qualified person is to certify the project upon completion of the works.  The Salinity Management Plan is to be in accordance with Appendix C of the DCP. All works are to comply with the plan.	Council has previously considered a Salinity Management Plan (SMP) under DA-14-1948. The SMP makes appropriate recommendations to manage earthworks and civil works. A condition is recommended to ensure implementation of the recommendations during construction. Furthermore, certification of salinity management is to be submitted prior to the release of a Subdivision Certificate.	Yes, subject to conditions of consent

DCP requirement		Proposal	Complies
<b>2.3.6 Site contamination</b>	All subdivision DAs to be accompanied by a Stage 1 Preliminary Site Investigation. Where required, a Stage 2 investigation is to be carried out.	Bulk earthworks have already commenced under DA-14-1948. A contamination report was prepared by JBS Environmental Pty Ltd and submitted with this Development Application, which did not identify any contamination on the portion of site upon which this development is to be carried out. This report concluded the site is suitable for residential uses. Nonetheless, a condition has been included on the consent requiring compliance with the recommendations of the contamination report.	Yes, subject to conditions of consent
<b>2.3.7 Odour assessment and control</b>	Is the site adjacent to odour generating activities and is a buffer or additional supporting information required.	The site is not adjacent to odour generating activities. Nonetheless, appropriate conditions will be imposed to ensure air quality is controlled during construction.	Yes, subject to conditions of consent

### Development in the Residential Zones

Control	Proposal	Complies
<b>4.3.3 Secondary dwellings, studio dwellings and dual occupancies</b>	A studio dwelling is provided above the garage with access from the laneway. The proposed studio dwelling has a GFA of approximately 88 m <sup>2</sup> including 74 m <sup>2</sup> on the upper floor and 14 m <sup>2</sup> on the ground floor. The distance between the upper floor rear façade of the principal dwelling and the studio dwelling is approximately 3.95 m. The GFA and separation distance for the upper floor do not comply with the maximum 75 m <sup>2</sup> and 5 m respectively under the DCP.  It is recommended that the garage and the studio dwelling above be deleted by way of a condition of consent.	No. Condition of consent recommended to delete studio