

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 permissible under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. The proposal achieves compliance with the relevant controls, however the drainage solution for the site is not acceptable.	No
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	Not applicable	N/A
(iii) Any development control plan (DCP)	The proposal is subject to BDCP Part C – Development in the Residential Zones and the proposal fails to provide a satisfactory method of carrying stormwater drainage downstream from the land.	No
(iii a) Any planning agreement	The application is not subject to a planning agreement	N/A
(iv) The regulations	Not applicable	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	The proposed method of collection and disposal of stormwater surface and roof water runoff is not satisfactory as the Applicant proposes a gravity feed tank to collect runoff from the roof and carry this to the street. This will have an impact on the natural and built environment.	No
c. The suitability of the site for the development	The proposal is not suitable for the site as it cannot be drained to Council's satisfaction.	No
d. Any submissions made in accordance with this Act, or the regulations	The application was notified and 1 submission and a petition including 21 signatures were received. Whilst a number of issues were raised in the submissions, in the event that approval is granted these could be addressed through conditions of consent, and none of these warrant refusal of the DA on their own.	No

Heads of Consideration	Comment	Complies
e. The public interest	The proposal is not in the interest of the public as it does not provide the required method of stormwater disposal.	No

2 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.</p>	Yes

3 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

4 Blacktown Local Environmental Plan 2015

Summary comment	Complies
There are no relevant provisions.	

5 Blacktown Development Control Plan 2015

Summary comment	Complies
BDCP 2015 applies to the site with regard to the proposed seniors housing development. The following table outlines the proposal's only non-compliance with BDCP.	
Part C – Development in the Residential Zones	
<p>Section 5.19 – Drainage</p> <p>Where a site proposed for attached dwellings and multi dwelling housing falls away from the fronting street, the DA must include documentation establishing a suitable drainage solution, including inter-allotment drainage (and proposed easement) through downstream properties, and written permission from downstream property owners where applicable.</p> <p>Section 88K of the Conveyancing Act 1919 provides suitable mechanisms to negotiate the creation of easements where an amicable arrangement cannot be made. Council will not support the placement of a tank and gravity feed back to the street to channel</p>	<p>No.</p> <p>The site falls to the rear and an easement is not proposed. The Applicant seeks to install an on-site detention tank with a gravity discharge to the existing pit</p>

Summary comment	Complies
stormwater drainage back to the street.	on Frank Street.

6 State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Self-contained dwellings

Clause	Requirement	Proposal	Complies
Clause 50 Standards that cannot be used to refuse development consent for self-contained dwellings	a) Deep soil zones – 15% of the site, minimum dimensions of 3 metres	15% or 151.65 m ² required 117.85 m ² or 12%	No