

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 1997, SEPP (State and Regional Development) 2011, SEPP (Infrastructure) 2007, SEPP (Educational Establishments and Child Care Facilities) 2017, SEPP No. 64 – Advertising and Signage, SEPP No. 55 – Remediation of Land, the Growth Centres SEPP 2006 and the Central City District Plan 2018.</p> <p>The proposed development of a childcare centre, a community facility, a medical centre, a recreation facility (indoor), and retail premises are all permissible land uses within the B2 Local Centre zone. The proposed uses satisfy the zone objectives outlined under the Growth Centres SEPP.</p> | Satisfactory subject to conditions of consent |
| (ii) Any proposed instrument that is or has been the subject of public consultation under this Act | N/A | N/A |
| (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 and RMS rates for car parking. | Yes |
| (iiia) Any Planning Agreement | <p>Stockland has an existing VPA with Council to carry out works and dedicate land for public purposes. This VPA has been varied several times to reflect the delivery of the Elara Estate.</p> <p>The Marsden Park Neighbourhood Centre Planning Agreement (VPA) was executed by Council on 11 September 2015, where the developer agreed to pay monetary contributions, deliver a neighbourhood centre including design and construction of a ground floor building and 25 at-grade car parking spaces, and dedicate the land to Council.</p> | Yes Yes |
| (iv) The regulations | The regulations are not relevant to this proposal. | N/A |
| b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic | <p>It is considered that the likely impacts of the development, including traffic, access, parking, design, bulk and scale, noise, privacy, waste management, salinity, contamination and stormwater management have been satisfactorily addressed through appropriate conditions.</p> <p>The proposed development has been designed to meet the intent of the site being developed as a Local Centre.</p> | Yes, subject to conditions |

| Heads of Consideration | Comment | Complies |
|---|---|-----------------|
| impacts on the locality | In view of the above, it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts. | |
| c. The suitability of the site for the development | The subject site is zoned B2 Local Centre and the proposed uses are all permissible in the zone with development consent. The proposed development is separated from adjoining residential uses, being surrounded by roads along each boundary in line with the ILP and the Growth Centres SEPP. The design of the centre is generally compliant with applicable controls and is considered suitable. | Yes |
| d. Any submissions made in accordance with this Act, or the regulations | The application was exhibited for a period of 14 days and 5 individual submissions were received. A summary of the submissions, a response from the applicant and our assessment of these submissions are provided in attachment 7. | Yes |
| e. The public interest | It is considered that the proposed development is in the public interest. | Yes |

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

| Summary comment | Complies |
|---|-----------------|
| The Sydney Central City Planning Panel (SCCPP) is the consent authority for all development with a capital investment value (CIV) of over \$30 million. As this Development Application has a CIV of approximately \$36 million, Council is responsible for the assessment of the Development Application 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 was referred to RMS, which found the development acceptable. | 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. | Yes, subject to conditions |

| Summary comment | Complies |
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| A Site Validation Report and a Site Audit Statement were submitted in support of the proposal and are considered satisfactory by Council's Environmental Health Unit subject to conditions of consent for any unexpected finds protocol or any imported fill used to bench the site. | |

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 |
|--|----------|
| <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"> Driving the growth of the Central City Improving access to a greater number of jobs and centres within 30 minutes <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 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

| Summary comment | Complies |
|--|----------|
| We have assessed the Development Application against the relevant provisions and the proposal is compliant with State Environmental Planning Policy (Sydney Region Growth Centres) 2006. | |

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

| Summary comment | Complies |
|---|---------------------------|
| We have assessed the Development Application against the relevant provisions and the proposal is compliant with the Blacktown City Council Growth Centre Precincts Development Control Plan 2018 with the exception of façade finishes to the medical centre and level of car parking provided. | |
| Clause 5.2.1 (Streetscape and architectural design) requires building facades with solid elements to be preferably finished with rendered masonry, tiles or face brick. Please refer to Section 7.2 of the Assessment report for further discussion. | No, subject to conditions |

| Summary comment | Complies |
|--|---------------------------|
| Clause 5.2.7 (Traffic circulation, parking and access) requires car parking within centres to comply with the various land use rates. The level of parking has been assessed on the basis of different uses operating at various peak times on a merit basis. Please refer to Section 7.4 of the Assessment report for further discussion. | No, subject to conditions |

9 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

| Summary comment | Complies |
|---|----------|
| We have assessed the Development Application against the relevant provisions and the proposal is compliant with State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 and the associated Child Care Planning Guideline. | Yes |