

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 instruments, including the State Environmental Planning Policy (Sydney Regions Growth Centres) 2006 and the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.</p> <p>The proposed development is a permissible land use with in the R2 Low Density Residential zone and satisfies the zone objectives.</p>	Yes
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	<p>Draft State Environmental Planning Policy (Environment)</p> <p>The draft State Environmental Planning Policy (Environment) was exhibited between October 2017 and January 2018 and seeks to simplify the NSW planning system and reduce complexity without reducing the rigour of considering matters of state and regional significance.</p> <p>The draft policy effectively consolidates several state environmental planning policies including State Environmental Planning Policy 19 - Bushland in Urban Areas, State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 – 1997) and Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment; and removes duplicate considerations across environmental planning instruments.</p>	<p>Yes.</p> <p>This proposal is not inconsistent with the provisions of this draft policy.</p>
	<p>Draft State Environmental Planning Policy (Remediation of Land)</p> <p>The draft State Environmental Planning Policy (Remediation of Land) was exhibited from January to April 2018 and seeks to repeal and replace State Environmental Planning Policy 55 - Remediation of Land in relation to the management and approval pathways for contaminated land.</p> <p>The draft policy will:</p> <ul style="list-style-type: none"> provide a state-wide planning framework for the remediation of land maintain the objectives and reinforce those aspects of the existing framework that have worked well clearly list the remediation works that require development consent 	<p>Yes. This proposal is not inconsistent with the provisions of this policy, subject to conditions</p>

Heads of Consideration	Comment	Complies
	<ul style="list-style-type: none"> categorise remediation work based on the scale, risk and complexity of the work require environmental management plans relating to post remediation, maintenance and management of on-site remediation measures to be provided to Council. 	
	<p>Explanation of Intended Effect for Draft Design and Place State Environmental Planning Policy</p> <p>The draft Design and Place State Environmental Planning Policy will repeal and replace State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.</p> <p>The Explanation of Intended Effect of the draft policy was publicly exhibited in March/April 2021 and aims to improve the design, quality and environmental performance of development.</p> <p>Following submissions on the Explanation of Intended Effect, the draft policy will be on public exhibition in late 2021.</p>	Yes. This proposal is not considered to be inconsistent with the provisions of the Explanation of Intended Effect for the draft policy.
(iii) Any development control plan (DCP)	The Blacktown City Council Growth Centres Precincts Development Control Plan 2018 applies to the site. The proposed development is compliant with the relevant controls.	Yes
(iii a) Any Planning Agreement	N/A	N/A
(iv) The regulations	The proposal is considered to be consistent with the relevant controls under Education and Care Services National 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 the likely impacts of the development including noise, traffic and parking have been satisfactorily addressed and appropriate conditions have also been included where necessary as part of the consent.</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>	Yes
c. The suitability of the site for the development	The subject site is zoned R2 Low Density Residential and child care centres are permissible with consent. The proposal is not considered to adversely impact on the amenity of surrounding development.	Yes
d. Any submissions made in accordance with this Act, or the regulations	The application was notified to property owners and occupiers in the locality for a period of 14 days on 2 occasions. One submission was received, refer to attachment 7 for assessment.	Satisfactory
e. The public interest	The development is in public interest and will not adversely affect the amenity of the neighbourhood provided to the conditions imposed are adhered to.	Yes

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

Summary comment	Complies
<p>The Sydney Central City Planning Panel is the consent authority for all development with a capital investment value of over \$5 million (private infrastructure and community facilities).</p> <p>As this development application originally had a capital investment value of \$5,873,190 million, Council is responsible for the assessment of the development application and determination of the application is to be made by the Panel.</p>	Yes

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

Summary comment	Complies
<p>State Environmental Planning Policy 55 – Remediation of Land 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>A Phase II Environmental Site Assessment (REP-19-7917-B, prepared by EnviroTech Pty Ltd and dated 9 November 2020) was submitted in support of the application. The report concluded the site requires soil remediation for the proposed works to be deemed suitable for the proposed land use.</p> <p>The proposal will be conditioned to require the preparation of a Remediation Action Plan by a qualified accredited geoscientist. The site will have to be validated to residential ‘A’ standard under National Environmental Protection Measures 2013 Guidelines prior to release of any construction certificate.</p>	Yes

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

Summary comment	Complies
<p>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.</p>	Yes

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

Summary comment	Complies
<p>The planning policies and recommended strategies under Sydney Regional Environmental Plan 20 – Hawkesbury-Nepean River are considered to be met through the development controls of the State Environmental Planning Policy (Sydney Regions Growth Centres) 2006.</p>	Yes

6 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 it is compliant with all relevant matters under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017.	Yes

7 Child Care Planning Guideline 2017

Summary comment	Complies
We have assessed the development application against the relevant provisions and it is compliant with all relevant matters under the Child Care Planning Guideline 2017.	Yes

8 Education and Care Services National Regulations 2012

Summary comment	Complies
We have assessed the development application against the relevant provisions and it is compliant with all relevant matters under Education and Care Services National Regulations.	Yes

9 Blacktown City Council Growth Centre Precincts Development Control Plan 2010

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 2010 with the exception of Section 4.4.2.3 Access and Parking.	No, but acceptable. Refer to Section 7 of the report for details.

10 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 Centre City District Plan:</p> <p>Liveability</p> <ul style="list-style-type: none">Improving services for the meet the changing needs of peopleImproving access to jobs and services	Yes

11 Blacktown Local Strategic Planning Statement 2020

Summary comment	Complies
<p>The LSPS applies to the site, with 18 Priorities and 61 Actions contained within the plan to support the vision for our City and to guide development, balancing the need for housing, jobs and services with the natural environment. The LSPS builds on the framework established under the Blacktown Community Strategic Plan <i>Our Blacktown 2036</i> and also gives effect to the NSW Government's Greater Sydney Region Plan and Central City District Plan.</p> <ul style="list-style-type: none">Local Planning Priority 3 – Providing services and social infrastructure to meet people's changing needs	Yes