

## Assessment against planning controls: section 4.15, summary assessment and variations to standards

### 1 Environmental Planning and Assessment Act 197

#### 1.1 Section 4.15 'Heads of Consideration'

Heads of Consideration	Comment	Complies
The provisions of: Any environmental planning instrument	The proposal is considered to be consistent with State Environmental Planning Policy (Precincts - Central River City) 2021, State Environmental Planning Policy (Planning Systems) 2021, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy (Biodiversity and Conservation) 2021.	Yes
i. Any proposed instrument that is or has been the subject of public consultation under this Act	<p><b>Draft State Environmental Planning Policy (Environment)</b></p> <p>The draft Environment State Environmental Planning Policy 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</p> <ul style="list-style-type: none"> <li>State Environmental Planning Policy 19 Bushland in Urban Areas,</li> <li>State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011,</li> <li>Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 – 1997)</li> <li>Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment</li> </ul> <p>and removes duplicate considerations across Environmental Planning Instruments.</p>	Yes. This proposal is consistent with the provisions of this draft State Environmental Planning Policy.
	<p><b>Draft State Environmental Planning Policy (Remediation of Land)</b></p> <p>The draft Remediation of Land State Environmental Planning Policy was exhibited from January to April 2018 with the intent that it repeal and replace State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) in relation to the management and approval pathways for contaminated land.</p> <p>SEPP 55 has since been repealed and its provisions were consolidated into the State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4. However, Chapter 4 of this new policy does not include the changes that were exhibited in 2018 and those provision are still under review.</p> <p>The draft Remediation of Land State Environmental Planning Policy will:</p> <ul style="list-style-type: none"> <li>provide a state-wide planning framework for the remediation of land</li> </ul>	Yes. This proposal is consistent with the provisions of this draft State Environmental Planning Policy

Heads of Consideration	Comment	Complies
	<ul style="list-style-type: none"> <li>maintain the objectives and reinforce those aspects of the existing framework that have worked well</li> <li>clearly list the remediation works that require development consent</li> <li>categorise remediation work based on the scale, risk and complexity of the work</li> <li>require environmental management plans relating to post remediation, maintenance and management of on-site remediation measures to be provided to Council.</li> </ul>	
ii. Any development control plan	Blacktown City Council Growth Centre Precincts Development Control Plan 2010 applies to the site, and the proposed development is compliant with the relevant controls established under the DCP except for maximum cut and fill and road pattern variations to the Indicative Layout Plan.	No, but the non-compliances are acceptable in the circumstances and so should be supported.
iii. a) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4,	Landcom initially proposed to enter into a Voluntary Planning Agreement for upgrading regional stormwater quality facilities to cater for this land and for specific land dedications. However, on 29 June 2022 Landcom advised that it was no longer interested in entering into any planning agreement for this development.  There is no longer any Voluntary Planning Agreement associated with this application.	N/A
iv. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	Refer to Part 4, Division 1 of the Environmental Planning & Assessment Regulation 2021 Clause 61 <ul style="list-style-type: none"> <li>Demolition of a building - the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.</li> <li>In determining a development application for the carrying out of development on land that is subject to a subdivision order under the Act, Schedule 7, the consent authority must consider— (a) the subdivision order, and (b) any development plan prepared for the land by a relevant authority under that Schedule.</li> </ul> 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	It is considered that the likely impacts of the development, including bulk earthworks, tree and vegetation removal, associated infrastructure works and subdivision have been satisfactorily addressed and the proposed development will not result in unfavourable social, economic or environmental impacts on the locality and is consistent with the intended development outcomes of State Environmental Planning Policy (Precincts - Central River City) 2021.	Yes, subject to conditions

Heads of Consideration	Comment	Complies
c. The suitability of the site for the development	<p>The subject site is zoned part R3 Medium Density Residential, part SP2 Infrastructure (Local Roads and Local Drainage) and part RE1 - Public Recreation under State Environmental Planning Policy (Precincts - Central River City) 2021.</p> <p>The creation of residential lots and associated infrastructure lots and public recreation and drainage lots is suitable for the land and consistent with the zoning.</p>	Yes
d. Any submissions made in accordance with this Act, or the regulations	<p>The application was notified and advertised for a 30 days period between 18 August and 17 September 2021 to 24 adjoining owners/occupiers. No submissions were received. Letters were also sent on 17 January 2022 to 16 adjoining landowners advising them of the proposed subdivision and the proposed variation to the road pattern in the Department of Planning &amp; Environment's Indicative Layout Plan. No submissions were received.</p>	Yes
e. The public interest	<p>The proposal is in public interest. The proposal will facilitate the orderly development of this area including adjoining properties.</p>	Yes

## 2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Summary comment	Complies
<p>Chapter 9, Hawkesbury – Nepean River, of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 is applicable to the subject site. The planning policies and recommended strategies under this Chapter are considered to be met through the development controls of Blacktown Growth Centres Development Control Plan 2010 and State Environmental Planning Policy (Precincts - Central River City) 2021.</p>	Yes

## 3 State Environmental Planning Policy (Planning Systems) 2021

Summary comment	Complies
<p>The Sydney Central City Planning Panel is the consent authority for all regionally significant development with a capital investment value of over \$30 million or Council related or Crown developments with a capital investment value of over \$5 million.</p> <p>As this development application is for a Crown development and has a capital investment value of over \$5 million, Council is responsible for its assessment but determination is to be made by the Panel.</p>	Yes

## 4 State Environmental Planning Policy (Precincts - Central River City) 2021

Summary comment
We have assessed the development application against the relevant provisions. It is compliant with all other matters under the State Environmental Planning Policy (Precincts - Central River City) 2021.

## 5 State Environmental Planning Policy (Resilience and Hazards) 2021

Summary comment	Complies
<p>Chapter 4 Remediation of the land of the SEPP provides a State-wide planning approach to remediation and aims to promote the remediation of any contaminated land for the purpose of reducing the risk of harm to human health and/ or the environment.</p> <p>Clause 4.6 of Chapter 4 states that a consent authority must not consent to the carrying out of any development on land unless:</p> <p>(a) It has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purpose for which the development is proposed to be carried out, and</p> <p>(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.</p> <p>A preliminary site (Contamination) investigation has been carried out by Douglas Partners. The scope of works included a review of the site geology, hydrogeology and topography, review of historical aerial photography, a search of the Contaminated Land Management Act 1997, a site walkover, intrusive sampling and analysis of those results. In its report, Douglas Partners identifies 3 potential areas of environmental concern that require further investigation to characterise whether or not they pose an actual risk to the proposed development. One of these areas was identified to contain building rubble with a test pit confirming the presence of asbestos containing material which will require remediation.</p> <p>A detailed site investigation has been prepared by EI Australia Pty Ltd to:</p> <ul style="list-style-type: none"> <li>• evaluate and investigate the potential for site contamination, based on historical land uses and anecdotal and documentary evidence of possible pollutant sources</li> <li>• assess the salinity potential in the site soils and make recommendations for the appropriate management of any contaminated soils and/or groundwater (if identified).</li> </ul> <p>EI Australia conducted:</p> <ul style="list-style-type: none"> <li>• soil sampling and analysis at 61 borehole locations and 28 test pit locations across accessible areas of the site</li> <li>• groundwater sampling and analysis at 8 groundwater monitoring well locations, installed both east and west of Second Ponds Creek</li> <li>• an assessment of soils for salinity, and dam water sampling and analysis at 2 dams located on-site and at Second Pond Creek.</li> </ul> <p>Based on the findings of its investigation, EI Australia concluded that contamination in excess of human health criteria and ecological ground water criteria was identified in specific areas during the assessment and in previous investigations. Ultimately, EI Australia considers the site can be made suitable for all future potential land uses, provided the recommendations in its report are implemented prior to development.</p> <p>A remediation action plan has subsequently been prepared by EI Australia to guide the remediation required by incorporating the findings of both the preliminary and detailed site investigations. The preferred approach involves excavation (removal) and off-site</p>	Yes

Summary comment	Complies
<p>disposal of contaminated materials, followed by validation/clearance of surrounding soils. An additional groundwater monitoring event is proposed to further characterise groundwater conditions and potential risk to the west of Second Ponds Creek.</p> <p>On the basis of the above site contamination reporting by the applicant Council is satisfied that CI 4.6 of the State Environmental Planning Policy can be met as the site can be made suitable for each of its intended land uses and validated accordingly by a suitably qualified geoscientist to the National Environmental Protection Measures 2013 Guidelines. It is considered that the requirements of Section 4 Remediation of the land of the State Environmental Planning Policy have been met.</p>	

## 6 State Environmental Planning Policy (Transport and Infrastructure) 2021

Summary comment	Complies
<p>The State Environmental Planning Policy ensures that Transport for NSW (Roads &amp; Maritime) is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3.</p> <p>The application was referred to Transport for NSW (former Road and Maritime Service) which reviewed the proposal and provided conditions which will be included in the draft conditions of consent.</p>	Yes

## 7 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 development application is consistent with the following overarching planning priorities of the Central City District Plan:</p> <p><b>Liveability</b></p> <ul style="list-style-type: none"> <li>Improving housing choice</li> <li>Improving housing diversity and affordability</li> </ul>	Yes

## 8 Blacktown Local Strategic Planning Statement

Summary comment	Complies
<p>The Blacktown Local Strategic Planning Statement outlines a planning vision for the City over the next 20 years to 2041. The Blacktown Local Strategic Planning Statement contains 18 Local Planning Priorities based on themes of Infrastructure and collaboration, Liveability, Productivity, Sustainability and Implementation.</p> <p>The Development Application is consistent with the following priorities:</p> <ul style="list-style-type: none"> <li>Providing housing supply, choice and affordability with access to jobs, services and public transport.</li> </ul>	Yes

## 9 Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (Growth Centre DCP)

### Summary comment

We have assessed the development application 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 Centres Precinct Development Control Plan 2010 (Growth Centre DCP).

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

DCP requirement		Proposal	Complies
<b>2.2 Indicative layout plan</b>	Development application is to be generally in accordance with Indicative layout plan	<p>The proposal includes changes to the proposed road network alignments to provide a better east-west connection than that proposed in the Department of Planning and Environment's Indicative Layout Plan.</p> <p>This will be facilitated through the delivery of a new roundabout which will improve road safety by relocating the local road further from the signalised intersection along Terry Road with Schofields Road.</p> <p>The changes to road network will include:</p> <ul style="list-style-type: none"> <li>deletion of 2 east-west local road within proposed Lot 1 and the site west of proposed Lot 1 (Lot 5 in DP 1190434 and the extension and relocation of 1 east-west local road. This is due to the original road pattern being too closely spaced to the Schofields Road intersection. The proposed change will reduce interference by providing greater separation between intersections and make it safer for traffic on Terry Road when approaching and leaving the intersection.</li> <li>the inclusion of a roundabout at the new east-west local road Terry Road, will provide traffic movements between Terry Road and the adjacent sites in all directions.</li> </ul>	No, but satisfactory

#### 9.1.1 Controls for all residential development

DCP requirement		Proposal	Complies
<b>Site Responsive Design (Section 4.1)</b>			
<b>4.1.2 Cut and fill</b>	<p>Maximum 500 mm cut/fill. Validation Report for imported fill.</p> <p>Where cut on the boundary, retaining walls must be integrated with its construction, otherwise</p>	<p>The current application is for subdivision to create super lots for future residential use. The depth of cut and fill are generally limited to a maximum of 1 m below the natural ground level. Therefore, an extra 500 mm cut or fill will be required. However, it is anticipated there will be a shortfall of fill</p>	No, but it is acceptable in the circumstances to deliver the proposed design levels.

DCP requirement		Proposal	Complies
	<p>minimum 450 mm from boundary.</p> <p>Maximum 600 mm high walls.</p> <p>Maximum 1,200 mm combined wall height.</p> <p>Minimum 0.5 m between each step.</p>	<p>material to deliver the proposed design levels. It is anticipated that approximately 5,525 m<sup>3</sup> of cut and 8,850 m<sup>3</sup> of fill will be required for the site. This importation of fill material will be sourced locally and confirmed as being either virgin natural material or excavated natural material at the source prior to importation. This will be included as a condition of consent. A further condition requiring a maximum imported fill material not to exceed 3,300 m<sup>3</sup> will be included as a condition of consent.</p>	