

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

1 Environmental Planning and Assessment Act 1979

1.1 Section 4.22 'Concept Development Applications'

Summary comment	Complies
<p>This application is lodged under section 4.22 Concept Development Applications of the Environmental Planning and Assessment Act 1979.</p> <p>As permitted by Clause 5, our consideration under section 4.15 of the Act as to the likely impact of the development, the subject of the concept Development Application, is limited to the likely impact of the concept proposal (this application does not include the first stage of development) and does not consider the likely impact of the carrying out of development that may be the subject of subsequent development applications.</p>	Yes

1.2 Section 4.15 'Heads of Consideration'

Heads of Consideration	Comment	Complies
a. The provisions of:		
i. Any environmental planning instrument	<p>The proposal is considered to be consistent with the relevant environmental planning instruments, including:</p> <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021, State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 Blacktown Local Environmental Plan 2015 	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:</p> <ul style="list-style-type: none"> 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) 	<p>Yes.</p> <p>This proposal is not inconsistent with the provisions of this draft State Environmental Planning Policy.</p>

Heads of Consideration	Comment	Complies
	<ul style="list-style-type: none"> Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment <p>and removes duplicate considerations across environmental planning instruments.</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 with the intent that it repeals and replaces 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 State Environmental Planning Policy (Remediation of Land) 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 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. 	Yes. This proposal is not inconsistent with the provisions of this draft State Environmental Planning Policy.
iii. Any development control plan	The Blacktown Development Control Plan 2015 applies in relation to car parking, stormwater management, tree preservation and site waste management.	Yes
iv. 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,	No related planning agreement	N/A
v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The additional matters for consideration identified in Part 4, Division 1 of the Regulations 2021 Clause 61 are not relevant to the proposal.	Yes

Heads of Consideration	Comment	Complies
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 likely impacts of the development include traffic, parking and access, contamination and stormwater management. These issues have been considered and all related impacts are satisfactorily addressed, subject to conditions. It is considered that the proposal will provide for an appropriate expansion of the existing cemetery use of the adjoining land.	Yes
c. The suitability of the site for the development	The subject site is zoned SP1 Special Activities (Cemetery) under Blacktown Local Environmental Plan 2015 which permits cemeteries with consent. It is consistent with the relevant state environmental planning policies (referred at 1.2 a i) above) and the Blacktown Development Control Plan 2015, is based on sound site analysis and will not result in any adverse impacts on the environment or neighbouring land use. The site is not affected by any constraint that would prevent its use for the purpose of a cemetery.	Yes
d. Any submissions made in accordance with this Act, or the regulations	The application was advertised for a period of 28 days between 14 January and 13 February 2022. No submissions were received.	Yes
e. The public interest	The proposed development is in the public interest. It provides for additional burial sites within Greater Sydney on underutilised public land. The public interest is therefore well served by approving this development.	Yes

2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Summary comment	Complies
The planning principles for Sydney Harbour Catchment in Chapter 10 (from the former Sydney Harbour Catchment REP) are considered to have been met through the development controls of Blacktown Local Environment Plan 2015 and the Blacktown Development Control Plan 2015.	Yes

3 State Environmental Planning Policy (Industry and Employment) 2021

Summary comment	Complies
At this stage, no approvals are sought for the display of directional and wayfinding signage. These will be included within subsequent detailed development applications.	Yes

4 State Environmental Planning Policy (Planning Systems) 2021

Summary comment	Complies
<p>The Sydney Central City Planning Panel is the consent authority for Council related development with a capital investment value of over \$5 million.</p> <p>As this development application has a capital investment value of \$58.9 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

5 State Environmental Planning Policy (Resilience and Hazards) 2021

Summary comment	Complies
<p>Chapter 4 aims to provide a State-wide planning approach to the remediation of contaminated land (previously in State Environment Planning Policy No 55 - Remediation of Land).</p> <p>Clause 4.6 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, before granting consent.</p> <p>A Detailed Site Contamination Investigation (and addendum report) prepared by Prensa has found the site to have several areas of contamination that would not limit the proposed development of the site as a cemetery. It is noted there are several areas within the site that will require further investigation and remediation work to be suitable for the proposed use.</p> <p>Council's Environmental Health Officer has reviewed the Detailed Site Investigation and provided appropriate conditions of consent that require the site to be remediated and a validation report provided at the completion of remediation work. A Site Audit Statement will be required from an accredited site auditor.</p>	Yes

6 State Environmental Planning Policy (Transport and Infrastructure) 2021

Summary comment	Complies
<p>Chapter 2 aims to provide for consultation with relevant public authorities about certain development (previously in State Environmental Planning Policy (Infrastructure) 2007).</p> <p>Clause 2.48 applies to a development application within 10 m of any part of an electricity tower, within 5 m of an exposed overhead electricity power line or the penetration of ground within 2 m of an underground electricity power line.</p> <p>The subject site is affected by numerous electricity supply infrastructure and the application was referred to Endeavour Energy in line with this policy.</p> <p>Endeavour Energy has indicated that the application does not address the electricity infrastructure or the easements on or near the site. Also, the application does not address the electricity load/demand resulting from the proposed development or the extension of the existing local network which may be required.</p> <p>The comments from Endeavour Energy indicate that it is not opposed to the development application and as it may substantially impact on the electricity infrastructure and easements, these matters will need to be satisfactorily addressed in the subsequent development applications.</p> <p>Clause 2.119 applies to a development application on land that has a frontage to a classified road. Before determining an application for development to which this clause applies, the Council must be satisfied that where practicable and safe, vehicular access</p>	Yes

Summary comment	Complies
<p>is provided to the land by a road other than a classified road, the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development and the development is a type that is not sensitive to traffic noise or vehicle emissions or is appropriately located and designed to ameliorate potential traffic noise or vehicle emissions.</p> <p>There are 3 classified roads (The Great Western Highway (including Ponds Road), Prospect Highway and the M4 Western Motorway) surrounding the subject site. The development application was referred to Transport for NSW for comment. Transport for NSW has provided its comments on the proposal and those comments have been taken into consideration as part of the assessment of the development application. Where relevant, the comments have been included as conditions of consent.</p>	

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>Liveability</p> <ul style="list-style-type: none"> • Creating great places • Contributing to the provision of services to meet communities' changing needs. 	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"> • LPP1: Planning for a city supported by infrastructure. • LPP3: Providing services and social infrastructure to meet peoples changing needs • LPP4: Respecting heritage and fostering healthy, creative, culturally rich and socially connected communities. • LPP 13: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes. 	Yes

9 Blacktown Local Environmental Plan 2015

Summary comment	Complies
<p>Blacktown Local Environmental Plan 2015 applies to the site. The proposed use is permissible in the SP1 Special Uses zone and is consistent with all relevant provisions of the Blacktown Local Environmental Plan 2015.</p> <p>Clause 5.10 requires consideration of any impacts on the heritage significance of any heritage item in the vicinity of the subject land. The development application indicates the proposal will not have an adverse impact on the heritage significance of any nearby heritage item.</p>	Yes

Summary comment	Complies
Clause 5.21 requires consideration of certain matters concerning land within the flood planning area. Areas of the site are in the flood planning area. Flood impacts from the proposed development will be mitigated through a combined bioretention and onsite detention basin.	

10 Blacktown Development Control Plan 2015

Summary comment	Complies
We have assessed the application against the relevant provisions (specifically traffic and car parking, heritage and stormwater management/flooding) and it is compliant with all matters under Blacktown Development Control Plan 2015.	Yes