

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	<p>The proposal is considered to be consistent with the relevant EPIs, including:</p> <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Chapter 9 contains the provisions from Hawkesbury-Nepean River REP) 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) Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment <p>and removes duplicate considerations across environmental planning Instruments.</p>	Yes. This proposal is not inconsistent with the provisions of this draft State Environmental Planning Policy.
	<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 repeal and replace current State Environmental Planning Policy 55 – Remediation of Land in relation to the management and approval pathways for contaminated land.</p>	Yes. This proposal is not inconsistent with the provisions of this draft State Environmental Planning Policy subject to

Heads of Consideration	Comment	Complies
	<p>SEPP 55 has since been repealed as its provisions were consolidated into the State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4.</p> <p>However, Chapter 4 of the new SEPP does not include the changes that were exhibited in 2018 and these provisions are still under review.</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 • 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. 	conditions that will be imposed
	<p>Draft State Environmental Planning Policy (Design and Place)</p> <p>The draft State Environmental Planning Policy (Design and Place) 2021 and supporting guides were placed on exhibition on 10 December 2021.</p> <p>The draft policy will supersede the existing State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, with relevant provisions transferred across.</p> <p>It will include an updated Apartment Design Guide and BASIX tool, as well as introducing new guides and requirements for non-residential development that aim to support better outcomes for all built environment projects in NSW.</p> <p>The Department of Planning and Environment has advised that for the purposes of section 4.15(1)(a)(ii) of the Environmental Planning and Assessment Act 1979, the draft policy is not notified to any consent authorities and so is not a mandatory matter for consideration.</p>	The draft policy is not a mandatory matter for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 and as such we have not assessed the application against this proposed policy.
iii. Any development control plan	Blacktown Development Control Plan 2015 applies in relation to car parking, tree preservation, solar access 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

Heads of Consideration	Comment	Complies
v. 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 and Assessment Regulations 2021 Clause 61: Demolition of a building - the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures.	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	The likely impacts of the development include traffic, parking and access, waste management, privacy and safety, tree removal, contamination and stormwater management. These issues have been considered and all related impacts are satisfactorily addressed, subject to conditions. A detailed site analysis ensures that the proposed development will have minimal impacts on surrounding properties. It is considered that the proposed development will be an appropriate addition to the existing high school, to meet the identified training and education needs of the local community.	Yes
c. The suitability of the site for the development	The subject site is zoned SP2 under Blacktown Local Environmental Plan 2015 which permits educational establishments with consent. As an existing school, it is well suited to this development. It is consistent with the relevant state environmental planning policies, Blacktown LEP 2015 and Blacktown DCP 2015, is based on sound site analysis and will not result in any adverse impacts on the environment or neighbouring residential land.	Yes
d. Any submissions made in accordance with this Act, or the regulations	The application was advertised for a period of 14 days. No submissions were received.	Yes
e. The public interest	The proposed development is in the public interest. It provides a new and quality teaching facility, tailored to the identified needs of the high school and local community. 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 policies and recommended strategies in Chapter 9 (from the former Hawkesbury-Nepean River REP), and Chapter 10 (from the former Sydney Harbour Catchment REP), are considered to have been met through development controls of Blacktown LEP 2015.	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 exceeding \$30 million or council related or Crown development application with a capital investment value of over \$5 million.</p> <p>This is a Crown development application, with a capital investment value of \$8.3 million. Council is responsible for the assessment and the Panel is the consent authority.</p>	Yes

4 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 Environmental Planning Policy 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 development consent.</p> <p>A Preliminary Site Investigation Report (prepared by Douglass Partners Pty Ltd on 19 February 2021) was submitted with the application. In summary, Douglas Partners found that:</p> <ul style="list-style-type: none"> • agricultural uses predate the school in 1959 • no obvious signs of previous contaminating activities were identified • past activities have low potential for environmental impacts on soil and groundwater • all analytical results were within the adopted site assessment criteria apart from a concentration of nickel which is insignificant and not an issue of concern for the proposed development • some contaminants and hazardous building materials, possibly imported earlier in fill or from nearby school buildings or past agriculture were identified. <p>Overall the site has a low potential for significant contamination and the report concludes that areas of environmental concern can be managed during the redevelopment process and the site can be made suitable for the proposed land use.</p> <p>Our Environmental Health Officer has reviewed the report and provided conditions to mitigate any impacts including the protocol for any unexpected finds protocol for the removal of any asbestos.</p>	Yes

5 State Environmental Planning Policy (Transport and Infrastructure) 2021

Summary comment	Complies
<p>State Environmental Planning Policy (Transport and Infrastructure) 2021 consolidates previous state environmental planning policies on Infrastructure, Educational Establishments and Child Care Facilities and Major infrastructure corridors.</p> <p>Chapter 3 aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State.</p> <p>Development for a purpose specified in Clause 3.40(1) may be carried out with development consent on land within the boundaries of an existing school. The proposed use can be characterised as a 'teaching facility (including lecture theatre), laboratory, trade facility or training facility' under clause 3.40(1).</p>	Yes

Summary comment	Complies
<p>Before determining an application for development for the above specified purpose, Clause 3.36 (6) requires the consent authority to take into consideration the 7 design quality principles for schools set out in Schedule 8. These are considered below at 5.1.</p> <p>In addition, Clause 3.58 - traffic generating development, requires development for the purpose of an educational establishment with 50 or more additional students to be referred to Transport for NSW. The proposed development has a maximum of 64 students, the majority of whom are existing students of Seven Hills High School. Referral to Transport for NSW was therefore not required.</p>	

5.1 Design Quality Principles

The proposed development is consistent with the 7 design quality principles, as set out below.

Principle	Control	Comment
1. Context built form and landscape	<p>Schools should be designed to respond to and enhance the positive qualities of their setting, landscape and heritage, including Aboriginal cultural heritage. The design and spatial organisation of buildings and the spaces between them should be informed by site conditions such as topography, orientation and climate.</p> <p>Landscape should be integrated into the design of school developments to enhance on-site amenity, contribute to the streetscape and mitigate negative impacts on neighbouring sites.</p> <p>School buildings and their grounds on land that is identified in or under a local environmental plan as a scenic protection area should be designed to recognise and protect the special visual qualities and natural environment of the area and located and designed to minimise the development's visual impact on those qualities and that natural environment.</p>	<p>The proposed training facility is designed to enhance its physical context and landscape. The single storey building in a landscaped setting sits well on the site, is consistent with the siting and scale of existing school buildings and will not cause negative impacts for neighbouring residential uses.</p> <p>New landscaping will be integrated into the design to enhance the site, contribute to the streetscape and mitigate adverse impacts on neighbouring land.</p>
2. Sustainable, efficient and durable	<p>Good design combines positive environmental, social and economic outcomes. Schools and school buildings should be designed to minimise the consumption of energy, water and natural resources and reduce waste and encourage recycling.</p> <p>Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.</p>	<p>The proposed training facility combines positive environmental, social and economic outcomes.</p> <p>The building is designed to provide natural light and ventilation, to minimise the consumption of energy, water and natural resources.</p> <p>Waste management practices will provide for separated and recycled waste.</p> <p>The proposed building is a flexible design, capable of adaptation over time.</p>
3. Accessible and inclusive	<p>School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to</p>	<p>Access to the training facility is legible for both pedestrians and vehicles.</p>

	<p>people with differing needs and capabilities.</p> <p>Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.</p>	<p>The applicant states that the school will seek opportunities for facilities to be shared with the community and cater for activities outside school hours.</p>
4. Health and Safety	<p>Good school development optimises health, safety and security within its boundaries and the surrounding public domain, and balances this with the need to create a welcoming and accessible environment.</p>	<p>Fences near the development will be improved and the existing school has generous amounts of open space which will be enhanced with the proposed landscaping.</p> <p>The introduction of more active and passive surveillance in the north-east corner of the school site will improve safety of the local community, without compromising privacy and amenity of residents.</p>
5. Amenity	<p>Schools should provide pleasant and engaging spaces that are accessible for a wide range of educational, informal and community activities, while also considering the amenity of adjacent development and the local neighbourhood.</p> <p>Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants.</p> <p>Schools should include appropriate, efficient, stage and age appropriate indoor and outdoor learning and play spaces, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage and service areas.</p>	<p>The proposed training facility provides pleasant and engaging spaces, accessible for learning. It will help establish links with local industry and offer pathways to employment.</p> <p>The overall impact for the existing Seven Hills High School and surrounding residential areas is positive.</p>
6. Whole of life, flexible and adaptive	<p>School design should consider future needs and take a whole-of-lifecycle approach underpinned by site wide strategic and spatial planning. Good design for schools should deliver high environmental performance, ease of adaptation and maximise multi-use facilities.</p>	<p>The new teaching facility is a flexible multi-use space, adaptable to changing needs of students, the curriculum and the workforce.</p> <p>It can be operated independently while presenting as a part of the high school.</p>
7. Aesthetics	<p>School buildings and their landscape setting should be aesthetically pleasing by achieving a built form that has good proportions and a balanced composition of elements. Schools should respond to positive elements from the site and surrounding neighbourhood and have a positive impact on the quality and character of a neighbourhood.</p> <p>The built form should respond to the existing or desired future context, particularly positive elements from the site and surrounding neighbourhood, and</p>	<p>The proposed size, scale, form, design elements, textures, materials, finishes and colours fit well with the school environment and adjacent residential land.</p>

	have a positive impact on the quality and sense of identity of the neighbourhood.	
--	---	--

6 Central City District Plan 2018

Summary comment	Complies
<p>While the Act does not require consideration of District Plans, the DA is consistent with the following overarching planning priorities of the Central City District Plan:</p> <p>Liveability</p> <ul style="list-style-type: none"> Improving access to jobs and services Creating great places Contributing to the provision of services to meet communities' changing needs. 	Yes

7 Blacktown Local Strategic Planning Statement

Summary comment	Complies
<p>The Blacktown Local Strategic Planning Statement (LSPS) outlines a planning vision for the next 20 years to 2041. It contains 18 Local Planning Priorities based on themes of Infrastructure and collaboration, Liveability, Productivity, Sustainability and Implementation.</p> <p>The application is consistent with the following priorities:</p> <ul style="list-style-type: none"> LPP3: Providing services and social infrastructure to meet peoples changing needs. LPP8: Growing mixed use, investment, business and job opportunities in Strategic Centres. LPP10: Growing targeted industry sectors. 	Yes

8 Blacktown Local Environmental Plan 2015

Summary comment	Complies
<p>Blacktown LEP 2015 applies to the site. The proposed use is permissible in the SP2 Special Uses zone and is consistent with all relevant provisions of the Blacktown LEP 2015.</p>	Yes

9 Blacktown Development Control Plan 2015

Summary comment	Complies
<p>We have assessed the application against the relevant provisions (parking, tree preservation, solar access, site waste management and stormwater management) and it is compliant with all matters under Blacktown Development Control Plan 2015.</p>	Yes