

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	State Environmental Planning Policy (Biodiversity and Conservation) 2021. Chapter 9 contains the provisions from the former Sydney Regional Environmental Plan 20 - Hawkesbury-Nepean River.	Yes
	State Environmental Planning Policy (Planning Systems) 2021	Yes
	State Environmental Planning Policy (Precincts – Central River City) 2021	Yes
	State Environmental Planning Policy (Resilience and Hazards) 2021	Yes
	State Environmental Planning Policy (Transport and Infrastructure) 2021 Chapter 3 includes provisions for educational establishments and childcare facilities.	Yes
ii. Any proposed instrument that is or has been the subject of public consultation under this Act	Draft State Environmental Planning Policy (Environment) 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. The State Environmental Planning 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.	Yes. This proposal is not inconsistent with the provisions of this draft State Environmental Planning Policy.
	Draft State Environmental Planning Policy (Remediation of Land) 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.	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SEPP 55 has since been repealed and its provisions were consolidated into the State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4.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 provisions 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. 	conditions that will be imposed.
iii. Any development control plan	<p>Blacktown City Council Growth Centre Precincts Development Control Plan 2010</p> <p>The proposed development has been assessed against all controls under the Development Control Plan.</p>	<p>No but acceptable.</p> <p>Refer to item 10 below, and Section 7 of the report.</p>
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,	Not applicable	N/A
v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	The proposal is consistent with the relevant controls under Education and Care Services National Regulations. This regulation supports the National Law by providing detail on a range of operational requirements for an education and care service.	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>The likely impacts of the development, including traffic, parking, servicing, noise, waste management and scale of operations in the low-density residential locality have been satisfactorily addressed and appropriate conditions are recommended where it is necessary to mitigate potential impacts.</p> <p>It is considered that the proposed development will not result in any negative social, economic and environmental impacts.</p>	Yes

Heads of Consideration	Comment	Complies
c. The suitability of the site for the development	<p>The land is zoned R2 Low Density Residential with a 9 m building height limit. The proposed mixed-use childcare centre and medical centre development are permissible with consent in the zone, are consistent with the relevant zone objectives and the proposed building complies with the height control.</p> <p>The site is considered suitable for the proposed development, noting that it is identified in the Blacktown City Council Growth Centre Precincts DCP - Schedule 2 Riverstone Precinct as a preferred location for neighbourhood shops.</p> <p>The overall height, bulk and scale of the proposed development is compatible with, and will not adversely impact, the surrounding residential development and the it will not contribute to a concentration of non-residential development with related cumulative impacts for residential amenity.</p>	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. One submission was received and is discussed in Section 7 or the report and at attachment 7.	Yes
e. The public interest	The proposal is in the public interest as it will assist in meeting the demand for childcare facilities in a location convenient to the growing residential population in the North West Growth Area. It will not adversely affect the amenity of the neighbourhood subject to the recommended conditions of consent.	Yes

2 State Environmental Planning Policy (Planning Systems) 2021

Summary comment	Complies
<p>Council is responsible for the assessment of the development application and the Sydney Central City Planning Panel is the consent authority as the proposed development is defined as regionally significant development being development for both a childcare centre and a health services facility (private infrastructure and community facilities) with a capital investment value of over \$5 million.</p> <p>The proposed development has a capital investment value of \$7.5 million.</p>	Yes

3 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>Based on the submitted technical studies validating soil quality and a Preliminary Site Investigation dated 22 November 2021, the potential for significant contamination of soil</p>	Yes

Summary comment	Complies
and groundwater is low and the site is suitable for the proposed use, subject to condition of consent.	

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

Summary comment
We have assessed the development application against the relevant provisions and the proposal is compliant with the State Environmental Planning Policy (Precincts - Central River City) 2021.

5 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) are considered to have been met through development controls of the State Environmental Planning Policy (Sydney Regions Growth Centres).	Yes

6 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 childcare 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>We have assessed the development application and it is compliant with all relevant provisions of the State Environmental Planning Policy (Transport and Infrastructure) 2021.</p>	Yes

7 State Environmental Planning Policy (Industry and Employment) 2021

Summary comment	Complies
<p>State Environmental Planning Policy (Industry and Employment) 2021 includes provisions from the former State Environmental Planning Policy 64 – Advertising and signage. Chapter 3, Schedule 5 includes assessment criteria for the assessment of signage.</p> <p>The proposal includes 4 business identification signs, which are shown in the architectural drawing package. Two signs are located on the building elevation fronting Kensington Park Road and the other 2 are on the Talland Street elevation.</p> <p>In the Talland Street elevation, 1 of the signs is mounted on the side of the lift overrun on the roof top of the proposed building. It is considered that this location and size of this</p>	No, but acceptable subject to amendments required by a condition of consent.

Summary comment	Complies
<p>sign is not compatible with the character of the area and will detract from the amenity and visual quality of the residential area.</p> <p>A condition of consent is recommended to require that the roof mounted sign be relocated to a position on the façade of the building and be reduced to a size proportionate to the other features of the building façade. Details of the amended sign are to be provided for our approval prior to making an application for a Construction Certificate.</p>	

8 Child Care Planning Guideline 2017

Summary comment	Complies
We have assessed the development application to be compliant with all relevant provisions under the Child Care Planning Guideline 2017.	Yes

9 Education and Care Services National Regulations 2012

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

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

Summary comment	
<p>We have assessed the development application against the relevant provisions and the proposal is compliant with all provisions except for:</p> <ul style="list-style-type: none"> Section 4.4.2.3, in relation to: <ul style="list-style-type: none"> the proposed basement parking and the maximum capacity of 40 children. Section 4.4.2.4 Site Selection and Location, in relation to: <ul style="list-style-type: none"> land that has direct frontage to a classified road or an arterial or sub-arterial road sites on roads that end in a cul-de-sac or dead end <p>Departure from these controls is supported and considered appropriate. Refer to the further details in the discussion at Section 7 of the assessment report.</p>	<p>No but acceptable. Refer to the discussion at Section 7 of the assessment report for details and discussion.</p>

11 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"> Improving access to jobs and services Contributing to the provision of services to meet communities' changing needs. 	Yes

12 Blacktown Local Strategic Planning Statement

Summary comment	Complies
<p>The Blacktown Local Strategic Planning Statement outlines a planning vision 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">• Local Planning Priority 3 – Providing services and social infrastructure to meet people's changing needs.	Yes