

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	Yes
	State Environmental Planning Policy (Planning Systems) 2021 As this development application is for private infrastructure and community facilities having a capital investment value of over \$5 million, being \$18,311,119, Council is responsible for the assessment, but determination of the application is to be made by the Sydney Central City Planning Panel.	Yes
	State Environmental Planning Policy (Resilience and Hazards) 2021	Yes
	State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes
	Blacktown Local Environmental Plan 2015	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 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. 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.

Heads of Consideration	Comment	Complies
	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. The draft Remediation of Land State Environmental Planning Policy will: • 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.	There is no evidence this site is contaminated based on previous uses. An unexpected finds protocol will be a condition of consent.
iii. Any development control plan	Blacktown Development Control Plan 2015 The proposal is considered acceptable when assessed against the controls in the DCP, with the exception of the variation proposed to car parking.	Yes, with the exception of the proposed variation to the provisions of car parking.
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)	Refer to Part 4, Division 1 of the Regs 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	It is considered the likely impacts of the development including 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. In view of the above it is considered that the proposed development will not have any unfavourable social, economic or environmental impacts.	Yes

Commented [ML1]: Delete whichever is not applicable

Heads of Consideration	Comment	Complies
c. The suitability of the site for the development	The subject site is zoned R2 Low Density Residential and SP2 Infrastructure – Education Establishment under Blacktown Local Environmental Plan 2015. The SP2 zone permits educational establishments with consent. Educational establishments are permitted in R2 zones under Section 3.36 (1) of State Environmental Planning Policy (Transport and Infrastructure) 2021 As an existing school, the development is well suited to this site. It is consistent with the relevant state environmental planning policies, Blacktown LEP 2015 and Blacktown DCP 2015, it 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 notified and advertised on Council's website for a period of 30 days. No submissions were received.	Yes
e. The public interest	The proposed development is in the public interest. It provides a new primary school building that will service the 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 following chapters of State Environmental Planning Policy (Biodiversity and Conservation) 2021 apply to the development site: - Chapter 2 Vegetation in non-rural areas applies to land in the Blacktown local government area. - Chapter 6 Water catchments applies to the land as it is located within the Hawkesbury-Nepean River Catchment. The controls in these chapters are considered to have been met through development controls set out in Blacktown Local Environmental Plan 2015. The development generally complies with the development standards and controls established within Blacktown Local Environmental Plan 2015 to enable the orderly development of the site. The development proposes to remove 7 trees and relocate 2 trees. The proposal has been reviewed by Council's Arborist and is considered acceptable. A number of conditions including compliance with tree relocation measures, the replanting of 58 additional trees onsite and protection of other trees onsite have been included in our recommended conditions.	Yes

3 State Environmental Planning Policy (Planning Systems) 2021

Summary comment	Complies
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.	Yes

Summary comment	Complies
As this development application has a capital investment value of \$18,311,118 million, Council is responsible for the assessment of the development application and determination of the application is to be made by the Panel.	

4 State Environmental Planning Policy (Resilience and Hazards) 2021

Summary comment	Complies
Chapter 4, Remediation of Land Chapter 4 aims to provide a state-wide planning approach to the remediation of contaminated land (previously in SEPP 55). 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 of development consent. We consider the location of the proposed redevelopment would have a low risk of contamination given previous uses. The new primary school building is proposed in a similar location to the existing primary school building and over existing hard stand pavement, and prior to the school being established, this land was a residential subdivision. Conditions to mitigate any impacts including a protocol for any unexpected finds and removal of any asbestos have been included on the consent. A hazardous materials survey (prepared by McCaskill Parry Consulting, dated October 2022) was provided with the application.. A condition has been included in the consent requiring compliance with this report. Our Environmental Health Officer has reviewed the proposal and provided conditions. We have also included a condition for the applicant to prepare an unexpected finds protocol in case anything is found in the bulk earthworks relating to landscaping and stormwater works.	Yes, relevant conditions of consent have been included.

5 State Environmental Planning Policy (Transport and Infrastructure) 2021

Summary comment	Complies
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.	Yes
Chapter 3 aims to facilitate the effective delivery of educational establishments and early education and care facilities across the State. Development for the purpose of a school may be carried out by any person with development consent on land in a prescribed zone under Clause 3.36(1). The prescribed zones include R2 Low Density Residential and SP2 Infrastructure. Development for the purpose of a school may be carried out by any person with development consent on land that is not in a prescribed zone if it is carried out on land within the boundaries of an existing or approved school under Clause 3.36(3). The use is characterised as an educational establishment and the works are within the boundaries of the existing school. 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. 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	Yes

Summary comment	Complies
referred to Transport for NSW. The number of students is not proposed to increase, and referral to Transport for NSW was therefore not required.	

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	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. 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. 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.	The development appropriately responds to the existing built and natural environment on the site. The part 2 and part 3-storey building is consistent with the massing of the buildings on the site and, given its location next to a creek and sporting fields surrounded by landscaping, it will continue to appear as a building in a garden setting.
2. Sustainable, efficient and durable	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. Schools should be designed to be durable, resilient and adaptable, enabling them to evolve over time to meet future requirements.	The building has been designed to maximise natural light penetration and cross flow ventilation. The development incorporates water reuse and facilitates the provision of solar panels on its roof. The provision of a single building maximises usage of 1 building footprint and maximises outdoor play areas for children.
3. Accessible and inclusive	School buildings and their grounds should provide good wayfinding and be welcoming, accessible and inclusive to people with differing needs and capabilities. Schools should actively seek opportunities for their facilities to be shared with the community and cater for activities outside of school hours.	Accessible paths of travel are provided from the site's boundaries to school facilities. The site incorporates appropriate wayfinding signage to assist visitors and first-time users with identifying key buildings and outdoor spaces. The school acts a 'social' hub for the school community and contributions to the social wellbeing of the community.

4. Health and Safety	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.	The proposal has had regards to 'crime prevention through environmental design' principles and provides delineation through a combination of landscaping, fencing and signage to the 'public' areas of the site when the school is operating.
5. Amenity	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. Schools located near busy roads or near rail corridors should incorporate appropriate noise mitigation measures to ensure a high level of amenity for occupants. 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.	The school provides a variety of internal and external learning places that are suitable for formal and informal educational opportunities for students. The new building incorporates storage spaces for teachers, students, the school and any other users. The building has been sited to minimise visual impact on surrounding buildings. It relies upon the adequate landscaping that screens the new building. The school provides a variety of internal and external learning places that are suitable for formal and informal educational opportunities for students. The building maximises natural light penetration through the appropriate use of glazing and facilitate natural cross ventilation.
6. Whole of life, flexible and adaptive	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.	The design of the building considers the future needs of the school and the building has been designed to incorporate both formal learning areas and informal learning spaces, allows for combined educational opportunities and maximises the opportunities for the adaptive use of the buildings as technology is increasingly used in classrooms by both educators and students. The building has a range of room sizes to cater for small group learning and includes adaptable elements.
7. Aesthetics	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. The built form should respond to the existing or desired future context, particularly positive elements from the site and surrounding neighbourhood, and have a positive impact on the quality and sense of identity of the neighbourhood.	The building incorporates a high level of finishes that appropriately take design cues from the surrounding built form both within the school and surrounding sites. The development will continue to appear as a series of buildings in a landscaped setting. This is consistent with the patterns and rhythm of surrounding buildings that predominately comprise buildings in a landscaped setting, setback from the street. The buildings encourage interaction within the site.

6 Central City District Plan 2018

Summary comment	Complies
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: Liveability • 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
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. The development application is consistent with the following priorities: • 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

Commented [B02]: If all complies, no need to list certain aspects?

Summary comment	Complies
Blacktown LEP 2015 applies to the site. The proposed use is permissible in the SP2 Special Uses zone and the R2 Low Density Zone (under the Transport and Infrastructure SEPP) and is consistent with all relevant provisions of the Blacktown LEP 2015.	Yes
Part 4 - Principal Development Standards	
4.3 Height of buildings Part of the site has a maximum height of 9m under the Blacktown LEP map HOB_014 and HOB_017 The portion of the site that the development is proposed on does not have a height limit. The proposal is 12.975m (including 1.9m of plant on the roof)	Yes
Part 5 – Miscellaneous Provisions	
5.21 Flood Planning The site is identified as being flood prone land. The relevant flood reports and modelling have been provided and assessed by our drainage officers and the proposal is considered acceptable. Relevant conditions of consent have been included.	Yes

9 Blacktown Development Control Plan 2015

Summary comment		Complies
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, with the exception of car parking.		Yes
Control	Proposal	Complies
Part A – Introduction and General Guidelines		
6 Car parking; 6.3 Specific land use requirements - For primary and secondary schools 1 space per staff member plus 1 space per 100 students plus 1 space for delivery vehicles, drop-off area and buses as appropriate - For senior high schools only - In addition to the above, 1 space per 5 students in Year 12 - For tertiary educational establishments 1 space per 5 seats or 1 space per 10 m² floor area, whichever is the greater	There are currently 120 car spaces onsite and the proposal provides an additional 5 car parking; a total of 125 car spaces. 135 car spaces are required,	No, but is considered acceptable in this instance. Refer to section 8.5 of the main report. .