

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 (EPI)	<p>The proposal is considered to be consistent with the relevant EPIs, including SREP No. 20 – Hawkesbury-Nepean River 1997, SEPP (State and Regional Development) 2011, SEPP (Infrastructure) 2007, SEPP BASIX 2004, SEPP No. 55 – Remediation of Land and Growth Centres SEPP 2006.</p> <p>The proposed development is a permissible land use in the R3 Medium Density Residential zone and satisfies the zone objectives outlined in the Growth Centres SEPP.</p>	<p>Satisfactory</p> <p>Satisfactory</p>
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	<p>The publicly exhibited draft Amendment to SEPP (Sydney Region Growth Centres) 2006 is relevant to the consideration of the proposed development.</p> <p>The draft proposes amendments to the residential density controls, by applying a minimum of 25 dwellings and maximum of 35 dwellings per hectare residential density. The development proposes 145 dwellings over 3.7 ha which equates to a density of 39 dwellings per hectare, which is more than the proposed new maximum of 35 dwellings per hectare.</p> <p>The making of the draft amendment is not imminent and hence has less weight in the consideration of the proposal.</p>	No. However, the draft amendment is neither imminent or certain.
(iii) Any development control plan (DCP)	<p>Blacktown City Council Growth Centre Precincts Development Control Plan 2010 applies to the site. The proposed development is generally compliant with the applicable numeric controls established under the DCP. Except but acceptable the reduced setback to a collector road is acceptable in the circumstances as discussed in the report in the key issue at 7.4 and the road pattern variation also which is acceptable as discussed in detail in the key issue at 7.1 in the report.</p>	No, but the reduced setback to a collector road is acceptable in the circumstances as discussed in the report in key issue 7.4 and the road pattern variation is acceptable and discussed in detail at 7.1 in the report.
(iii a) Any Planning Agreement	There is no applicable planning agreement.	N/A
(iv) The regulations	The proposal complies with the Environmental Planning and Assessment Regulation 2000.	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	<p>It is considered that the likely impacts of the development, including traffic, access, parking, design, bulk and scale, overshadowing, noise, privacy, waste management and stormwater management. These have been satisfactorily addressed.</p> <p>Note that contamination and salinity, Aboriginal heritage have been dealt with in the bulk earthworks DA-19-01368. However the Applicant will need to have in place an unexpected finds protocol for all of these in the event of something being found during the course of construction. Conditions are included in the consent relating to this.</p> <p>A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties.</p> <p>In view of the above, it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.</p>	Yes
c. The suitability of the site for the development	<p>The site is zoned R3 Medium Density Residential with 8.5m building height limit under the Growth Centres SEPP. Multi-dwelling housing is permissible on the site with development consent.</p> <p>The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis.</p> <p>The site is therefore considered suitable for the proposed development.</p>	Yes
d. Any submissions made in accordance with this Act, or the regulations	<p>No public submissions were received.</p> <p>Matters raised in submissions by public authorities have been addressed as part of conditions of consent.</p>	Yes
e. The public interest	<p>It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides additional housing which is in the public interest.</p>	Yes

2 State Environmental Planning Policy (State and Regional Development) 2011

Summary comment	Complies
<p>The Sydney Central City Planning Panel (SCCPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million (being the CIV applicable for applications lodged but not determined prior to 1 March 2018 under Clause 23 transitional provisions of this SEPP).</p> <p>As this DA has a CIV of approximately \$84 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the Panel.</p>	Yes

3 State Environmental Planning Policy (Infrastructure) 2007

Summary comment	Complies
The SEPP ensures that Transport for NSW is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP. The development was referred to Transport for NSW and Sydney Metro, who found the development acceptable subject to conditions.	Yes

4 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Summary comment	Complies
The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP, including BASIX certification. A BASIX Certificate was submitted with the DA in line with the provisions of this SEPP. The BASIX Certificate demonstrates that the proposal complies with the relevant sustainability targets and will implement those measures required by the Certificate. This will be conditioned in any consent granted.	Yes

5 State Environmental Planning Policy No. 55 – Remediation of Land

Summary comment	Complies
SEPP 55 aims to 'provide a State-wide planning approach to the remediation of contaminated land'. Clause 7 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, prior to the granting of development consent. Site contamination was dealt with in the bulk earthworks DA-19-01368 and a Stage 1 Contamination and Salinity Assessment was submitted with the application. The bulk earthworks approval already has conditions requiring the site to be validated to residential standards under the National Environment Protection Measures 2013 Guidelines (NEPM). This DA will require the site validation report from DA-19-01368 to be submitted prior to the release of any Construction Certificate for this development as a condition of consent.	Satisfactory. Meets the requirements of clause 7 of the SEPP.

6 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

Summary comment	Complies
The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of the Growth Centres SEPP.	Yes

7 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Summary comment

We have assessed the DA against the relevant provisions and it is compliant with all other matters under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

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

Summary comment

We have assessed the DA 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 2020 (Growth Centre DCP)*.

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

DCP requirement		Proposal	Complies
2.2 Indicative layout plan	DA is to be generally in accordance with Indicative layout plan	<p>The Applicant seeks to vary the Indicative Layout Plan (ILP) to delete the proposed north-south local road running through the middle of the site and replacing this road with 3 one-way private roads and also realigning further west the other north - south local road running through the western part of the site.</p> <p>The submitted Traffic and Parking Impact Assessment confirmed that the proposed variations have no unacceptable adverse traffic flow impacts and the proposal provides 9 additional on-street visitor spaces along the proposed private roads. Our Traffic Management section raised no objection to the variation. In addition, the proposal was advertised and notified to affected neighbours and we received no objections.</p> <p>The variation is considered acceptable in this instance.</p>	No, but acceptable in this instance.

Part 4.0 – Development in the Residential Zones (from main body of DCP)

Table 4-9 Key controls for multi-dwelling housing

Element	Controls	Complies
Front setback (minimum)	<p>4.5 m front setback to building façade line, 3 m to the articulation zone from a public road.</p> <p>However, there are no building setback requirements to private roads in the Growth Centres DCP.</p> <p>Dwellings with frontage to a private internal road are proposed with a slightly reduced front setback of 3.5 m.</p> <p>The proposal is considered acceptable given these internal roads are private and are narrower than public roads. The reduced setback provides an appropriate setback to road width ratio.</p>	Yes. Acceptable.

Schedule 4 Area 20 Precinct Cudgegong Road Station

Element	Controls	Complies
3.2.2 Public domain and landscape character	<p>Schedule 4 of the Growth Centres DCP requires a 5 m landscaped setback from a collector road, in addition to the 4.5 m building setback. Terry Road is identified as a collector road. The zone is to be landscaped with indigenous tree species capable of softening the visual impact of development on the Rouse Hill Estate and its landscape context. The additional 5 m landscape setback was directly influenced by the heritage view lines from Rouse Hill House.</p> <p>The proposed development will provide the standard 4.5 m building setback, however proposes only a 700 mm landscaped setback, bringing the total setback to 5.2 m instead of the required 9.5 m. This setback only applies to 1 dwelling on the corner of Terry Road and the future east – west road along the northern boundary of the site.</p> <p>The proposed 5.2 m setback is considered sufficient. Council's heritage planner has advised that Terry Road runs perpendicular to views lines from Rouse Hill House at this location, and the additional setback will not function to widen an existing view line. Presumably, the</p>	No. But acceptable.

Element	Controls	Complies
	<p>purpose of the increased setback is to accommodate additional trees that would shield development on the site when seen from Rouse Hill House. The setback is still intended to accommodate screen landscaping.</p> <p>On this basis Council's heritage planner has no objection to this variation proposed by the applicant subject to conditions requiring adequate tree planting in the setback area particularly at the north – eastern corner of the site to compensate for any loss of landscaping at the north – west of the site. A condition has been included in the draft consent to address this.</p>	

9 Central City District Plan 2018

Summary comment	Complies
<p>While the Environmental Planning and Assessment Act 1979 does not require consideration of District Plans in the assessment of DAs, 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 housing choice • Improving housing diversity and affordability • Improving access to jobs and services • Creating great places • Contributing to the provision of services to meet communities' changing needs. 	Yes

10 Blacktown Local Strategic Planning Statement

Summary comment	Complies
<p>The Blacktown Local Strategic Planning Statement (LSPS) outlines a planning vision for the City over the next 20 years to 2036. The LSPS contains 18 Local Planning Priorities based on themes of Infrastructure and collaboration, Liveability, Productivity, Sustainability and Implementation.</p> <p>The DA is consistent with the following priorities:</p> <ul style="list-style-type: none"> • C5 Providing housing supply, choice and affordability with access to jobs, services and public transport 	Yes