

## Assessment against planning controls

### 1 Environmental Planning and Assessment Act 1979

#### a. Section 79C 'Heads of Consideration'

The development satisfies the matters for consideration under Section 79C of the Act as detailed below.

Heads of Consideration 79C	Comment	Complies
<p>a. The provisions of :</p> <p>(i) Any environmental planning instrument (EPI)</p> <p>(ii) Any development control plan (DCP)</p> <p>(i) The regulations</p>	<p>The proposal is considered to be consistent with the relevant EPIs, including the Growth Centres SEPP 2006, SEPP (Infrastructure) 2007, SEPP 55 Remediation of Land, SEPP BASIX 2004 and the 10 'design quality principles' of SEPP 65.</p> <p>The proposed development is a permissible land use within the R3 Medium Density Residential zone and satisfies the zone objectives outlined under the Growth Centres SEPP. The proposal is consistent with the Alex Avenue Precinct Plan, with the exception of the development standard for building height. The applicant has submitted a request to vary this development standard pursuant to Clause 4.6 of the Growth Centres SEPP. The height control is varied by up to 500 mm.</p> <p>The Growth Centre DCP applies to the site. The proposed development is compliant with the numerical controls established under the DCP.</p>	Yes
<p>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>	<p>It is considered that the likely impacts of the development, including traffic, noise, parking and access, design, bulk and scale, overshadowing, privacy, waste management and stormwater management have been satisfactorily addressed.</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
<p>c. The suitability of the site for the development</p>	<p>The subject site is zoned R3 Medium Density Residential with a 16 m building height limit under the Growth Centres SEPP. Residential flat buildings are 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 and responds positively to the different types of land uses adjoining the site. The site is located within close proximity to the Schofields train station and Local Centre. The proposal is consistent with the Alex Avenue Precinct Plan.</p>	Yes
<p>d. Any submissions made in accordance with this Act,</p>	<p>One submission was received raising concerns regarding the deletion of the road and potential noise</p>	Yes

Heads of Consideration 79C	Comment	Complies
or the regulations	and privacy issues. Following amendments to the proposal, the DA was renotified and no submissions were received. The submission issues have been addressed in Section 9 of the report and are not considered to warrant refusal of the application.	
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides high quality housing stock and provides for housing diversity within the Alex Avenue Precinct.	Yes

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

The Sydney Planning Panel (SPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million. As the DA has a CIV of \$107.1 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the SPP.

## 3 State Environmental Planning Policy (Infrastructure) 2007

The SEPP ensures that Roads and Maritime Services (RMS) is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP. The development was referred to RMS, who found the development acceptable, subject to conditions of consent.

## 4 State Environmental Planning Policy No. 55 – Remediation of Land

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.

The subdivision DA, DA-16-03680, addressed contamination concerns on the site. A Detailed Site Investigation, including sampling, was undertaken on the site by STS GeoEnvironmental Pty Ltd (ref: 20174/5337C dated June 2015). The report undertakes an assessment of the development site against the NEPM guidelines. The report concludes that the site could be made suitable for residential development. Suitable conditions were imposed requiring the recommendations of the report to be implemented and final validation to be submitted prior to the release of a subdivision certificate.

To ensure these works are undertaken prior to the release of a Construction Certificate on the site for the proposed residential flat buildings, suitable conditions will be imposed to address these matters and to ensure that the site is made suitable for residential development without any limitations in accordance with the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.

## 5 State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

The DA was lodged on 22 May 2015, which predates Amendment 3 of SEPP No. 65, that was published on 19 June 2015. Therefore, the proposal continues to be assessed under SPP 65 before the amendment, and the Residential Flat Design Code (RFDC) applies.

SEPP 65 applies to the assessment of development applications for residential flat buildings 3 or more storeys in height and containing at least 4 dwellings.

Clause 30 of SEPP 65 requires a consent authority to take into consideration:

- The advice (if any) obtained from the design review panel,
- The design quality of the residential flat development when evaluated in accordance with the design quality principles, and
- The Residential Flat Design Code (RFDC).

Blacktown City Council does not have a design review panel. However, the following table provides comments in relation to the 10 design quality principles and assessment against the relevant design concepts and numerical guidelines of the ADG. The development complies with the 9 design principles and the ADG.

Assessment of development against the design quality principles	
Principle 1: Context	
Control	Town Planning Comment
<p>Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area.</p> <p>Responding to context involves identifying the desirable elements of a location's current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.</p>	<p>The site is located within a Greenfields context, within the Alex Avenue Precinct of the North West Growth Centre. It is located 900 m from Schofields railway station and local centre.</p> <p>The layout and design of the proposal responds well to the context of the site and is generally compliant with the development standards and controls. The buildings have been architecturally designed and are considered compatible with the social, economic and environmental identity of the Alex Avenue Precinct.</p>
Principle 2: Scale	
Control	Town Planning Comment
<p>Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings.</p> <p>Establishing an appropriate scale requires a considered response to the scale of existing development. In precincts undergoing a transition, proposed bulk and height needs to achieve the scale identified for the desired future character of the area.</p>	<p>The 5 storey height is consistent with the desired future character of this locality and adjoining approved developments.</p> <p>The building design incorporates modulation and articulation elements to reduce the bulk and scale impact.</p>
Principle 3: Built form	
Control	Town Planning Comment
<p>Good design achieves an appropriate built form for a site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements.</p> <p>Appropriate built form defines the public</p>	<p>The buildings have a strong vertical and horizontal frame with some modulation and articulation differentiating each building using different materials, colours and louvered shading devices. Neutral tones and colours are proposed with concrete, render and paint finishes, alucobond articulation elements and glass balustrades on balconies.</p>

domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	The flat concrete roof line of the buildings vary slightly in height across the site to reflect the undulating topography.
<b>Principle 4: Density</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents).</p> <p>Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.</p>	<p>The proposed residential development comprises 353 apartments, which is a suitable density for the site. The site is within walking distance to public transport and the Schofields local centre.</p>
<b>Principle 5: Resource, energy and water efficiency</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction.</p> <p>Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.</p>	<p>The proposal provides for a mix of dwellings, contributing to the housing diversity within the locality.</p> <p>The proposal is supported by a BASIX Certificate. The commitments are incorporated into the design of the building. The proposal demonstrates satisfactory levels of sustainability, waste management and efficient use of energy and water resources.</p>
<b>Principle 6: Landscape</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain.</p> <p>Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and</p>	<p>The design of the proposal is considered to provide a high level of amenity through a carefully considered spatial arrangement and layout.</p> <p>A Landscape Plan has been submitted with the proposal, which incorporates a variety of planting that contributes to the amenity of the development. Deep soil zones have been provided throughout the development, to ensure sufficient planting can be achieved.</p> <p>The landscape design provides for suitable screening to adjoining properties, creates usable spaces for future residents and improves the overall quality of the development.</p>

<p>contextual fit of development through respect for streetscape and neighbourhood character, or desired future character.</p> <p>Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbours' amenity, and provide for practical establishment and long term management.</p>	
Principle 7: Amenity	
Control	Town Planning Comment
<p>Good design provides amenity through the physical, spatial and environmental quality of a development.</p> <p>Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.</p>	<p>The proposal achieves a suitable level of internal amenity through providing appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.</p>
Principle 8: Safety and security	
Control	Town Planning Comment
<p>Good design optimises safety and security, both internal to the development and for the public domain.</p> <p>This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces</p>	<p>The proposal is considered to be satisfactory in terms of future residential occupants overlooking communal spaces while maintaining internal privacy. Public and private spaces are clearly defined and suitable safety measures are integrated into the development.</p> <p>The proposal provides suitable casual surveillance of the public domain. Suitable conditions have been imposed to ensure safety and security measures are continued to be met.</p>
Principle 9: Social dimensions and housing affordability	
Control	Town Planning Comment
<p>Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities.</p> <p>New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community.</p>	<p>The proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands.</p> <p>The proposal provides additional housing choice which is in close proximity to public transport and Schofields local centre.</p>

New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.

### Principle 10: Aesthetics

Control	Town Planning Comment
Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired future character of the area.	<p>The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials, finishes and colours and reflect the use, internal design and structure of the resultant buildings. This includes masonry and render with feature alucobond elements and glass balustrades on balconies.</p> <p>This distinct and contemporary design assists in setting a high quality standard for the transitioning character of this locality and creates a desirable streetscape.</p>

### Assessment of compliance with Residential Flat Design Code (RFDC)

Control	Proposal	Compliance
<b>Building height</b> SEPP 65 Control - Satisfy height control in Growth Centres SEPP: 16m	16.5 height for lift overruns. Clause 4.6 variation submitted	No - Clause 4.6 variation
<b>Building depth</b> SEPP 65 Control - Preferred depth of 10-18 m. Maximum depth of 18m. Greater depth must be justified.	32 flow through units are < 18m glass to glass length, and 14 units (30% of flow through units) are 19m. Building depths are up to 22/23m in a few locations.	Acceptable.
<b>Building separation and Visual privacy</b> SEPP 65 Control - Up to 4 storey = 12 metres 5 to 8 storeys = 18 metres more than 9 storeys = 24m	For the first 4 storeys, the building setbacks satisfy the minimum 12m requirement. For storey 5, the habitable rooms and balconies internally satisfy the 18m requirement when directly opposite. The storey 5 setback from the northern boundary is 9m. The setback to the south western adjoining property is 6 metres, which is adequate as the adjoining property is zoned SP2 Drainage.	Yes Yes Yes Acceptable
<b>Street setbacks</b> SEPP 65 Control - Local controls prevail. Zero street setback to provide street presence.	Street setbacks are consistent with 6 metre local control in Growth Centres DCP, with minor intrusions by balconies.	Acceptable

<b>Floor space ratio</b> SEPP 65 Control - Local controls prevail. FSR 1.75:1	Proposal floorspace = 30,708 sqm. R3 zoned Site area (including proposed roads) = 22,060 sqm. Proposal FSR = 1.39:1 Using the development site (minus roads) area = 17,627 sqm. Proposal FSR = 1.74:1	Yes
<b>Deep soil</b> SEPP 65 Control - 25% of open space area to be deep soil.	Deep soil is 2,016 sqm = 25.2% of open space (landscaped area)	Yes
<b>Fences and walls</b> SEPP 65 Control - Clearly delineate the public and private domain. Contribute positively to the public domain.	SEE states low front fences proposed however landscape plans propose boundary fencing to be 1.8 metre high brick or open style palisade fencing which is not acceptable for the public domain. Condition imposed requiring for all street boundary fencing to be a maximum of 1 metre in height.	Yes, subject to conditions imposed.
<b>Landscape design</b> SEPP 65 Control - Landscape design optimizes usability, social opportunity, equitable access and respect for neighbour's amenity.	Landscape plans are acceptable, subject to a condition to ensure the retention of existing trees on the site's south eastern and south western boundaries as per the recommendations of the Arborist's Report on the proposal. A good range of plants, spaces and facilities are provided.	Yes, subject to conditions imposed.
<b>Communal open space</b> SEPP 65 Control - 25% - 30% of site area to be communal open space.	Development site area = 17,627 sqm Communal open space = 3,552 sqm 21.15 % of site area. Large ground floor POS areas make this acceptable.	No, however, acceptable on its merits.
<b>Private open space</b> SEPP 65 Control - On podium: 25 sqm Balconies (Council Standard): 10 sqm	On podium all units meet standard, other than unit BG02 9.5 sqm. Balconies mostly $\geq 10$ sqm. 9 x 1 bedroom units are 9.5 sqm and 4 x 1 bedroom units are 8.5 sqm.	Acceptable
<b>Orientation</b> SEPP 65 Control - Maximise solar access	Buildings oriented in several directions.	Yes
<b>Stormwater management</b> SEPP 65 Control - Reduce the volume impact of stormwater on infrastructure by retaining it on site.	Stormwater drainage plans provided and satisfactory to engineers.	Yes

<b>Safety</b> SEPP 65 Control - Undertake a formal CPTED assessment.	CPTED Report provided is inadequate, prepared by the applicant. Police conditions imposed.	Yes, subject to conditions imposed.
<b>Building entry</b> SEPP 65 Control - Clearly define entry	Each of the building lift cores have a separate pedestrian entry from the street, which is mostly direct, though not clear from the cul-de-sac to building C entries. Long internal, narrow corridors from the street to reach the lift core.	Acceptable
<b>Parking</b> SEPP 65 Control - Local controls apply.	SEE Blacktown Growth Centres DCP compliance table for figures and reasons for proposed <u>conditions</u> .	Yes
<b>Pedestrian access</b> SEPP 65 Control - 20% of units to have universal access	Lifts and ramps provide access to units.	Yes, subject to conditions imposed.
<b>Vehicle access</b> SEPP 65 Control - Locate on secondary frontage	Vehicle entries on new road, the secondary frontage.	Yes
<b>Apartment layout</b> SEPP 65 Control - Single aspect units to have maximum depth of 8m. Back of kitchen maximum depth of 8m. Minimum sizes for affordable units of 50 sqm, 70 sqm and 95 sqm.	Many single aspect units have a depth of more than 8 metres. Many units have back of kitchen with depth greater than 8m. 4 x 1 bedroom units 49.6 sqm, Others $\geq$ 50 sqm. 2 bedroom units $\geq$ 70 sqm. 3 bedroom $\geq$ 95 sqm	Yes
<b>Apartment mix</b> SEPP 65 Control - Mixture of unit sizes	112 x 1 bedroom units 31.7% 192 x 2 bedroom units 54.3% 49 x 3 bedroom units 13.8% Poor mix, with insufficient larger 3 bedroom units.	Yes
<b>Balconies</b> SEPP 65 Control - Minimum depth of 2m	Mostly 2m	Yes
<b>Ceiling height</b> SEPP 65 Control - Minimum of 2.7m	Minimum height of 2.7m for all rooms.	Yes

<b>Ground floor apartments</b> SEPP 65 Control - Optimise separate entries and access to private open space.	Ground floor units have private open space, utilizing the street setbacks but without separate entry. All entry is via the main lobbies.	Yes
<b>Internal circulation</b> SEPP 65 Control - A maximum of 8 -10 units accessed from a single core	Maximum of 8 for each lift core, except in building D with one lift providing access for 9 units.	Yes
<b>Storage</b> SEPP 65 Control - 1 bed unit = 6sqm 2 bed unit = 8sqm 3 bed unit = 10sqm	Applicant states adequate storage provided.	Yes
<b>Daylight access</b> SEPP 65 Control - Optimise northern aspect. Single aspect, single storey units to have north or east aspect. At least 70% of units to receive 3 hours direct sunlight to living room and private open space. (2 hours in dense urban areas).	<p>Numerous single aspect units have south or west aspect.          The applicant identifies 253 units (71.8%) receive direct sunlight. This includes units on the upper level that rely on skylights.</p> <p>When these units are discounted the applicant shows 231 units (65.4%) receive 2 hours direct sunlight. The requirement is 3 hours, and only 227 units (64.3%) satisfy the 3 hours criteria.</p> <p>Should the skylight units be excluded, the proposal falls 20 units short of complying. One reason for the failure is that the proposal has a large proportion of one bedroom units. Based on the current design the requirement for 70% of units having direct sunlight could only be achieved by deleting some of the 69 units that have no solar access. Conditions can improve direct sunlight for a further 12 apartments. This comes closer to satisfying the requirements.</p>	Apply condition to improve solar access for 12 apartments by incorporating a north facing window.
<b>Natural ventilation</b> SEPP 65 Control - Building depth of 10m to 18m Minimum 60% of units to be naturally cross ventilated.  Minimum 25% of kitchens to have natural ventilation.	<p>Building depth is greater than 18 m as discussed in building depth above.</p> <p>The applicant claims 242 units (68.5%) are cross ventilated. Some of these units are ventilated from narrow indentations and are not cross ventilated. Applying the criteria, 205, 58% of units are cross ventilated. This represents a shortfall of 6 units. <u>Conditions</u> can be applied to improve cross ventilation by incorporating windows in 4 of the units.</p> <p>Kitchens in over 50% of units have natural ventilation.</p>	Yes, subject to conditions imposed.

<b>Façade and roof design</b> SEPP 65 Control - Facades to enhance the public domain, with roof contributing to the overall design	The building has a strong vertical and horizontal frame with some modulation and articulation, different materials, colours and louvered shading devices. Neutral tones and colours proposed. Concrete, render and paint finishes with Alucobond gold articulation elements, glass balustrades on balconies. Flat concrete roof line with small level changes. Plans do not indicate lift overruns. Satisfactory.	Yes
<b>Energy Efficiency</b> SEPP 65 Control - Reduce reliance on artificial heating and cooling.	BASIX Certificate provided. Shading devices on windows.	Yes
<b>Waste management</b> SEPP 65 Control - Supply waste management plan with application.	Waste management Plan provided. Council's Waste Section have reviewed and are satisfied.	Yes
<b>Water conservation</b> SEPP 65 Control - Reduce water demand and re-use water.	BASIX inclusions: Water use reduction fixtures and appliances; 2 central rainwater tanks for re-use in landscaping, car washing, toilets.	Yes

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

A BASIX certificate has been lodged as part of the DA, as well as a NatHERS (Nationwide House Energy Rating Scheme) assessor certificate. The BASIX certificate indicates that the development has been designed to achieve the required water, thermal comfort and energy scores. A suitable condition will be imposed requiring compliance with the submitted BASIX certificate.

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

Appendix 4 of the SEPP, Alex Avenue and Riverstone Precinct Plan, applies to the site. The table below provides a summary assessment of the development standards established within the Growth Centres SEPP and the proposal's compliance with these standards. The development complies with the development standards contained within the SEPP.

Compliance with SEPP (Sydney Region Growth Centres) 2006 General controls within main body of the SEPP		
Clause	Proposal	Complies
<b>Part 5 Development controls – flood prone and major creek land</b>		
Cl.19 Development on flood prone and major creeks land—additional heads of consideration	N/A	N/A

Cl. 20 Development on and near certain land at Riverstone West	N/A	N/A
<b>Compliance with SEPP (Sydney Region Growth Centres) 2006 Appendix 4 - Alex Avenue and Riverstone Precinct Plan 2010</b>		
Clause	Proposal	Complies
<b>Part 2 Permitted or prohibited development</b>		
<b>2.1 Zoning &amp; Land Use Tables</b>	R3 – Medium Density Residential and SP2 Infrastructure (Road). 'Residential flat building' permissible in the R3 zone with consent.	Yes
<b>Part 4 Principal development standards</b>		
<b>4.1AB Cl. (9) Min. lot size for RFB in R3 zone</b> ➤ Min. 2,000sqm	Site area – 17,627.6 sqm	Yes
<b>4.1B Residential Density</b> ➤ Min. 25ph	56 dwellings required 353 units proposed	Yes
<b>4.3 Height of Buildings</b> ➤ Max. 16m	Maximum height – 18.5 m. Clause 4.6 exception sought.	No – discussed in Section 8 of main report. Acceptable on its merits.
<b>4.4 Floor space ratio (NB. calculations to be in accordance with 4.5)</b> ➤ Max. 1.75:1	1.39: 1	Yes
<b>4.6 Exceptions to development standard</b> ➤ Request must be in writing	500 mm height variation sought. A Clause 4.6 has been submitted. Height variation of plant, stairs and lift overruns only.	Yes – discussed in Section 8 of main report.
<b>Part 5 Miscellaneous provisions</b>		
<b>5.6 Architectural roof features</b>	N/A	N/A
<b>5.9 Preservation of trees or vegetation</b>	Cleared of trees during subdivision.	N/A
<b>5.10 Heritage conservation</b>	Sign off during subdivision. Additional conditions imposed in case of any findings.	Yes

Part 6 Additional local provisions		
<b>6.1 Public utility infrastructure</b>	Site is serviceable as confirmed by servicing authorities. Servicing conditions also imposed.	Yes
<b>6.2 Attached dwellings, manor homes and multi-dwelling housing in R2 zone</b>	N/A	N/A
<b>6.4 &amp; 6.5 Native vegetation</b>	Native Vegetation Protection (NVP) area and Existing Native Vegetation (ENV) not identified on site.	N/A
<b>6.6 Zone B4 Mixed Use</b>	N/A	N/A
<b>6.7 B1 Neighbourhood Centre</b>	N/A	N/A

Some specific clauses are detailed below.

**a. Clause 2.3 Zone objectives and land use table**

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The subject site is zoned R3 Medium Density Residential and SP2 Infrastructure (Road) under the Growth Centres SEPP. A residential flat building, defined as a building containing 3 or more dwellings, but does not include an attached dwelling, a manor home or multi dwelling housing, is permissible within the zone with consent. The proposal is defined as a residential flat building and the development meets the objectives of the R3 zone.

**b. Clause 4.6 Exceptions to development standards**

Consent must not be granted for development that contravenes a development standard unless:

The consent authority is satisfied that the applicant has made a written request that has adequately addressed the matters required to demonstrate that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The consent authority must also be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular zone.

The applicant is seeking an exemption under Clause 4.6 to the height development control. A copy of the applicant's Clause 4.6 variation request is provided at **Attachment 5**, while an assessment against the development standards is discussed in detail in Section 8 of the main report.

**c. Clause 6.1 Public utility infrastructure**

The consent authority must not grant development consent to development on land to which the Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available, or that adequate arrangements have been made to make that infrastructure available when required.

Council has received confirmation from Sydney Water and Endeavour Energy that drinking water, sewerage and electricity are available in the Alex Avenue Precinct. In addition, suitable conditions will be imposed requiring a Section 73 Certificate and a Notification of Arrangements prior to the release of an Occupation Certificate.

## 8 Draft West Central District Plan

Whilst the Environmental Planning and Assessment Act 1979 does not require consideration of District Plans in the assessment of development applications, an assessment of the Draft West Central District Plan has been undertaken. Outlined below is where the development application is consistent with the overarching priorities outlined in the Draft West Central District Plan:

### Liveability

- Improving housing choice
- Improving housing diversity and affordability
- Creating great places.

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

A consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6 of SREP 20. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of the Growth Centres SEPP. The development complies with the development standards and controls established within the Growth Centres SEPP, to enable the orderly development of the site. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

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

The Growth Centre DCP applies to the site. The table below outlines the proposal's compliance with the controls established in the DCP.

### Compliance with BCC Growth Centre Precincts DCP 2010 Part 4.0 - Development in the Residential Zones (from main body of DCP)

#### SPECIFIC RESIDENTIAL FLAT BUILDING CONTROLS

Key controls for residential flat buildings (Table 4-10)		
Element/Control	Proposal	Complies
<b>Site coverage</b> ➤ Max. 50%	Maximum 8,813 sqm (50%) Provided 8,699 sqm (49%)	Yes
<b>Landscaped area</b> ➤ Min. 30% of site area	Provided 7,987 sqm (45%)	Yes
<b>Communal open space</b> ➤ 15% of site area	Provided 3,552 sqm (21%)	Yes
<b>Principal private open space (PPOS)</b> ➤ Min. 10m <sup>2</sup> per dwelling	Consistent with RFDC requirements.	Yes

➤ Min. dimension of 2.5m		
<b>Front setback</b> ➤ Min. 6m ➤ Balconies and other articulation may encroach into setback to a maximum of 4.5m from the boundary for the first 3 storeys, and for a maximum of 50% of the façade length.	6 m setback provided to streets with minor balcony encroachments.	Yes
<b>Corner lots secondary setback</b> ➤ Min. 6m	Minimum 6 m setback provided	Yes
<b>Side setback</b> ➤ Buildings up to 3 storeys: min. 3m ➤ Buildings above 3 storeys: min 6m	6 m provided	Yes
<b>Rear setback</b> ➤ Min. 6m	Nil rear setback	Yes
<b>Zero lot line</b> ➤ Not permitted	Not proposed.	Yes
<b>Habitable room/balcony separation distance for buildings 3 storeys and above</b> ➤ Min. 12m	Building separation of 12 - 18 m provided.	Yes
<b>Car parking spaces</b> ➤ 1 space per dwelling, plus 0.5 spaces per 3 or more bed dwelling. ➤ May be in a 'stack parking' configuration. ➤ Spaces to be located below ground or behind building line ➤ 1 visitor car parking space per 5 units	95 units 9 x studios, 8 x 1 bed, 74 x 2 bed and 4 x 3 bed Required: 450 space, 378 resident spaces and 72 visitor spaces Proposed: 455 spaces, being 378 resident spaces and 77 visitor spaces	Yes
<b>Bicycle parking</b> ➤ 1 space per 3 dwellings	Required: 123 spaces Proposed: 207 spaces	Yes
<b>Garage dominance</b> ➤ Max. 2 garage doors per 20m of lot frontage facing any one street frontage.	N/A	N/A
<b>Garages and car parking dimensions</b> ➤ Covered: min. 3m x 5.5m ➤ Uncovered: min. 2.5m x 5.2m ➤ Aisle widths must comply with AS 2890.1	Car parking to comply with AS 2890.1	Yes

**Additional controls for certain dwelling types (Section 4.3 )**  
(Sub section 4.3.5 Controls for residential flat buildings)

Element/Control	Proposal	Complies
<b>Street frontage</b> ➤ Minimum 30m	Satisfactory	Yes
<b>Access</b> ➤ Direct frontage to street or public park	Direct frontage to streets provided, with pedestrian access to each building from the street, although some access from the cul-de-sac is less clear as lobby entrances are not visible from the street.	Yes
<b>Amenity</b>	Satisfactory	Yes

➤ Must not adversely impact upon the amenity (i.e. overshadowing, privacy or visual impact) of existing or future adjoining residential development.		
<b>Adaptable Housing</b> <ul style="list-style-type: none"> <li>➤ Min 10% of dwellings (where 10 or more proposed).</li> <li>➤ Designed in accordance with the Australian <i>Adaptable Housing Standard (AS 4299-1995)</i></li> <li>➤ Preferably on ground floor or access via a lift, including access to basement.</li> <li>➤ DA to be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the <i>Australian Adaptable Housing Standard (AS 4299-1995)</i>.</li> </ul>	Access report submitted. 36 required. Conditions imposed.	Yes
<b>Accessible parking</b> <ul style="list-style-type: none"> <li>➤ Car parking and garages to comply with the requirements of AS for disabled parking spaces.</li> </ul>	Conditions imposed.	Yes
<b>Landscape Plan</b> <ul style="list-style-type: none"> <li>➤ Landscape plan to be submitted.</li> </ul>	Satisfactory	Yes

## CONTROLS FOR ALL RESIDENTIAL DEVELOPMENT

Site Responsive Design (Section 4.1)		
Control/Requirement	Proposal	Complies
<b>4.1.1 Site analysis plan</b>	Satisfactory	Yes
<b>4.1.2 Cut and fill</b> <ul style="list-style-type: none"> <li>➤ Max. 500mm cut/fill</li> <li>➤ Validation Report for imported fill</li> <li>➤ Where cut on the boundary, retaining walls must be integrated with its construction, otherwise minimum 450mm from boundary</li> <li>➤ Max. 600mm high walls</li> <li>➤ Max. 1200mm combined wall height</li> <li>➤ Min 0.5m between each step</li> </ul>	Satisfactory	Yes
<b>4.1.3 Sustainable building design</b> <ul style="list-style-type: none"> <li>➤ BASIX Certificate</li> <li>➤ Indigenous species to make up more than 50% of plant mix on landscape plan</li> <li>➤ Plant species to be selected from Appendix D</li> <li>➤ Outdoor clothes lines/drying areas required</li> </ul>	BASIX submitted	Yes
<b>4.1.4 Salinity, sodicity &amp; aggressivity</b> <ul style="list-style-type: none"> <li>➤ To comply with Salinity Management Plan developed at subdivision phase</li> </ul>	Salinity report submitted	Yes – appropriate conditions of consent to be imposed.
Dwelling design controls (Section 4.2)		
Control/Requirement	Proposal	Complies

<b>4.2.1 Summary of Key Controls</b>	N/A – tables do not relate to RFB's	N/A
<b>4.2.2 Streetscape &amp; design</b>	N/A – no specific controls for RFB's	N/A
<b>4.2.3 Front setbacks</b>	N/A - no specific controls for RFB's	N/A
<b>4.2.4 Side and rear setbacks</b>	N/A - no specific controls for RFB's	N/A
<b>4.2.5 Height, massing and siting</b>	N/A - no specific controls for RFB's	N/A
<b>4.2.6 Landscaped area</b>	N/A - no specific controls for RFB's	N/A
<b>4.2.7 Private open space</b> ➤ Principle POS to be accessible from the main living area and have a maximum gradient of 1:10.	Balconies and ground floor terraces directly accessible.	Yes
<b>4.2.8 Garages, access &amp; parking</b> ➤ Driveways not to be within 1m of drainage facilities on gutter. ➤ Planting/walls adjacent to driveways must not block sight lines. ➤ Driveways to have soft landscaped areas on either side.	Driveway location satisfactory.	Yes
<b>4.2.9 Visual and acoustic privacy</b> ➤ Acoustic report required if adjacent to railway line or major road, or impacted upon by nearby industrial/commercial area. ➤ No equipment or plant to generate noise level > 5dBA measured during the hours 7.00am to 10.00pm. ➤ Internal layout of residential buildings, window openings, location of courtyards and balconies, and building plant to be designed to minimise noise impacts ➤ Noise walls are not permitted. ➤ Development effected by rail or traffic noise is to comply with AS2107-2000 Acoustics: Recommended Design Sound Levels and Reverberation Times for Building Interiors. ➤ Development shall aim to comply with the criteria in Table 4-7.	Satisfactory.	Yes
<b>4.2.10 Fencing</b> ➤ Front fencing max. 1m. ➤ Front fences not to impede sight lines. ➤ Side and rear fences max. 1.8m. ➤ Side fences not on a street frontage to be a max. 1m high to a point 2m behind the primary building façade. ➤ Corner lots or lots with side boundary adjoining open space/drainage, the front fencing style and height is to be continued to at least 4m behind the building line. ➤ On boundaries adjoining open space/drainage, fencing to be of high quality material and finish. Design to permit casual surveillance with max. height 1m or see-through materials for portion above 1m. ➤ Pre-painted steel or timber paling or	Fencing details provided and are satisfactory. Horizontal timber slats provided at 1.5 m height enclosing ground floor terraces for privacy reasons. Fencing is setback a minimum 3 m from the property boundary. Suitable conditions to be imposed.	Yes

lapped/capped boundary fencing not permitted adjacent to open space or drainage land or on front boundaries. ➤ Fencing adjoining rear access ways to permit casual surveillance.		
---	--	--

### Compliance with BCC Growth Centre Precincts DCP 2010 Schedule 1 – Alex Avenue Precinct (precinct specific controls)

#### Section 2 – Relevant figures

Control	Comment
<b>Figure 2.3 Flood Prone Land</b>	Site is not identified as flood prone land.
<b>Figure 2.4 Salinity</b>	Site identified as having higher salinity risk, however, salinity report submitted and conditioned for appropriately.
<b>Figure 2.5 Aboriginal heritage</b>	Site not identified as having potential aboriginal heritage constraints.
<b>Figure 2.6 Bushfire prone land</b>	Site not identified as bushfire prone land.

#### Section 3 – N/A (relates to the town centre area only)