

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
a. The provisions of : (i) Any environmental planning instrument (EPI) (ii) Any development control plan (DCP) (i) The regulations	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 9 'design quality principles' of SEPP 65. 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 2.57 m. The Growth Centre DCP applies to the site. The proposed development is compliant with the numerical controls established under the DCP.	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 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. A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. In view of the above it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.	Yes
c. The suitability of the site for the development	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. 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.	Yes
d. Any submissions made in accordance with this Act,	One submission was received raising concerns regarding privacy, car parking, view loss, availability of	Yes

Heads of Consideration 79C	Comment	Complies
or the regulations	schools and density issues. 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 \$23.266 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 does not meet the threshold for traffic generating development and therefore RMS referral was not required.

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 DAs (DA-14-1110 and DA-14-1112) addressed contamination concerns on the site. A preliminary contamination assessment by Geotechnique Pty Ltd was prepared and identified that the site can be made suitable for the proposed residential apartment development, subject to further sampling and preparation of a Remediation Action Plan to remediate potentially contaminated topsoil followed by appropriate validation. 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 Apartment Development

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 28 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 development when evaluated in accordance with the design quality principles, and

- The Apartment Design Guide (ADG).

Blacktown City Council does not have a design review panel. However, the following table provides comments in relation to the 9 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 & Neighbourhood Character	
Control	Town Planning Comment
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.	The site is located within a Greenfields context, within the Alex Avenue Precinct of the North West Growth Centre. It is located 730 m from Schofields railway station and local centre. 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.
Principle 2: Built Form & Scale	
Control	Town Planning Comment
Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	The 5 storey height is consistent with the desired future character of this locality and adjoining approved developments. The building design incorporates alucobond frames on corners to add interest and articulation. Through the use of a variety of materials including face brickwork, a mixture of glass and solid balustrades and alucobond finishes on the external façade of the core, the building achieves an appropriate built form.
Principle 3: Density	
Control	Town Planning Comment
Good design achieves a high level of amenity for residents and each apartment, resulting in a density	The proposed residential development comprises 95 apartments, which is a suitable density for the site. The approved subdivision has responded to the residential flat building development, providing for a wider road reserve to

appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	cater for the increased traffic. The site is within walking distance to public transport and the Schofields local centre.
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Principle 4: Sustainability

Control	Town Planning Comment
Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	The proposal provides for a mix of dwellings, contributing to the housing diversity within the locality. 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.

Principle 5: Landscape

Control	Town Planning Comment
Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	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. The landscape design provides for suitable screening to adjoining properties, creates usable spaces for future residents and improves the overall quality of the development.

Principle 6: Amenity

Control	Town Planning Comment
Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	The design of the proposal is considered to provide a high level of amenity through a carefully considered spatial arrangement and layout. 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.
Principle 7: Safety	
Control	Town Planning Comment
Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	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. The proposal provides suitable casual surveillance of the public domain.
Principle 8: Housing Diversity & Social Interaction	
Control	Town Planning Comment
Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	The proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands. The proposal provides additional housing choice which is in close proximity to public transport and Schofields local centre.

Principle 9: Aesthetics		
Control	Town Planning Comment	
Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	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 distinct and contemporary design assists in setting a high quality standard for the transitioning character of this locality and creates a desirable streetscape.	
Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
Controls		
<u>2F Building Separation</u> Up to four storeys/12m: - 12m btw habitable rooms / balconies - 9m btw habitable rooms / balconies & non-habitable rooms - 6m btw non-habitable rooms Five to eight storeys/up to 25m: - 18m between habitable rooms / balconies - 13m btw habitable rooms / balconies & non-habitable rooms - 9m btw non-habitable rooms Nine storeys and above/over 25m: - 24m btw habitable rooms / balconies - 18m btw habitable rooms / balconies & non-habitable rooms - 12m btw non-habitable rooms	Development is 5 storeys in height and provides for a 18 m building separation between buildings.	Yes
Siting the Development		
<u>3A Site Analysis</u> Satisfy the site analysis guidelines-App 1.	Site analysis provided.	Yes
<u>3B Orientation</u> Where an adjoining property does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by more than 20%.	The adjoining properties currently receive adequate solar access. The proposal will overshadow the adjoining properties, however, 2 hours sunlight is not exceeded.	Yes

ADG Requirement	Proposal	Compliance
4 hours of solar access should be retained to solar collectors on neighbouring buildings.	N/A Adjoining properties do not contain solar collectors	N/A
<u>3C Public Domain Interface</u> Ground level courtyards to have direct access, if appropriate. Ground level courtyards to be above street level for visual privacy. Balconies and windows to overlook the public domain. Front fences to be visually permeable with max 1m height, and limited length. Entries to be legible. Raised terraces to be softened by landscaping. Mail boxes to be located in lobbies, perpendicular to the street or within the front fence. Basement car park vents not to be visually prominent. Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement car parks or out of view. Ramping for accessibility to be minimised. Durable, graffiti resistant & easily cleanable materials should be used. On sloping sites, protrusion of car parking should be minimised.	Ground level access provided to some ground level units. Ground level courtyards are a suitable level. Balconies and windows provide casual surveillance of the public domain. N/A No front fences proposed. Entry is legible. Raised areas are suitably landscaped. Mailboxes are perpendicular to the street frontage. Conditions imposed. Substation to be more integrated into design. Service rooms adequately located. Ramping is suitable. Suitable and durable materials are proposed. Car parking is suitable designed to be within building footprint.	Yes
<u>3D Communal & Public Open Space</u> COS >25% of the site. Direct sunlight to >50% of COS for 2 hours between 9am and 3pm. Minimum dimension of 3m. Direct & equitable access. If COS cannot be located on Ground Level, provide on the podium or roof. If it COS can't be achieved, provide on rooftop of a common room, provide larger balconies, or demonstrate proximity to public open space & facilities. Range of activities (e.g. seating, BBQ, play area, gym or common room). Visual impacts minimised from ventilation, substations and detention tanks.	Site area: 4,551 sqm Required 25% = 1,138 sqm Provided: 1,250 sqm Minimum dimension of 3m. COS is provided both on ground and on the rooftop. Direct and accessible access is achieved to all areas of COS. Common open space to be embellished with seating, play areas, etc. The COS is clear of services. The COS demonstrates a safe design. N/A	Yes

ADG Requirement	Proposal	Compliance
Maximise safety. Public Open Space, where provided, is to be well connected and adjacent to street.		
3E Deep Soil Zones Minimum area = 7% of site area. Preferred area = 15%. If the site is between 650 to 1500 sqm then minimum dimensions of 3m. If over 1500 sqm then min dimensions of 6m.	737 sqm of deep soil zone provided. Equivalent to 16 % of site area. Suitable dimensions of deep soil zone are provided.	Yes
3F Visual Privacy Building Separation: refer to 2F above. Direct lines of sight should be avoided for windows and balconies across corners. Appropriate design solutions should be in place to separate POS and habitable windows to common areas. Note: When adjacent to a lower density residential zone an additional 3m rear side setback is required.	6m provided to building. Balconies encroach to the street frontage as permitted by Blacktown DCP, but are setback 4.5 m setback from the property boundary. N/A	Yes
3G Pedestrian Access & Entries Connect to & activate the public domain. Easy to identify access. Internal pedestrian links to be direct.	Pedestrian access is direct to the street frontage and easily identifiable. Internal links are direct.	Yes
3H Vehicle Access Access points are safe and create quality streetscapes.	Car parking and driveway location is suitable.	Yes
3J Bicycle & Car Parking Sites within 800m of a railway station comply with Guide to Traffic Generating Developments. < 20 units 1 space for each unit An additional 0.2 space for each 2br unit An additional 0.5 space per 3br unit 0.2 space for visitor parking >20 units Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.4 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking) At least 1 loading dock.	The site is 730 m from Schofields Railway Station. The proposal is for 95 units (9 x studios, 8 x 1 bed, 73 x 2 bed and 5 x 3 bed). 118 car parking spaces will be provided (99 residential and 19 visitor), which exceeds the Growth Centres DCP requirements by 2 spaces. 1 loading dock and separate car wash space has been provided. Visitor and resident bicycle parking will be provided.	Yes

ADG Requirement	Proposal	Compliance
Conveniently located and sufficient numbers of bicycle & motorbike spaces.		
Designing the Building		
<u>4A Solar & Daylight Access</u> Living rooms & POS receive minimum 2 hours direct sunlight between 9am - 3pm in mid-winter > 70% of units. Maximum number with no sunlight access < 15%. Suitable design features for operable shading to allow adjustment & choice.	75/95 (78 %) 10 units (10.5%) Louvres are provided which allow for management of solar access.	Yes
<u>4B Naturally Ventilation</u> All habitable rooms naturally ventilated. Number of naturally cross ventilated units > 60%. Depth of cross over apartments < 18m. The area of unobstructed window openings should be equal to at least 5% of the floor area served.	59/95 units cross ventilated (62%). N/A The window areas are satisfactory.	Yes
<u>4C Ceiling Heights</u> 2.7m for habitable 2.4m for non-habitable Service bulkheads are not to intrude into habitable spaces.	2.7m provided for habitable rooms.	Yes
<u>4D Apartment Size & Layout</u> Studio > 35 sqm 1 bed > 50 sqm 2 bed > 70 sqm 3 bed > 90sqm + 5 sqm for each unit with more than 1 bathroom. Habitable Room Depths: limited to 2.5m x Ceiling Height (6.75m with 2.7m ceiling heights) Open Plan Layouts that include a living, dining room and kitchen – max 8m to a window. Bedroom sizes (excl wardrobe space): Master - 10sqm Other – 9 sqm Minimum dimensions – 3 m	35 sqm 48 - 64 sqm 70 - 94 sqm 95 – 104 sqm Where second bathrooms are provided unit size exceed the minimum size by 5sqm. Satisfactory room depths. Open plan layouts are provided. Kitchens are less than 8m to a window. Bedroom and living room sizes and dimensions meet requirements.	Yes

ADG Requirement	Proposal	Compliance
Living rooms/dining areas have a minimum width of: 3.6m - Studio/1 br 4m - 2br/ 3br Cross-over/cross-through: 4m wide	N/A	
<u>4E Private Open Space & Balconies</u> Studio > 4 sqm 1 bed > 8 sqm & 2m depth 2 bed > 10 sqm & 2m depth 3 bed > 12 sqm & 2.4m depth Ground level/ podium apartments > 15 sqm & 3m depth Extension of the living space. A/C units should be located on roofs, in basements, or fully integrated into the building design.	Balcony dimensions compliant for the equivalent apartment size. Min 15 sqm and 3m – Complies POS is an extension of the living space Relevant conditions imposed.	Yes
<u>4F Common Circulation & Spaces</u> Maximum number of apartments off a circulation core on a single level – 8-12. Buildings over 10 storeys - maximum of 40 units sharing a single lift. Daylight & natural ventilation to all common circulation areas above ground level. Corridors greater than 12m from the lift core to be articulated by more foyers, or wider areas / higher ceiling heights at apartment entry doors. Maximise dual aspect apartments and cross over apartments. Primary living room & bedroom windows are not to open directly onto common circulation spaces. Direct and legible access. Tight corners and spaces to be avoided. Well lit at night. For larger development – community rooms for owners meetings of resident use should be provided.	9 to 10 units per core N/A No – however for this scale of development, the common circulation areas provide an efficient layout which does not compromise amenity. Corridor lengths exceed 12m, however, windows and seating areas provided. Dual aspect apartments are provided. Windows do not open onto common circulation areas. Achieved. Achieved. Achieved. Common rooms provided on ground floor.	No – but acceptable on its merits.
<u>4G Storage</u> Studio > 4 m³ 1 bed > 6 m³ 2 bed > 8 m³ 3 bed > 10 m³ Min 50% within the apartment.	Minimum storage areas provided, with a minimum 50% provided in apartment. Storage spaces also provided within basement.	Yes
<u>4H Acoustic Privacy</u> Window & door openings orientated away from noise sources. Noise sources from garage doors, driveways, services, COS and circulation areas to be 3m from bedrooms.	Achieved. Achieved. Achieved.	Yes

ADG Requirement	Proposal	Compliance
Separate noisy & quiet spaces. Provide double / acoustic glazing, acoustic seals, materials with low noise penetration.	Suitable acoustic measures to be installed.	
<u>4J Noise & Pollution</u> In noisy or hostile environments, the impacts of external noise and pollution are to be minimised through the careful siting and layout of buildings. To mitigate noise transmission: Limit the number and size of openings facing the noise sources. Use double or acoustic glazing, acoustic louvres or enclosed balconies (winter gardens). Use materials with mass and/or sound insulation (e.g. solid balcony balustrades, external screens or soffits).	The layout of the development considers potential noise and pollution impacts, and is satisfactory.	Yes
Configuration		
<u>4K Apartment Mix</u> Provide a variety of apartment types. Flexible apartment mix.	The proposal is for 95 units (9 x studios, 8 x 1 bed, 74 x 2 bed and 4 x 3 bed). A suitable and responsive apartment mix is provided.	Yes
<u>4L Ground Floor Apartments</u> Maximise street frontage activity. Direct street access to ground floor apartments. Ground floor apartments to deliver amenity and safety for residents.	The ground level apartments do not directly link with the street frontage due to these areas being designated for access and loading purposes. However, the ground level apartments achieve an overall high level of amenity and safety, and are satisfactory.	Yes
<u>4M Facades</u> Front building facades are to provide visual interest whilst respecting the character of the local area. Building services are to be integrated into the overall façade. Provide design solutions which consider scale and proportion to the streetscape and human scale.	The front façade is architecturally treated to create visual interest and contributes to the desired future character of this area. Plant and equipment catered for on roof and plant room provided for on ground and lower ground floors.	Yes
<u>4N Roof Design</u> Roof treatments are to be integrated into the building design and positively respond to the street.	The roof is designed to be recessive and not visible from the public domain.	Yes

ADG Requirement	Proposal	Compliance
<u>4O Landscape Design</u> <u>Site Area</u> < 850 sqm - 1 medium tree per 50 sqm of deep soil zone. 850 sqm to 1,500sqm - 1 large tree or 2 medium trees per 90 sqm of DSZ. >1,500 sqm - 1 large tree or 2 medium trees per 80 sqm of DSZ.	The site area is 4,551 sqm. Deep soil zone of 737 sqm (16%) provided. A mixture of shrubs and medium and large trees are proposed which are considered to suitably complement the site and built form. Concept plans indicated 75 medium to large trees.	Yes
<u>4P Planting on Structures</u> Refer to Table 5 for minimum soil standards. Provide suitable plant selection. Provide suitable irrigation and drainage systems and maintenance. Enhance the quality and amenity of COS with green walls, green roof and planter boxes, etc.	Planting is provided within the setbacks, some of which is above the basement structures. The proposal comprises suitable plant selection which is considered to enhance the quality and amenity of the COS. Feature trees provided within central communal courtyard area have been provided with sufficient soil depth.	Yes
<u>4Q Universal Design</u> 10% adaptable housing. Flexible design solutions to accommodate the changing needs of occupants.	10 adaptable units are provided (10%). The layout of the units comprises flexible design solutions.	Yes
<u>4R Adaptive Reuse</u> New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A	N/A
<u>4S Mixed Use</u> Provide active street frontages and encourage pedestrian movement. Residential entries separate and clearly defined. Landscaped COS to be at podium or roof level.	N/A	N/A
<u>4T Awnings & Signage</u> Awnings to be continuous and complement the existing street character. Provide protection from sun and rain, wrapped around the secondary frontage. Gutters & down pipes to be integrated and concealed. Lighting under awnings is to be provided. Signage is to be integrated and in scale with the building. Legible and discrete way finding is to be	N/A	N/A

ADG Requirement	Proposal	Compliance
provided.		
Performance		
<u>4U Energy Efficiency</u> The development is to incorporate passive solar design. Heating & cooling infrastructure are to be centrally located (e.g. basement).	The development allows for the optimisation / management of heat storage in winter and heat transfer is summer. No details of services, however plant rooms provided within basement and on roof.	Yes
<u>4V Water Management & Conservation</u> Rainwater collection & reuse. Drought tolerant plants. WSUD measures. Detention tanks should be located under paved areas, driveways or in basement car parks.	None proposed. Suitable plants are proposed. WSUD measures are proposed. Detention tanks located within the western side setbacks, and are suitably placed given the existing site conditions and levels. These are clear of the COS areas. Satisfactory.	Yes
<u>4W Waste Management</u> Waste storage should be discreetly located away from the front of the development or in the basement. Waste cupboard within each dwelling. Waste and recycling rooms are to be in convenient and accessible locations related to each vertical core.	Waste storage located within basement. Each dwelling has sufficient storage. Waste chutes are centrally located on each floor.	Yes
<u>4X Building Maintenance</u> The design is to provide protection from weathering. Enable ease of maintenance. The materials are to reduce ongoing maintenance costs.	The proposal demonstrates ease of maintenance.	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
Part 5 Development controls – flood prone and major creek land		
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
Compliance with SEPP (Sydney Region Growth Centres) 2006 Appendix 4 - Alex Avenue and Riverstone Precinct Plan 2010		
Clause	Proposal	Complies
Part 2 Permitted or prohibited development		
2.1 Zoning & Land Use Tables	R3 – Medium Density Residential. 'Residential flat building' permissible in the zone with consent.	Yes
Part 4 Principal development standards		
4.1AB Cl. (9) - Min. lot size for RFB in R3 zone ➤ Min. 2,000m ²	Site area – 4,551 sqm	Yes
4.1B Residential Density ➤ Min. 25ph	12 dwellings required 95 units proposed	Yes
4.3 Height of Buildings ➤ Max. 16m	Maximum height – 18.577 m. Clause 4.6 exception sought.	No – discussed in main report. Acceptable on its merits.
4.4 Floor space ratio (NB. calculations to be in accordance with 4.5) ➤ Max. 1.75:1	1.24: 1 (6,561 sqm including half road)	Yes
4.6 Exceptions to development standard ➤ Request must be in writing	2.577 m and 2.5 m height variation sought for Block A and B respectively. A Clause 4.6 has been submitted. Height variation of plant, stairs and lift overruns only.	Yes – discussed in main report.
Part 5 Miscellaneous provisions		

5.6 Architectural roof features	N/A	N/A
5.9 Preservation of trees or vegetation	Cleared of trees during subdivision.	N/A
5.10 Heritage conservation	Sign off during subdivision. Additional conditions imposed in case of any findings.	Yes
Part 6 Additional local provisions		
6.1 Public utility infrastructure	Site is servicable as confirmed by servicing authorities. Servicing conditions also imposed.	Yes
6.2 Attached dwellings, manor homes and multi-dwelling housing in R2 zone	N/A	N/A
6.4 & 6.5 Native vegetation	Native Vegetation Protection (NVP) area and Existing Native Vegetation (ENV) not identified on site.	N/A
6.6 Zone B4 Mixed Use	N/A	N/A
6.7 B1 Neighbourhood Centre	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 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 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
Site coverage ➤ Max. 50%	Maximum 2,275.5 sqm (50%) Provided 1,771 sqm (39%)	Yes
Landscaped area ➤ Min. 30% of site area	Required 1,365 sqm (30%) Provided 1,830 sqm (40%)	Yes
Communal open space ➤ 15% of site area	Required 683 sqm (15%) Provided 1,406 sqm (31%)	Yes
Principal private open space (PPOS) ➤ Min. 10m ² per dwelling ➤ Min. dimension of 2.5m	Consistent with ADG requirements.	Yes
Front setback ➤ 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.	Yes
Corner lots secondary setback ➤ Min. 6m	Minimum 6 m setback provided	Yes
Side setback ➤ Buildings up to 3 storeys: min. 3m ➤ Buildings above 3 storeys: min 6m	6 m provided	Yes
Rear setback ➤ Min. 6m	Nil rear setback	Yes
Zero lot line ➤ Not permitted	Not proposed.	Yes
Habitable room/balcony separation distance for buildings 3 storeys and above ➤ Min. 12m	Building separation of 18 m provided.	Yes
Car parking spaces ➤ 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: 97 spaces resident and 19 visitor Proposed: 118 spaces, being 19 visitor spaces and 99 residential spaces	Yes
Bicycle parking ➤ 1 space per 3 dwellings	Required: 32 spaces Proposed: 66 spaces	Yes
Garage dominance ➤ Max. 2 garage doors per 20m of lot frontage facing any one street frontage.	Single access proposed off Road No. 6	Yes
Garages and car parking dimensions ➤ 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
Street frontage ➤ Minimum 30m	Minimum 75 m	Yes
Access ➤ Direct frontage to street or public park	Vehicle access proposed to Road No. 6	Yes
Amenity ➤ Must not adversely impact upon the amenity (i.e. overshadowing, privacy or visual impact) of existing or future adjoining residential development.	Satisfactory	Yes
Adaptable Housing ➤ Min 10% of dwellings (where 10 or more proposed). ➤ Designed in accordance with the Australian <i>Adaptable Housing Standard (AS 4299-1995)</i> ➤ Preferably on ground floor or access via a lift, including access to basement. ➤ 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> .	Access report submitted	Yes
Accessible parking ➤ Car parking and garages to comply with the requirements of AS for disabled parking spaces.	Access report submitted	Yes
Landscape Plan ➤ Landscape plan to be submitted.	Satisfactory	Yes

CONTROLS FOR ALL RESIDENTIAL DEVELOPMENT

Site Responsive Design (Section 4.1)		
Control/Requirement	Proposal	Complies
4.1.1 Site analysis plan	Satisfactory	Yes
4.1.2 Cut and fill ➤ Max. 500mm cut/fill ➤ Validation Report for imported fill ➤ Where cut on the boundary, retaining walls must be integrated with its construction, otherwise minimum 450mm from boundary ➤ Max. 600mm high walls ➤ Max. 1200mm combined wall height ➤ Min 0.5m between each step	Satisfactory	Yes
4.1.3 Sustainable building design ➤ BASIX Certificate ➤ Indigenous species to make up more than 50% of plant mix on landscape plan ➤ Plant species to be selected from Appendix D ➤ Outdoor clothes lines/drying areas required	BASIX submitted	Yes
4.1.4 Salinity, sodicity & aggressivity ➤ To comply with Salinity Management Plan developed at subdivision phase	Salinity report submitted	Yes – appropriate conditions of consent to be

		imposed.
Dwelling design controls (Section 4.2)		
Control/Requirement	Proposal	Complies
4.2.1 Summary of Key Controls	N/A – tables do not relate to RFB's	N/A
4.2.2 Streetscape & design	N/A – no specific controls for RFB's	N/A
4.2.3 Front setbacks	N/A - no specific controls for RFB's	N/A
4.2.4 Side and rear setbacks	N/A - no specific controls for RFB's	N/A
4.2.5 Height, massing and siting	N/A - no specific controls for RFB's	N/A
4.2.6 Landscaped area	N/A - no specific controls for RFB's	N/A
4.2.7 Private open space ➤ 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
4.2.8 Garages, access & parking ➤ 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
4.2.9 Visual and acoustic privacy ➤ 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
4.2.10 Fencing ➤ 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	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

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

Section 2 – Relevant figures

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

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