

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 BLEP 2015, SEPP (Infrastructure) 2007, SEPP 55 Remediation of Land, SEPP BASIX 2004 and the 10 'design quality principles' of SEPP 65. The proposed development is a permissible land use within the B4 Mixed Use zone and satisfies the zone objectives outlined under BLEP 2015. The applicant has submitted a request to vary the height of building development standard pursuant to Clause 4.6. The height control is varied by up to 4 m. The Blacktown DCP applies to the site. The proposed development is compliant with the numerical controls established under the DCP, where an ADG control does not apply.	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 adverse social, economic or environmental impacts.	Yes
c. The suitability of the site for the development	The subject site is zoned B4 Mixed Use with a 56 m building height limit under BLEP 2015. Shop top housing is 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 Blacktown train station, Blacktown bus interchange and Blacktown CBD. The site is also located near services, facilities and a major arterial road network, making it suitable for higher residential densities.	Yes

Heads of Consideration 79C	Comment	Complies
d. Any submissions made in accordance with this Act, or the regulations	No submissions were received from notification of the DA.	Yes
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 a wider range of housing diversity within the Blacktown City area.	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 \$85.096 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 granting of a development consent.

As part of the DA, the site is an existing commercial premises, land contamination is not likely. To ensure these works are undertaken prior to the release of a construction certificate on the site for the proposed residential flat building, suitable **conditions** will be imposed. The conditions will require the validation to ensure that the site is made suitable for residential development without any limitations under the NEPM 2013 guidelines.

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

State Environmental Planning Policy No. 65 (SEPP 65) – *Design Quality of Residential Flat Development* applies to the assessment of development applications for residential flat buildings 3 or more storeys in height and containing at least 4 dwellings.

i Clause 28 Determination of development applications

Clause 28 of SEPP 65 requires a consent authority to take into consideration:

- (a) The advice (if any) obtained from the design review panel.
- (b) The design quality of the development when evaluated in accordance with the design quality principles.
- (c) The Apartment Design Guide.

Blacktown City Council does not have a design review panel. However, Council's assessing officer's comments in relation to the 9 design quality principles and assessment against the relevant design concepts of the ADG. The development is considered to comply with the 9 design principles and the ADG.

Principle 1: Context and 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 design responds to the context of the site within the Blacktown CBD. The development is generally compliant with the height limit established by the Blacktown Local Environmental Plan 2015. The development meets the objectives of the B4 Mixed Use zone and contributes to the social and economic diversity of the Blacktown local area through the provision of retail, business and residential apartments. The building responds to the streetscape providing an active street frontage and building setbacks consistent with those envisaged for the CBD.
Principle 2: Built Form and 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 design responds to the surrounding context, providing a development generally compliant with the building height and floor space requirements established by the Blacktown Local Environmental Plan 2015. The shop top housing development responds to the site's location within the CBD. The 3 storey podium is consistent with Council's controls and creation of a suitable streetscape.
Principle 3: Density	
Control	Town Planning Comment
Good design achieves a high level of amenity for residents and each apartment, resulting in a density 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.	The development complies with the maximum FSR established for the site under BLEP 2015. The scale of the development being 18 storeys is consistent with the height limit for the area is consistent with the desired density of the area. In addition, the site is located within 400 m from Blacktown train station and is located within the Blacktown CBD. It is therefore considered a suitable density that can be sustained with existing infrastructure. Council is now proposing to remove the FSR from the CBD controls.

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 design of the development ensures that the development exceeds the minimum design criteria for solar access and natural cross ventilation. 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. Whilst deep soil zones have not been provided throughout the development given the CBD context of the site, planters have been provided 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 wellbeing. 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 and 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 is located within the Blacktown CBD.

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.	
ADG Requirement	Proposal	Compliance
Siting the Development		
<u>3A Site Analysis</u> Satisfy the site analysis guidelines-App 1.	Site Analysis submitted, however does not take into consideration existing fragmentation of land or existing approved development in the locality.	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%. 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	The adjoining properties currently receive adequate solar access. The proposal will overshadow the adjoining properties, however, they will still receive the required solar access. N/A Adjoining properties do not contain solar collectors	Yes 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	N/A No ground level units. N/A No ground level units. Balconies and windows provide casual surveillance of the public domain. N/A No front fences proposed. Residential entry is appropriately located. Raised areas are suitably landscaped. Mailboxes are perpendicular to the street frontage. Satisfactory.	Yes

ADG Requirement	Proposal	Compliance
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 and easily cleanable materials should be used. On sloping sites, protrusion of car parking should be minimised.	Substation integrated into design. Service rooms adequately located. Ramping is suitable. Suitable and durable materials are proposed. Car parking is suitably designed to be within building footprint.	
<u>3D Communal and Public Open Space</u> COS >25% of the site. Direct sunlight to >50% of COS for 2 hours between 9 am and 3 pm. Minimum dimension of 3m. Direct and 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 and facilities. Range of activities (e.g. seating, BBQ, play area, gym or common room). Visual impacts minimised from ventilation, substations and detention tanks. Maximise safety. Public Open Space, where provided, is to be well connected and adjacent to street.	Stage 1 site area: 3,110 sqm Stage 2 site area: 982.6 sqm Required 25% stage 1 = 778 sqm Required 25% stage 2 = 246 sqm Stage 1 provided: 2406 sqm (77%) Stage 2 provided: 246 sqm (25%) Minimum dimension of 3 m. Direct and accessible COS is achieved. COS embellished with seating, terraces and covered outdoor areas. The COS is clear of services. The COS demonstrates a safe design. N/A	Yes
<u>3E Deep Soil Zones</u> Minimum area = 7% of site area. Preferred area = 15%. If the site is between 650 to 1,500 sqm then minimum dimensions of 3 m. If over 1,500 sqm then min dimensions of 6 m.	Nil deep soil zone provided, however design guidance allows for location within the central business district and building typology as a shop top housing development to not meet deep soil zone design criteria.	Yes as the ADG permits no deep soil zones in a CBD context and planter boxes are provided throughout the development.

ADG Requirement	Proposal	Compliance												
<u>2F Building Separation</u> Separation distances from buildings to the side and rear boundaries are as follows: <table border="1"> <tr> <th>Building height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr> <tr> <td>Up to 12 m (4 storeys)</td><td>6 m</td><td>3 m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9 m</td><td>4.5 m</td></tr> <tr> <td>Over 25 m (9+ storeys)</td><td>12 m</td><td>6 m</td></tr> </table> Increased separation distance of 3m when adjacent to a different zone that permits lower density Direct lines of sight should be avoided for windows and balconies across corners No separation is required between blank walls	Building height	Habitable rooms and balconies	Non-habitable rooms	Up to 12 m (4 storeys)	6 m	3 m	Up to 25m (5-8 storeys)	9 m	4.5 m	Over 25 m (9+ storeys)	12 m	6 m	Development is 18 stories in height and provides for a 6 m building separation setback to property boundaries. This is consistent with similar development within the Blacktown CBD. N/A N/A - Adjoining development of a similar scale has not occurred. N/A	No – Building separation discussed in report.
Building height	Habitable rooms and balconies	Non-habitable rooms												
Up to 12 m (4 storeys)	6 m	3 m												
Up to 25m (5-8 storeys)	9 m	4.5 m												
Over 25 m (9+ storeys)	12 m	6 m												
<u>3G Pedestrian Access and Entries</u> Connect to and 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.	Yes												
<u>3H Vehicle Access</u> Access points are safe and create quality streetscapes.	Car parking and driveway location is suitable.	Yes												
<u>3J Bicycle and Car Parking</u> Sites within 800 m of a railway station comply with Guide to Traffic Generating Developments.	The site is within 400 m from Blacktown Railway Station. The proposal is for: <u>Stage 1</u> 227 units (50 x 1 bed, 162 x 2 bed and 15 x 3bed). <u>Stage 2</u> 59 units (57 x 2 bed and 2 x 3bed).	Yes												
>20 units Metropolitan Regional Centres (CBD): 0.4 spaces per 1 bedroom unit. 0.7 spaces per 2 bedroom unit. 1.2 spaces per 3 bedroom unit. 1 space per 7 units (visitor parking)	<u>Stage 1</u> 20 114 18 33 Total required 185 spaces Provided 333 spaces (242 residents and 91 visitors)	Yes												

ADG Requirement	Proposal	Compliance
	<u>Stage 2</u> - 40 3 9 Total required 52 spaces Provided 73 spaces (61 residents and 12 visitors)	Yes
At least 1 loading dock. Conveniently located and sufficient numbers of bicycle and motorbike spaces.	1 loading dock is provided. Visitor and resident bicycle parking is provided.	Yes
Designing the Building		
<u>4A Solar and Daylight Access</u> Living rooms and POS receive minimum 2 hours direct sunlight between 9 am – 3 pm in mid-winter > 70% of units. Maximum number with no sunlight access < 15%. Suitable design features for operable shading to allow adjustment and choice.	Stage 1 – 158/227 units (70%) Stage 2 – 48/59 units (81%) Stage 1 – 16 units (7%) Stage 2 - 2 units (4%) 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 < 18 m. The area of unobstructed window openings should be equal to at least 5% of the floor area served.	All habitable rooms are ventilated. Stage 1 – 82% of units are cross ventilated (187/227 units). Stage 2 – 100% (59/59 units) N/A The window areas are satisfactory.	Yes
<u>4C Ceiling Heights</u> 2.7 m for habitable 2.4 m for non-habitable Service bulkheads are not to intrude into habitable spaces.	Satisfactory	Yes
<u>4D Apartment Size and Layout</u> Studio > 35 sqm 1 bed > 50 sqm 2 bed > 70 sqm 3 bed > 90 sqm + 5 sqm for each unit with more than 1 bathroom.	- 51 - 64 sqm 71 - 87 sqm 96 - 109 sqm Where second bathrooms are provided unit size exceed the minimum size by 5 sqm.	Yes

ADG Requirement	Proposal	Compliance
Habitable Room Depths: Limited to 2.5 m x Ceiling Height (6.75 m with 2.7 m ceiling heights) Open plan layouts that include a living, dining room and kitchen – maximum 8 m to a window. Bedroom sizes (excluding wardrobe space): Master – 10 sqm Other – 9 sqm Minimum dimensions – 3 m Living rooms/dining areas have a minimum width of: 3.6 m - Studio/1 bedroom 4 m – 2 bedroom / 3 bedroom Cross-over/cross-through: 4 m wide	Satisfactory room depths. Open plan layouts are provided. Kitchens are less than 8m to a window. Master bedrooms meet the minimum bedroom sizes excluding wardrobe space. Minimum living/dining room areas are achieved. N/A	
<u>4E Private Open Space and Balconies</u> Studio > 4 sqm 1 bed > 8 sqm and 2 m depth 2 bed > 10 sqm and 2 m depth 3 bed > 12 sqm and 2.4 m depth Ground level/ podium apartments > 15 sqm and 3 m depth Extension of the living space. A/C units should be located on roofs, in basements, or fully integrated into the building design.	- 10 sqm 10 sqm 23 sqm Min 22 sqm and 3 m – Complies POS is an extension of the living space A/C units located on balconies	Yes
<u>4F Common Circulation and 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 and natural ventilation to all common circulation areas above ground level. Corridors greater than 12 m 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.	Yes – 8 units per level No – however for this scale of development, the common circulation areas provide an efficient layout which does not compromise amenity. Corridors lengths exceed 12 m, however, windows and seating areas provided. Dual aspect apartments are provided.	Yes

ADG Requirement	Proposal	Compliance
Primary living room and 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.	Windows do not open onto COS areas. Achieved. Achieved. Achieved. N/A	
4G Storage 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
4H Acoustic Privacy Window and door openings orientated away from noise sources. Noise sources from garage doors, driveways, services, COS and circulation areas to be 3 m from bedrooms. Separate noisy and quiet spaces. Provide double / acoustic glazing, acoustic seals, materials with low noise penetration.	Achieved. Achieved. Achieved. Suitable acoustic measures to be installed.	Yes
4J Noise and Pollution 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

ADG Requirement	Proposal	Compliance
Configuration		
<u>4K Apartment Mix</u> Provide a variety of apartment types. Flexible apartment mix.	<u>Stage 1</u> 227 units (50 x 1 bed, 162 x 2 bed and 15 x 3 bed). <u>Stage 2</u> 59 units (57 x 2 bed and 2 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.	N/A No ground floor apartments proposed.	N/A
<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 ground floor.	Yes
<u>4N Roof Design</u> Roof treatments are to 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
<u>4O Landscape Design Site Area</u> < 850 sqm - 1 medium tree per 50 sqm of deep soil zone. 850 sqm to 1,500 sqm - 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 4,092.6 sqm. No deep soil zones provided.	Acceptable as site is within the CBD context.

ADG Requirement	Proposal	Compliance
<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.	Yes
<u>4Q Universal Design</u> 10% adaptable housing. Flexible design solutions to accommodate the changing needs of occupants.	Stage 1 - 22 adaptable units are provided (9.7%). Stage 2 – 6 adaptable units are provided (10.7%). 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.	Active street frontages provided by ground floor commercial. Residential entry separate from commercial entries. Landscaping provided on podium and roof.	Yes
<u>4T Awnings and Signage</u> Awnings to be continuous and complement the existing street character. Provide protection from sun and rain, wrapped around the secondary frontage. Gutters and 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 provided.	Condition of consent to be imposed in accordance with Council's Civil and Open Space requirements.	Yes

ADG Requirement	Proposal	Compliance
Performance		
<u>4U Energy Efficiency</u> The development is to incorporate passive solar design. Heating and 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 in summer. No details of services, however plant rooms provided within basement and on roof.	Yes
<u>4V Water Management and Conservation</u> Rainwater collection and 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 However, no rainwater re-use.
<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 Blacktown Local Environmental Plan 2015

The Blacktown Local Environmental Plan 2015 (BLEP 2015) applies to the site. The table below provides a summary assessment of the development standards established within the BLEP 2015 and the proposal's compliance with these standards. The development complies with the development standards contained within BLEP 2015.

Development Standard	Proposal	Compliance
Zoning B4 Mixed Use	Mixed use – ground floor retail, first floor serviced apartments and 16 storey residential	Yes
Maximum Height of Buildings 56 m	Stage 1 – 60 m Stage 2 – 59 m	No – see Clause 4.6 variation
Maximum Floor Space Ratio 6.5:1	6.5:1 (Stage 1) 6.48:1 (Stage 2)	Yes
4.6 Exception to development standards	Written statement submitted and considered in main report.	Variation request discussed in main report. The variation is considered acceptable on its merits.
7.4 Active street frontages This clause applies to land identified as 'Active street frontage' on the Active Street Frontages Map . Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.	Site is not identified as requiring an 'Active street frontage'.	N/A
7.5 Essential Services Consent Authority is to be satisfied that essential services are available or adequate arrangements have been made.	The site is within the existing CBD, therefore services available. Relevant servicing conditions will be imposed.	Yes
7.7 Design Excellence Development consent must not be granted to development involving the erection of a new building or external alterations to an existing building on any land unless the consent authority is satisfied that the development exhibited design excellence.	The building has been architecturally designed and generally consistent with the Apartment Design Guide (ADG).	Yes

Development Standard	Proposal	Compliance
7.12 Development in Zone B4 Development consent must not be granted to the erection of a building, or to the change of use of a building on land in zone B4 Mixed Use unless the consent authority is satisfied that the ground floor and first floor of the building will be used for a purpose other than residential accommodation.	Retail proposed on ground floor and first floor of podium.	Yes

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 B4 Mixed Use under BLEP 2015. Retail premises, business premises, commercial premises, serviced apartments and shop top housing are permissible within the zone with consent.

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 7**, while an assessment against the development standards is discussed in detail in Section 8 of the main report.

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:

Productivity

- Driving the growth of the Central City
- Delivering job targets in strategic and district centres
- Growing West Central District's economy with smart jobs

- Improving access to a greater number of jobs and centres within 30 minutes

Liveability

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

9 Blacktown Development Control Plan 2015

Blacktown DCP 2015 applies to the site. The table below outlines the proposal's compliance with the controls established in the DCP.

Development Standard	Proposal	Compliant
Minimum Site Width 30 m	53.64 m (Prince Street) 74.985 m (Second Avenue)	Yes
Building Quality Design of Buildings is to have regard to SEPP 65. New development should provide visual interest through architectural design elements, including material selection, finishes and colour should complement and enhance existing streetscapes.	The development complies with the design quality principles established by SEPP 65.	Yes
Minimum Setbacks: Front Zero setback to the front boundary for ground floor (GF) and the 1 - 2 levels above (i.e. podium). Levels above the podium should be setback in order to create a comfortable street scale, reduce building bulk and provide greater solar access. Courtyards and balconies may encroach into the setback area to provide articulation. Rear and Side Zero setback to side and rear boundaries permitted for ground floor and the 1 - 2 levels above. Minimum 6 m side and rear setback, balcony encroachment permissible.	<u>Stage 1</u> 3 levels of podium. Zero setback to Prince Street and Second Ave. <u>Stage 2</u> 3 level podium. Zero setback to Second Ave. <u>Stage 1</u> 6 m side setback (east) 12.5 m rear (north) <u>Stage 2</u> Zero side (west) 6 m side (east) 12 m rear (north)	No – discussed in main report.

Development Standard	Proposal	Compliant
Minimum Common Open Space Provision A minimum rate of 42% of the sum of the following: 40 sqm 1 bedroom unit 50 sqm 2 bedroom unit 70 sqm 3 bedroom unit No more than 30% of the above-ground open space (balconies or terrace areas) may be included in total.	<u>Stage 1</u> 50 x 1 bed – 200 sqm 162 x 2 bed – 8,100 sqm 15 x 3 bed – 1,050 sqm Requires – 3,927 sqm (42% of 9,350 sqm) 2,406 sqm proposed on roof terrace and above podium. (61% of required). <u>Stage 2</u> 0 x 1 bed – 0 sqm 57 x 2 bed – 2,850 sqm 2 x 3 bed – 140 sqm Requires – 1,255.8 sqm (42% of 2,990 sqm) 246 sqm proposed on roof terrace. (20% of required).	No – however, compliant with ADG and considered acceptable.
Private Open Space Each unit is to be provided with a private balcony/courtyard or terrace area with minimum dimensions of 3 m x 2.5 m.	All private balconies/courtyards meet the minimum dimensions requirements, and are a minimum 10 sqm.	Yes
Natural Cross Ventilation and Solar Access Development will be required to comply with the provisions of SEPP 65 and the Residential Flat Design Code concerning cross ventilation and solar access.	75% of units meet the solar access requirements. 70% of units are naturally ventilated.	Yes
Lifts All development will be required to be service by stretcher-sized lifts.	All lifts achieve minimum dimensions.	Yes
Parking Provision 1 vehicle space/dwelling 1 additional space per 3 bedroom dwelling 1 visitor space / 2.5 dwellings 1 vehicle space/ 30 sqm GFA for commercial component	ADG requirements for residential. 242 resident and 91 residential visitor for Stage 1 and 61 resident and 12 residential visitor spaces provided for Stage 2. Commercial requirements: <u>Stage 1</u> 426 sqm – 15 required and provided 22 apartments – 22 spaces provided <u>Stage 2</u> 1,105 sqm – 37 spaces required, 38 spaces provided	Yes – Consistent with Blacktown Parking Management Plan 2014.

Development Standard	Proposal	Compliant
Waste Management Commercial tenants must be a dedicate area/room for the storage of waste. Residential component requires a minimum 110 L per unit (collected weekly) for garbage and 90 L per unit (collected fortnightly) for recycling.	On-site waste collection proposed through private contractor.	Yes