

Assessment against planning controls

1. Environmental Planning and Assessment Act 1979

The development satisfies the matters for consideration under Section 4.15 of the Act as detailed below.

Heads of Consideration s4.15	Comment	Complies
a. The provisions of: (i) Any environmental planning instrument (EPI)	<p>The proposal is considered to be consistent with the relevant EPIs, including SREP No. 20 – Hawkesbury- Nepean River, SEPP (State and Regional Development) 2011, SEPP (Infrastructure) 2007, SEPP BASIX 2004, SEPP No. 55 – Remediation of Land, SEPP No. 65 – Design Quality of Residential Apartment Development and the 9 'design quality principles' of SEPP 65, the Growth Centres SEPP 2006 and the Central City District Plan 2018.</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.</p> <p>The proposal is consistent with the Blacktown Growth Centre Precinct Plan (Appendix 12, Clause 1.3).</p>	<p>Satisfactory</p> <p>Satisfactory</p> <p>Yes</p>
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	<p>Prior to the lodgement of this application, a draft amendment to the Growth Centres SEPP 2006 was exhibited by the Department of Planning and Environment in May 2017, referred to as the 'North West Draft Exhibition Package.' This exhibition was undertaken to coincide with the release of the Land Use and Infrastructure Implementation Plan (the purpose of which is to guide new infrastructure investment, make sure new developments don't impact on the operation of the new Western Sydney Airport, identify locations for new homes and jobs close to transport, and coordinate services in the area).</p> <p>A key outcome sought by the Department of Planning and Environment (DPE) is the establishment of minimum and maximum densities for all residential areas that have been rezoned under the SEPP (i.e. density bands). Currently, the planning controls nominate only a minimum density of 25 dwellings per hectare for the subject site. There is no cap on density apart from the height of buildings limit. Under the existing regime, the applicant will deliver a yield of 204 dwellings per hectare on Lot 7.</p> <p>The exhibition package remains 'under consideration' by the Department. As at 12 June 2018, the Department is currently awaiting resolution of a number of legal matters that have been raised following the exhibition period. The Marsden Park Precinct includes a proposed density band of 25 (minimum) to 35 (maximum) dwellings per hectare identified for the subject site.</p> <p>The timing of adoption is uncertain at this stage, as is the content of any amendments. There is no guarantee the exhibited controls will be adopted.</p>	<p>Not a matter of consideration for this application as this is a draft amendment which is not certain or imminent.</p>

Heads of Consideration s4.15	Comment	Complies
(iii) Any development control plan (DCP)	The Growth Centres DCP applies to the site. The proposed development is compliant with the numerical controls established under the DCP, with the exception of minor variations to building setbacks for parts of the development largely due to the site having three street frontages and not a traditional front, side and rear setback. Refer to further discussion at Section 7 of the Assessment Report.	Satisfactory
(iv) The regulations	N/A	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	<p>It is considered that the likely impacts of the development, including traffic, parking and access, design, bulk and scale, overshadowing, noise, privacy, waste management, flora and fauna, salinity, contamination 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 and the design is consistent with the previously approved subdivision for the site.</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>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
c. The suitability of the site for the development	<p>The subject site is zoned R3 Medium Density Residential with a 14 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.</p> <p>The site is located within close proximity to the Marsden Park Town Centre to the west of the site and the Marsden Park Industrial Precinct to the south-west.</p> <p>The proposal is consistent with the Indicative Layout Plan. This application for RFB is consistent with the approved subdivision.</p>	Yes
d. Any submissions made in accordance with this Act, or the Regulations	The application was advertised for comment for a period of 14 days. 1 submission was received during the notification period from Baiada Poultry to the north of the site. The submission is addressed in attachment 7 and is not considered to warrant refusal.	Satisfactory
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 Marsden Park Precinct.	Yes

2. 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 generally complies with the development standards and controls established within the Growth Centres SEPP, to enable the orderly development of the site. There are minor variations to the development standards and controls with respect to setbacks and balcony sizes for some apartments, however the proposed development has demonstrated consistency with the relevant objectives and represent a site responsive development. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

3. 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 \$30 million. The CIV is \$23,294,004. However, as the application was lodged prior to 1 March 2018 when the CIV threshold was \$20 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the Sydney Central City Planning Panel.

4. 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. For residential flat buildings with 300 or more apartments on any road, referral to the RMS is required. As this development proposes 106 dwellings referral to the RMS was not required and the parking and traffic impact was considered by Council's traffic section.

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

A BASIX certificate has been lodged as part of the DA. 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 (Number: 687275M).

6. 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.

A Stage 1 Site Contamination Report prepared by Anderson Consulting was submitted with the subdivision application and appropriate conditions of consent were applied as part of that approval. The report confirmed that the site is suitable for residential use.

7. 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:

- advice (if any) obtained from the design review panel

- design quality of the residential flat development when evaluated in accordance with the design quality principles
- the Apartment Design Guide (ADG).

Blacktown Council does not have a design review panel. However, the tables below provide comments on assessment of the 9 design principles and the numerical guidelines of the Apartment Design Guide.

7.1. Design quality principles

The development satisfies the 9 design principles.

Principle	Control	Town Planning comment
1. Context and neighbourhood character	<p>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.</p> <p>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.</p>	<p>The site is located within a Greenfields context, within the Marsden Park Precinct of the North West Growth Centre.</p> <p>The layout and design of the proposal responds well to the context of the site and is satisfactory with regard to the development standards and controls.</p> <p>The buildings have been architecturally designed and are considered compatible with the social, economic and environmental identity of the Marsden Park Precinct.</p>
2. Built form and scale	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>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.</p> <p>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.</p>	<p>The built form, height and scale of the proposed development have been resolved by a thorough evaluation of the site's surrounding context, topography and environmental characteristics, with an emphasis on amenity for future residents.</p> <p>The proposed development consists of a U-shaped building wrapping around a centrally located, north facing communal open space. The building has a consistent 4 storey height to the eastern and western wings of the building with a 3 storey height at the centre linking the 2. The building height falls within the 14m height limit.</p> <p>A range of different materials and colours have been used to define the building lobbies and balcony projections at each street frontage and seek to break up the long building facades to the street frontages.</p>
3. Density	<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected</p>	<p>The proposed residential development comprises 106 apartments, which is a suitable density for the site and meets the minimum dwellings per density rate applicable under the SEPP.</p> <p>The approved subdivision (DA-15-</p>

Principle	Control	Town Planning comment
	<p>population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>02309) has established appropriate development lots that will provide new public roads of sufficient capacity to cater for the proposed development.</p> <p>The proposed residential flat building is approximately 500m to the east of the Marsden Park Town Centre and is located approximately 3.5km from Schofields Railway Station. A new public park is located immediately west of the site and will provide additional recreational opportunities to future occupants.</p>
4. Sustainability	<p>Good design combines positive environmental, social and economic outcomes.</p> <p>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.</p>	<p>The proposal demonstrates satisfactory levels of sustainability, waste management and efficient use of energy and water resources.</p>
5. Landscape	<p>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.</p> <p>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.</p> <p>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.</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, some of which are co-located with the internal courtyard communal open space area.</p> <p>The proposed landscape plans provides deep soil planting to the street frontages and integrates with Council's street tree planting.</p> <p>The landscape design is focussed around the centrally located communal open space with additional planting to the three street frontages. A secondary communal open space is provided along the western boundary, although this serves more a landscape function given its size, layout and design. While the landscape areas have potential to achieve useable and well-designed spaces for residents, considerable revision is required to the design including relocation of pathways, reduction in the amount of decking, details as to the seating/bbq areas,</p>

Principle	Control	Town Planning comment
		shade structures, relationship to private open spaces and ensuring that the landscape plan is consistent with the architectural plan. This has been addressed by deferred commencement condition and is addressed further in the Panel assessment report.
6. Amenity	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>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.</p>	<p>The design of the proposal is considered to provide an acceptable level of amenity through a carefully considered spatial arrangement and layout.</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. As mentioned above some resolution of the relationship between the private and public open spaces is required.</p> <p>The proposal is designed with suitable consideration to receive solar access to habitable rooms, private open space and communal open space areas. This is considered to be appropriate given the site constraints having three street frontages with high levels of exposure to the public domain.</p> <p>The neighbouring sites (Lot 4, 5 and 6) form part of a larger development project by the applicant/architect and consequently the relationship of buildings to each other has been carefully planned ensuring suitable levels of amenity within and between sites.</p>
7. Safety	<p>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.</p> <p>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.</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 with apartments orientated towards all three street frontages.</p> <p>It is noted that all of the communal open space area is located at the public domain level (that is, no rooftop communal open space has been</p>

Principle	Control	Town Planning comment
		provided) which is preferable with regard to promoting safety.
8. Housing diversity and social interaction	<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>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.</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 the north west growth centres.</p> <p>The proposal provides greater housing diversity with the provision of one, two and three bedroom apartments, including 11 adaptable apartments.</p>
9. Aesthetics	<p>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.</p> <p>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.</p>	<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.</p> <p>The contemporary design assists in setting a suitable appearance for the transitioning character of this locality and creates a desirable streetscape.</p>

7.2. Compliance with Apartment Design Guide (ADG)

The following assessment table identifies that the proposal is consistent with the relevant design concepts and numerical guidelines in the ADG, with the exception of building separation.

ADG requirement		Proposal	Compliance
Controls			
2F Building Separation	Up to 4 storeys/12 metres: - 12 metres between habitable rooms/balconies - 9 metres between habitable rooms/balconies and non-habitable rooms - 6 metres between non-habitable rooms	While a separation of 12m is achieved for Levels 2, 3 & 4 between apartments within the development at Level 1 (ground floor level) a reduced separation of 9-10m is achieved between internally facing balconies. To address this shortfall the design includes 1.5m high privacy screens between internally facing balconies and to the centrally located communal open space.	No. See discussion in Section 7 of Panel Report. However can be addressed through conditions of consent.
		External to the site, adjoining the western boundary and development on Lot 5 & Lot 6, the	Yes

ADG requirement		Proposal	Compliance
		proposal achieves shared separation distances of 13.5-14.5m in accordance with the ADG requirements. At ground level balconies are closer, although they will be screened by dividing fences and landscaping.	
Siting the Development			
3A Site analysis	Satisfy the site analysis guidelines - Appendix 1.	Site analysis provided.	Yes
3B Orientation	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. Shadow analysis has been completed for the proposed development which indicates that in mid-winter the neighbouring site to the west will be in shadow. However, by 12pm the shadow falls to the south within the subject site and across Grange Avenue with the neighbouring site receiving the requisite sunlight between 12pm and 3pm.	Yes
3C Public domain interface	Ground level courtyards to have direct access, if appropriate.	Ground level access is provided to some ground level units.	Yes
	Ground level courtyards to be above street level for visual privacy.	Ground level courtyards are a suitable level.	Yes
	Balconies and windows to overlook the public domain.	Balconies and windows provide casual surveillance of the public domain.	Yes
	Front fences to be visually permeable with maximum 1 metre height, and limited length.	The landscape plan indicates a 1200mm high fence and gate to some parts of the site. Further detail required as part of a deferred commencement condition.	Yes, subject to conditions.
	Entries to be legible.	Entry is legible.	Yes
	Raised terraces to be softened by landscaping.	Raised areas are suitably landscaped.	Yes
	Mail boxes to be located in lobbies, perpendicular to the street or within the front fence.	Mailboxes are to be located to satisfy the recommendations of the Police and Australia Post.	Yes
	Basement carpark vents not to be visually prominent.	Basement carpark vents are not visually prominent.	Yes
	Substations, pump rooms, garbage storage rooms and other service rooms	Service/plant room is within basement 1.	Yes

ADG requirement	Proposal	Compliance
<p>should be located in the basement car parks or out of view.</p> <p>Ramping for accessibility to be minimised.</p> <p>Durable, graffiti resistant and easily cleanable materials should be used.</p> <p>On sloping sites, protrusion of car parking should be minimised.</p>	<p>Ramping is suitable.</p> <p>Suitable and durable materials are proposed.</p> <p>Car parking is suitably designed to be within the building footprint.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3D Communal and public open space</p> <p>Communal open space (COS) >25% of the site.</p> <p>Direct sunlight to >50% of COS for 2 hours between 9 am and 3 pm.</p>	<p>Site area: 5,182m² Required 25% = 1,295m² Provided useable 18.3% = 955m²</p> <p>Remainder needs to be made useable.</p> <p>The communal open space is divided between the central space and the setback to the western boundary, being the only other location within the site that is not to a street frontage. Notwithstanding the shortfall, the location is acceptable however the design is poorly resolved. A deferred commencement condition is required to address this deficiency.</p> <p>While the centrally located communal open space will receive 2 hours of sunlight access to 50% of its area the secondary communal open space located on the western side of the building will be largely in shadow between 9am and 3pm due to the height of buildings within and adjoining the site. This area is also poorly located in terms of accessibility and does not fulfil the objectives for communal open space.</p> <p>Based on the above, a deferred commencement condition is recommended seeking to improve the quality of the allocated communal open space. This includes details of private/public space accurately depicted on both landscape and architectural plans especially in relation to decks/courtyards, use of</p>	<p>No, but can be made compliant. More information and changes are required to be made by deferred commencement conditions.</p> <p>Compliant centrally located communal open space but poor amenity to western open space due to location and overshadowing from Lots 5 & 6.</p> <p>Subject to conditions.</p>

ADG requirement	Proposal	Compliance
<p>Minimum dimension of 3 m.</p> <p>Direct and equitable access.</p> <p>If COS cannot be located on Ground Level, provide on the podium or roof.</p> <p>If COS can't be achieved, provide on rooftop of a common room, provide larger balconies, or demonstrate proximity to public open space and facilities.</p> <p>Range of activities (e.g. seating, BBQ, play area, gym or common room).</p> <p>Visual impacts minimised from ventilation, substations and detention tanks.</p> <p>Maximise safety.</p> <p>Public Open Space, where provided, is to be well connected and adjacent to street.</p>	<p>planting to achieve privacy between public and private spaces, additional information supporting how the spaces will be embellished to achieve useable space for future occupants.</p> <p>Minimum dimension of 3m Achieved</p> <p>Direct and accessible access is achieved to the centrally located COS but as noted above the western communal open space is poorly located and designed.</p> <p>All COS is proposed at ground level and is poorly detailed. A deferred commencement condition is required seeking significant improvements to the allocated communal outdoor spaces.</p> <p>The applicant has not provided information to support the location and shortfall in COS. It should be noted that there are regional and local parks proposed nearby which will provide excellent opportunities for occupants in the future. In addition, private terraces and balconies within the development are larger in some cases than required which will further improve the amenity for occupants. This is considered further in the Panel report.</p> <p>Central COS has some seating and a BBQ area. Improved facilities can be provided through an improved design which is required by condition.</p> <p>The COS is clear of services.</p> <p>The COS demonstrates a safe design.</p> <p>No POS provided.</p>	<p></p> <p>Yes</p> <p>Yes but inadequate, to be addressed by conditions.</p> <p>Subject to condition.</p> <p>Subject to condition.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>

ADG requirement		Proposal	Compliance
3E Deep soil zones	Minimum area = 7% of site area. Preferred area = 15%.	1,999 sqm of deep soil zone provided, equivalent to 38.5% of site area.	Yes
	If the site is between 650 to 1,500 sqm then minimum dimensions of 3 metres.	Suitable dimensions of deep soil zone are provided.	
	If over 1,500 sqm then minimum dimensions of 6 metres.	The proposal has deep soil areas which is co-located with COS area.	
3F Visual privacy	Building Separation: refer to 2F above. Separation distances between buildings on the same site depending on the type of room as to reflect Figure 3F.2.	As discussed in 2F above there are some minor non-compliances at Level 1 (ground) where private courtyards are less than 12m from neighbouring balconies.	No but acceptable subject to conditions
		The design includes 1.5m high privacy screens to achieve suitable amenity. All windows across the COS and adjoining the site are at least 12m apart meeting the separation requirements of the ADG.	Yes
	Direct lines of sight should be avoided for windows and balconies across corners.	There are a number of balconies across corners which are treated with 1.5m high privacy screens.	Yes
	Appropriate design solutions should be in place to separate POS and habitable windows to common areas.	Landscaping and screens are used to achieve privacy between POS and common areas. Some further resolution of this is required by condition.	Yes, subject to conditions.
	Note: When adjacent to a lower density residential zone an additional 3 metre rear side setback is required.	N/A	N/A
3G Pedestrian access and entries	Connect to and activate the public domain.	Pedestrian access to the street frontage is legible and direct.	Yes
	Easy to identify access.	Access is identified by architectural treatments.	Yes
	Internal pedestrian links to be direct.	Internal links are provided and are direct.	Yes
3H Vehicle access	Access points are safe and create quality streetscapes.	Vehicular and pedestrian access are provided separately and safely.	Yes
	The need for large vehicles to enter or turn around within the site should be avoided.		

ADG requirement		Proposal	Compliance
3J Bicycle and car parking	Sites within 800 metres of a railway station comply with <i>Guide to Traffic Generating Developments</i> .	The site is not within 800 m of a railway station and therefore the DCP rates apply.	N/A
	Conveniently located and sufficient numbers of bicycle and motorbike spaces.	Bicycle parking (25 spaces) is provided in the basement.	Yes
Designing the building			
4A Solar and daylight access	Living rooms and private open space receive minimum 2 hours direct sunlight between 9 am – 3 pm in mid-winter > 70% of units (Minimum 1 sqm of direct sunlight measures at 1 metre above floor level is achieved for at least 15 minutes).	72% (76 apartments)	Yes
	Maximum number with no sunlight access < 15%.	11% (12 apartments)	Yes
	Suitable design features for operable shading to allow adjustment and choice.	No operable shading devices proposed.	No
4B Naturally ventilation	All habitable rooms naturally ventilated.	All habitable rooms naturally ventilated.	Yes
	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.	60% (63 apartments) Yes. The window areas are satisfactory.	
4C Ceiling heights	2.7 metres for habitable 2.4 metres for non-habitable Service bulkheads are not to intrude into habitable spaces.	2.7m provided for habitable rooms (3m to 3m floor to floor heights achieve compliance). 2.4m provided for non-habitable.	Yes
4D Apartment size and layout	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. Habitable Room Depths: limited to 2.5 metres x ceiling height (6.75 metres with 2.7 metre ceiling heights) Open Plan Layouts that include a living, dining room and kitchen – maximum 8 metres to a window. Bedroom sizes (excl wardrobe space): Master – 10 sqm Other – 9 sqm	N/A Achieved. Achieved. Achieved. Where second bathrooms are provided, unit size exceeds the minimum size of 5sqm. Satisfactory room depths. Open plan layouts are provided. Kitchens are less than 8 m to a window. Bedroom and living room sizes and dimensions meet requirements.	Yes

ADG requirement	Proposal	Compliance
<p>Minimum dimensions – 3 metres</p> <p>Living rooms/dining areas have a minimum width of:</p> <p>3.6 metres – Studio or 1 bedroom</p> <p>4 metres – 2 or 3 bedroom</p> <p>Cross-over/cross-through: minimum 4 metres wide</p>	<p>Achieved.</p> <p>Achieved.</p>	
<p>4E</p> <p>Private open space and balconies</p> <p>Studio > 4 sqm</p> <p>1 bed > 8 sqm and 2 metres depth</p> <p>2 bed > 10 sqm and 2 metres depth</p> <p>3 bed > 12 sqm and 2.4 metres depth</p> <p>Ground level/ podium apartments > 15sqm and 3 metres depth</p> <p>Extension of the living space.</p> <p>A/C units should be located on roofs, in basements, or fully integrated into the building design.</p>	<p>Balcony dimensions are generally compliant for the equivalent apartment size.</p> <p>Min 15 sqm and 3 metres – Complies.</p> <p>Private open space is an extension of the living space.</p> <p>Details not shown to be conditioned.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes, subject to condition</p>
<p>4F</p> <p>Common circulation and spaces</p> <p>Maximum number of apartments off a circulation core on a single level – 8-12.</p> <p>Buildings over 10 storeys - maximum of 40 units sharing a single lift.</p> <p>Daylight and natural ventilation to all common circulation areas above ground level.</p> <p>Corridors greater than 12 metres from the lift core to be articulated by more foyers, or wider areas/higher ceiling heights at apartment entry doors.</p> <p>Maximise dual aspect apartments and cross over apartments.</p> <p>Primary living room and bedroom windows are not to open directly onto common circulation spaces.</p> <p>Direct and legible access.</p> <p>Tight corners and spaces to be avoided.</p> <p>Well lit at night.</p> <p>For larger developments – community rooms for owners meetings or resident use should be provided.</p>	<p>Up to 8 apartments per core.</p> <p>Building not over 10 storeys.</p> <p>Yes.</p> <p>Achieved.</p> <p>Dual aspect apartments are provided on the corners of the building.</p> <p>Windows do not open onto common circulation areas.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Not provided or required.</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
<p>4G</p> <p>Storage</p> <p>Studio > 4 m³</p> <p>1 bed > 6 m³</p> <p>2 bed > 8 m³</p> <p>3 bed > 10 m³</p> <p>Min 50% within the apartment.</p>	<p>Minimum storage areas provided, with a minimum 50% provided in apartment. Storage spaces also provided within basement See ADG assessment Part 4G Storage.</p>	<p>Yes</p>

ADG requirement		Proposal	Compliance
4H Acoustic privacy	Window and door openings orientated away from noise sources.	Achieved.	Yes
	Noise sources from garage doors, driveways, services, communal open space and circulation areas to be 3 metres from bedrooms.	Achieved.	Yes
	Separate noisy and quiet spaces.	Achieved.	Yes
	Provide double/acoustic glazing, acoustic seals, materials with low noise penetration.	Suitable acoustic measures to be installed where necessary.	Yes
4J Noise and pollution	<p>In noisy or hostile environments, the impacts of external noise and pollution are to be minimised through the careful siting and layout of buildings.</p> <p>To mitigate noise transmission:</p> <p>Limit the number and size of openings facing the noise sources.</p> <p>Use double or acoustic glazing, acoustic louvres or enclosed balconies (winter gardens).</p> <p>Use materials with mass and/or sound insulation (e.g. solid balcony balustrades, external screens or soffits).</p>	The adjoining property to the north is an existing chicken hatchery, which is located approximately 145 m from the proposed building. A consent condition will be imposed to alert potential purchasers of the existing hatchery.	Yes, subject to condition
Configuration			
4K Apartment mix	<p>Provide a variety of apartment types.</p> <p>Flexible apartment mix.</p>	<p>The proposal is for 106 apartments providing a range of layouts.</p> <p>29 x 1 bed (27.3%), 62 x 2 bed (58.4%) and 15 x 3 bed (14.1%).</p> <p>A suitable and responsive apartment mix is provided.</p>	Yes
4L Ground floor apartments	<p>Maximise street frontage activity.</p> <p>Direct street access to ground floor apartments.</p> <p>Ground floor apartments to deliver amenity and safety for residents.</p>	Due to the three street frontages there are many ground level apartments that have a street frontage, maximising street frontage activity. The proposal achieves an overall high level of amenity and safety, and is considered satisfactory.	Yes
4M Facades	<p>Front building facades are to provide visual interest whilst respecting the character of the local area.</p> <p>Building services are to be integrated into the overall façade.</p> <p>Provide design solutions which consider scale and proportion to the streetscape and human scale.</p>	<p>The front façades are architecturally treated to create visual interest and contribute to the desired future character of this area.</p> <p>Plant and equipment are catered for at the basement levels.</p>	Yes

ADG requirement		Proposal	Compliance
4N Roof design	Roof treatments are to be integrated into the building design and positively respond to the street.	The roof design (amendment dated 8 May 2018) has been reduced since the proposal was originally submitted to have a lower pitch and will positively respond to the street. Some plant is proposed on the roof of the building although it remains below the 14 m height limit.	Yes
4O Landscape design - site area	< 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 deep soil zone.	The total site area is 5,182m ² . Deep soil zone of 362m ² is required (7%). Deep soil zone of 1,999m ² is proposed (38%). The proposed landscaping species accords with the recommendations of Council.	Yes
4P Planting on structures	Provide sufficient soil volume, depth and area. Provide suitable plant selection. Provide suitable irrigation and drainage systems and maintenance. Enhance the quality and amenity of communal open space with green walls, green roof and planter boxes, etc.	Planting is provided within the setbacks and central courtyards, 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 areas have been provided with sufficient soil depth. However, further resolution of the COS is required to achieve an improved outcome for occupants.	Yes
4Q Universal design	10% adaptable housing. Flexible design solutions to accommodate the changing needs of occupants.	The proposal has a total of 106 apartments, 10% of which are capable of adaptation (11 units) and are nominated in the apartment schedule within the ADG assessment.	Yes
4R Adaptive reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A	N/A

ADG requirement		Proposal	Compliance
4S Mixed use	Provide active street frontages and encourage pedestrian movement. Residential entries separate and clearly defined. Landscaped communal open space to be at podium or roof level.	N/A	N/A
4T Awnings and signage	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.	N/A	N/A
Performance			
4U Energy efficiency	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. Plant rooms are provided within the basement. A BASIX Certificate outlining energy efficiency commitments has also been provided with the development.	Yes
4V Water management and conservation	Rainwater collection and reuse. Drought tolerant plants. Water sensitive urban design measures. Detention tanks should be located under paved areas, driveways or in basement car parks.	All stormwater runoff from the building and hard-standing areas will be directed into the temporary bio retention basin constructed in the subdivision stage and will address the OSD requirements for the development. The water management approach is detailed in the Stormwater Management Plan prepared by C&M Consulting Engineers and submitted with the application. The identified species accords with the recommendations of Council.	Yes

ADG requirement		Proposal	Compliance
4W Waste management	Waste storage should be discreetly located away from the front of the development or in the basement.	A comprehensive waste management plan has been prepared for this project.	Yes
	Waste cupboard within each dwelling	Waste is collected within the basement out of view from the front of the development.	Yes
	Waste and recycling rooms are to be in convenient and accessible locations related to each vertical core.	The requirements of Council have been satisfied.	Yes
4X Building maintenance	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

8. State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Appendix 12 of the SEPP, Blacktown Growth Centres Precinct Plan, Marsden Park, 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.

General controls within main body of the SEPP

SEPP requirement	Complies
2 Aims of Policy	
<ul style="list-style-type: none"> a) to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre and the Wilton Priority Growth Area b) to enable the Minister from time to time to designate land in growth centres as ready for release for development c) to provide for comprehensive planning for growth centres d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity e) to provide controls for the sustainability of land in growth centres that has conservation value f) to provide for the orderly and economic provision of infrastructure in and to growth centres g) to provide development controls in order to protect the health of the waterways in growth centres h) to protect and enhance land with natural and cultural heritage value i) to provide land use and development controls that will contribute to the conservation of biodiversity. 	The proposal is consistent with these aims.

Part 4 Development controls – general

SEPP requirement		Complies
Cl. 18 Water recycling and conservation	Sydney Water's <i>Growth Servicing Plan July 2014 to June 2019</i> indicates that developers are responsible for funding and delivering all reticulation works as part of the Section 73 compliance certificate process. This includes any recycled water reticulation works for schemes regulated by the Independent Pricing and Regulatory Tribunal (IPART). Recycled water will therefore be dealt with at the Section 73 certificate stage.	Yes, subject to conditions.
Part 5 Development controls – flood prone and major creek land Part 6 Development controls – vegetation Part 7 Development controls – cultural heritage landscape area		
Cl.19 Development on flood prone and major creeks land—additional heads of consideration	The site is not flood prone. This application has been assessed by Council's Engineers and is supported, subject to conditions of consent.	Yes
Cl. 20 Development on and near certain land at Riverstone West	The site is not in or near Riverstone West.	N/A.
Cl. 21-24 Vegetation	This part does not apply to this Precinct.	N/A
Cl. 25-26 Cultural heritage landscape area	The subject site is not nominated as having Aboriginal or European Heritage.	Subject to condition.

8.1. Controls within Appendix 12 – Blacktown Growth Centres Precinct Plan(SEPP)

SEPP requirement		Complies
1.2 Aims of Precinct Plan		
(a) to rezone land to allow for development to occur in the manner envisaged by the growth centre structure plan and the indicative layout for the land to which this Precinct Plan applies, (b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity, (c) to guide the bulk and scale of future development within the Precinct, (d) to protect and enhance riparian corridors and areas of significant native vegetation by establishing development controls that prevent the clearing of existing native vegetation within the Marsden Park Precinct, (e) to protect and enhance areas of local heritage significance by establishing development controls in order to maintain and respect the relationships between heritage sites and uses of adjacent sites, (f) to rezone land to allow for retail and commercial uses to meet the needs of		The proposal is consistent with the Aims of the Precinct Plan.

SEPP requirement		Complies
future residents of the Marsden Park Precinct, (g) to identify a transport corridor within the Marsden Park Precinct.		
Part 2 Permitted or prohibited development		
Objectives of zone	a) To provide for the housing needs of the community within a medium density residential environment. b) To provide a variety of housing types within a medium density residential environment. c) To enable other land uses that provide facilities or services to meet the day to day needs of residents. d) To support the well-being of the community by enabling educational, recreational, community, and other activities where compatible with the amenity of a medium density residential environment.	The proposal is consistent with the objectives of the zone.
2.1 Zoning and Land use tables R3 Medium Density Residential zone	RFBs are permissible with consent in the R3 Medium Density Residential zone.	The proposal is consistent with the objectives of the zone.
2.6 Subdivision	Subdivision was approved in DA-15-02309.	Yes
2.6A Demolition	There are no buildings on the part of the land the subject of this application.	Yes
Part 4 Principal development standards		
4.1AB Cl. (9a) - Min. lot size for RFB in R3 zone Minimum 2,000 sqm	Site area of 5182 m ²	Yes
4.1B Residential density	The proposal is for 106 apartments across a site area of 5,182sqm, equating to approximately 204 dwelling per hectare, achieving the minimum recommended residential density of 25 dwellings per hectare.	Yes
4.3 Height of buildings	The proposed development would have a maximum height of 14 metres (Area N)	Yes

SEPP requirement		Complies
4.4 Floor space ratio (calculations to be in line with clause 4.5)	There is no FSR applicable to this part of Marsden Park.	N/A
4.6 Exceptions to development standard	No variations sought to development standards.	N/A
Part 5 Miscellaneous provisions		
5.6 Architectural roof features	None	N/A
5.9 Preservation of trees or vegetation	DA-15-02309 approved the removal of the remaining vegetation on the site to facilitate future development.	Yes
5.10 Heritage conservation	There are no items of heritage importance near the site.	N/A
Part 6 Additional local provisions		
6.1 Public utility infrastructure	The site is capable of being adequately serviced with connections for public utility infrastructure and the DA refers to advice from Sydney Water and Endeavour Energy. The provision of services will also be conditioned appropriately.	Yes
6.4 and 6.5 Native vegetation	The site has not been identified as containing any existing native vegetation or native vegetation retention areas. Trees have already been approved for removal in Subdivision DA-15-02309.	Yes

9. Central City District Plan 2018

While the *Environmental Planning and Assessment Act 1979* does not require consideration of District Plans in the assessment of development applications, an assessment of the Central City District Plan has been undertaken.

Outlined below is where the Development Application is consistent with the overarching planning priorities of the *Central City District Plan 2018*:

Liveability


- Improving housing choice
- Improving housing diversity and affordability
- Improving access to jobs and services

- Creating great places
- Contributing to the provision of services to meet communities' changing needs.

10. Blacktown City Council Growth Centre Precincts Development Control Plan 2018 (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.

10.1. Part 2.0 – Precinct Planning Outcomes (from main body of DCP)

DCP requirement		Proposal	Complies
2.2 Indicative layout plan	DA is to be generally in accordance with the ILP	The proposal is generally consistent with the ILP as modified by the subdivision approval (DA-15-02309).	Yes
2.3 Subdivision site analysis	The following clauses must be addressed:		
2.3.1 Flooding and water cycle management	No residential allotments are to be located at a level lower than the 1% Annual Exceedance Probability (AEP) flood level plus a freeboard of 500mm (i.e. within the 'flood planning area').	The site is not subject to flooding. The application includes a Stormwater Management Plan prepared by C&M Consulting Engineers.	N/A
	Stormwater is to be managed primarily through the street network in accordance with Council's Water Sensitive Urban Design Development Control Plan. Roads are generally to be located above the 1% AEP level	The report provides strategies for stormwater management which address Council's Water Sensitive Urban Design Development Control Plan. The results from the investigations and modelling for this project indicate that the development with the proposed WSUD strategy and management can provide a safe and ecologically sustainable environment.	Yes
2.3.2 Salinity and soil management	Land within areas of potential salinity and soil aggressivity risk figure, must be accompanied by a salinity report. 	The site is just located just outside of the area identified as being of high salinity potential. However there is still a potential of salinity so a suitable condition of consent is recommended to ensure that appropriate construction measures are undertaken.	Yes subject to condition

DCP requirement		Proposal	Complies
2.3.3 Aboriginal and European heritage	Are there any areas of Aboriginal heritage value within or adjoining the site, and is the site identified on the European cultural heritage sites figure? If so, a report is required from a qualified consultant.	The subject site is not nominated as having known Aboriginal or European Heritage. However conditions of consent recommended requiring that if any Aboriginal objects unearthed that activities cease and the Office of Environment and Heritage be advised.	Yes subject to conditions
2.3.4 Native vegetation and ecology	Native trees/vegetation to be retained where possible. If the site is identified on the Riparian Protection Area figure, native vegetation is to be managed in accordance with Appendix B of the DCP. Does the site adjoin land zoned E2? A landscape plan is to be submitted with the DA. Trees to be selected from Appendix D of the DCP.	The site does not adjoin land zoned E2 Environmental Conservation. A landscape plan has been prepared for the project. Appropriate conditions are to be imposed regarding the planting of street trees and suitable species.	Yes subject to conditions
2.3.5 Bushfire hazard management	Development is to be consistent with Planning for Bushfire Protection 2006.	The subject site is not located on bushfire prone land.	N/A
2.3.6 Site contamination	All subdivision DAs to be accompanied by a Stage 1 Preliminary Site Investigation. Where required a Stage 2 investigation is to be carried out.	A Stage 1 Site Contamination Report was submitted with the subdivision application which created the subject lot. The report concluded that soil conditions at the site are suitable to enable residential use of the land. However conditions are recommended in the event that any contaminated material is unearthed.	Yes subject to conditions
2.3.7 Odour assessment and control	Is the site adjacent to odour generating activities and is a buffer or additional supporting information required.	The site is over 145 m to the south of the existing hatchery and is not adjacent to an odour generating activity. The proposed residential development is in keeping with the zoning objectives of the SEPP, and is not considered to be adversely affected by the risk of odour and a positive covenant will be placed on title warning any purchaser of the existing hatchery.	Yes

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

10.2.1. Specific residential flat building controls

DCP requirement		Proposal	Complies
Key controls for residential flat buildings (Table 4-10)			
Site coverage	Max. 50%	The proposal will have a maximum site coverage of 50%.	Yes
Landscaped area	Min. 30% of site area	The proposal will have a landscaped area equivalent to 38% of the site area.	Yes
Communal open space	15% of site area	The communal open space has an area equivalent to 25% of the site area or 1188m ² of which the usable area is approximately 955m ² (18%) which still complies with the DCP requirement. However, the remaining 420 m ² needs to be made more usable subject to conditions to meet ADG requirements.	N/A – ADG prevails
Principal private open space (PPOS)	Minimum 10 m ² per dwelling Minimum dimension of 2.5 metres	Private open spaces of the development comply with SEPP 65 and the ADG, which takes precedent over this control.	N/A – ADG prevails
Front setback	Minimum 6 metres Balconies and other articulation may encroach into setback to a maximum of 4.5 metres from the boundary for the first 3 storeys, and for a maximum of 50% of the façade length.	The building is set back 6m from the front property boundary with balcony and articulation encroachments to 4.5m as permitted by the control.	No, minor encroachments to 4.5m for balconies and articulation, are acceptable.
Corner lots secondary setback	Minimum 6m	The proposal will have a setback of 6 metres to building walls, again with some encroachments to provide articulation and balconies.	No, minor encroachments which are supported in this instance.
Side setback	Up to 3 storeys: minimum 3 metres Above 3 storeys: minimum 6 metres	The side boundary setback to the western boundary is 6m and accords with the minimum requirements under the ADG.	Yes
Rear setback	Minimum 6 metres	Due to the site having three street frontages technically there is no rear boundary. A 6m setback has been applied to all street frontages with encroachments to 4.5m for balconies and feature walls to provide articulation.	No, minor encroachment to achieve articulation accepted.
Zero lot line	Not permitted	N/A	N/A

DCP requirement		Proposal	Complies
Habitable room/ balcony separation	Distance for buildings 3 storeys and above is a minimum of 12 metres.	The proposal will comply with the separation requirements of SEPP 65 and the ADG which takes precedence over this control.	Yes
Car parking • Residential	<p>1 space per dwelling, plus 0.5 spaces per 3 or more bedroom dwelling.</p> <p>29 x 1 bed (29 required) 62 x 2 bed (62 required) 15 x 3 bed (22.5 required) Total required = 114 spaces</p> <p>May be in a 'stack parking' configuration.</p> <p>Car parking spaces to be located below ground or behind building line</p> <p>1 visitor car parking space per 5 apartments = 22 spaces</p>	<p>Based on the DCP parking rates, the following should be provided:</p> <ul style="list-style-type: none"> ▪ Residents – 114 spaces ▪ Visitors – 22 spaces ▪ Total – 136 spaces <p>In response, a total of 137 spaces are proposed as follows:</p> <ul style="list-style-type: none"> • Residents – 114 spaces • Visitors – 22 spaces <p>The parking provision will ensure that parking demands are readily accommodated on-site.</p>	Yes
Bicycle parking	1 space per 3 dwellings	Based on the DCP rate, a minimum of 25 bicycle parking spaces should be provided. The proposal includes 25 bicycle spaces.	Yes
Garage dominance	Max. 2 garage doors per 20 m of lot frontage facing any one street frontage.	N/A	N/A
Garages and car parking dimensions	<p>Covered: minimum 3 x 5.5 metres</p> <p>Uncovered: minimum 2.5 x 5.2 metres</p> <p>Aisle widths must comply with AS 2890.1</p>	All car parking spaces and aisle widths within the basement car parking levels will comply with the minimum dimensions under AS2890.1.	Yes
Additional controls for certain dwelling types (section 4.3) (Sub section 4.3.5 Controls for residential flat buildings)			
Street frontage	Minimum 30 metres	Approximately 63 m to Grange Avenue.	Yes
Access	Direct frontage to street or public park	The site has 3 street frontages and consequently all building lobbies have access to a street.	Yes
Amenity	Must not adversely impact upon the amenity (i.e. overshadowing, privacy or visual impact) of existing or future adjoining residential development.	The proposal does not impact on the ability of adjoining sites to achieve a suitable level of amenity. The shadow diagrams support that the RFB's on adjoining Lots 5 & 6 will receive adequate sunlight in mid-winter.	Yes

DCP requirement		Proposal	Complies
SEPP 65	All RFBs are to be consistent with the guidelines and principles outlined in SEPP No. 65.	Refer to SEPP 65 and ADG Assessment above. Refer to Table 4 – 10 assessments above.	Noted.
Adaptable housing	Min 10% of dwellings (where 10 or more proposed). Designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995) 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 Australian Adaptable Housing Standard (AS 4299-1995).	The proposal has a total of 106 apartments, 10% (11 apartments) are capable of adaptation. Adaptable units are noted on the Apartment schedule in the ADG assessment report submitted with the application.	Yes
Accessible parking	Car parking and garages to comply with the requirements of AS for disabled parking spaces.	The proposal provides car parking spaces and accessibility in accordance with the relevant Australian Standards. Further details are provided in the submitted traffic impact assessment, as well as in the basement plans.	Yes

10.2.2. Controls for all residential development

DCP requirement		Proposal	Complies
Site Responsive Design (Section 4.1)			
4.1.1 Site analysis plan	Site Analysis Plan to be provided.	Provided.	Yes
4.1.2 Cut and fill	Maximum 500 mm cut/fill. Validation Report for imported fill. Where cut on the boundary, retaining walls must be integrated with its construction, otherwise minimum 450 mm from boundary. Maximum 600 mm high walls. Maximum 1,200 mm combined wall height. Minimum 0.5 metres between each step.	The proposed cut and fill on the site would exceed 500mm to achieve the basement car park. However, the development has been designed to reinstate natural ground levels. The final levels have also demonstrated effective integration with the adjoining developments and associated road levels.	No, variation supported in this instance for basements.
4.1.3 Sustainable building design	BASIX Certificate. Indigenous species to make up more than 50% of plant mix on landscape plan	BASIX report was prepared and submitted with the application (Certificate Number 687275M).	Yes

DCP requirement		Proposal	Complies
	Plant species to be selected from Appendix D Outdoor clothes lines and drying areas required		
4.1.4 Salinity, sodicity and aggressivity	To comply with Salinity Management Plan developed at subdivision phase	The site is not identified as having a moderate, high or very high salinity potential.	N/A
Dwelling design controls (Section 4.2)			
4.2.1 Summary of key controls	N/A – tables do not relate to RFBs	N/A	
4.2.2 Streetscape and design	N/A – tables do not relate to RFBs	N/A	
4.2.3 Front setbacks	N/A – tables do not relate to RFBs	N/A	
4.2.4 Side and rear setbacks	N/A – tables do not relate to RFBs	N/A	
4.2.5 Height, massing and siting	N/A – tables do not relate to RFBs	N/A	
4.2.6 Landscaped area	N/A – tables do not relate to RFBs	N/A	
4.2.7 Private open space	Principal POS to be accessible from the main living area and have a maximum gradient of 1:10.	PPOS is directly accessible from main living area with suitable access.	Yes
4.2.8 Garages, access and parking	Driveways not to be within 1 metre 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 is clear of drainage on gutters. Suitable sight lines are achieved. Yes, overall landscaping is provided along the street boundaries and driveway access points.	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 am to 10 pm.	N/A Capable of being satisfied.	Yes – standard conditions recommended to address BCA.

DCP requirement	Proposal	Complies
Internal layout of residential buildings, window openings, location of courtyards and balconies, and building plant to be designed to minimise noise impacts.	No Acoustic report submitted but BCA report indicates that at certification stage acoustic separation details will be provided for floors, walls, services and entry doors.	
Noise walls are not permitted	N/A	
Development effected by rail or traffic noise is to comply with AS2107-2000 Acoustics: Recommended Design Sound Levels and Reverberation Times for Building Interiors.	N/A	
Development shall aim to comply with the criteria in Table 4-7 below.	Capable of being satisfied.	

Table 4-7: Noise criteria for residential premises impacted by traffic noise

	Sleeping areas	Living areas
Naturally ventilated/ windows open to 5% of the floor area (Mechanical ventilation or air conditioning systems not operating)	LAeq 15 hours (day): 40dBA LAeq 9 hour (night): 35dBA	LAeq 15 hours (day): 45dBA LAeq 9 hour (night): 40dBA
Doors and windows shut (Mechanical ventilation or air conditioning systems are operating)	LAeq 15 hours (day): 43dBA LAeq 9 hour (night): 38dBA	LAeq 15 hours (day): 46dBA LAeq 9 hour (night): 43dBA

Notes:

These levels correspond to the combined measured level of external sources and the ventilation system operating normally.

Where a naturally ventilated/windows open condition cannot be achieved, it is necessary to incorporate mechanical ventilation compliant with AS1668 and the Building Code of Australia.

LAeq 1 hour noise levels shall be determined by taking as the second highest LAeq 1 hour over the day and night period for each day and arithmetically averaging the results over a week for each period (5 or 7 day week, whichever is highest)

DCP requirement	Proposal	Complies
4.2.10 Fencing		
Front fencing maximum 1 metre. Front fences not to impede sight lines.	The front fencing proposed is appropriate, forming part of the landscape design response. Ground floor courtyards are proposed to have a fence height of 1,200mm.	Yes
Side and rear fences maximum 1.8 metres.	A side fence to 1.8m is provided to the western boundary.	Yes
Side fences not on a street frontage to be a maximum 1 metre high to a point 2 metres behind the primary building façade.	N/A	N/A
Corner lots or lots with side boundary adjoining open space/ drainage, the front fencing style and height is to be continued to at least 4 metres behind the building line.	This site has three street frontages and consequently low level fencing is proposed to integrate with courtyards, landscaping and the building alignment to achieve a suitable interface with the street frontages. The applicant is required to provide further detail of fencing as	Yes in principle but subject to conditions to address in detail.

		part of their revised landscape design and insufficient information has been provided.	
	On boundaries adjoining open space/drainage, fencing to be of high quality material and finish. Design to permit casual surveillance with maximum height 1 metre or see-through materials for portion above 1 metres.	N/A	N/A
	Pre-painted steel or timber paling or lapped/capped boundary fencing not permitted adjacent to open space or drainage land or on front boundaries.	N/A	N/A
	Fencing adjoining rear access ways to permit casual surveillance.	N/A	N/A

10.3 Schedule 6 – Marsden Park Precinct (precinct Specific Controls)	
Control	Comment
Figure 3.1 – Precinct Indicative Layout Plan	The proposal is consistent with the ILP as approved by subdivision DA-15-02309.
Figure 3.2 – Key elements of water cycle management and ecology strategy	The site is not directly affected by key elements of water cycle management. The civil drawings and water management plan supports that the management of water within the site is in line with Council's Water Sensitive Urban Design policy.
Figure 3.3 - Flood Prone Land	The site is not identified as flood prone land.
Figure 3.4 - Salinity Potential	The site is not identified as having a moderate, high or very high salinity potential. However condition for a Salinity Management Plan is recommended in case saline soil is unearthed.
Figure 3.5 – Aboriginal cultural heritage	The site is not identified as containing a high level Aboriginal cultural heritage. However condition is recommended in case anything is unearthed.
Figure 3.6 – European Cultural Heritage	The site is not identified as containing any European cultural heritage.
Figure 3.7 – Bushfire risk and Asset Protection zone requirement	The proposal is not located within a bushfire prone area.
Figure 3.8 – Sites that require additional contamination investigation	The site is not considered to be contaminated. However condition is recommended in case anything is unearthed.