

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 :		Yes
(i) Any environmental planning instrument (EPI)	The proposal is generally consistent with the relevant EPIs, including SREP 20 Hawkesbury-Nepean River, SEPP State and Regional Development 2011, SEPP (Infrastructure) 2007, SEPP BASIX 2004, SEPP 55 Remediation of Land, 9 'design quality principles' of SEPP 65 and the Growth Centres SEPP 2006. The proposed development is a permissible land use within the R3 Medium Density Residential zone and satisfies the zone objectives outlined under the Growth Centres SEPP. The proposal is consistent with the Alex Avenue Precinct Plan, with the exception of the development standard for building height. The applicant has submitted a request to vary this development standard pursuant to Clause 4.6 of the Growth Centres SEPP. The height control is varied by up to 830 mm. The proposal is generally consistent with the Apartment Design Guide, with the exception of a minor variation to building separation distance.	Yes No, but acceptable in the circumstances for minor encroachments and rooftop structures. No, however supported in this instance as the variation is very minor and consistent with similar variations granted in the Growth Area.
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	Following lodgement of this application in April 2016, a draft amendment to the Growth Centres SEPP 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 do not 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).	No, but this application was lodged in 2016 before the exhibited amendment and the amendment is neither certain nor imminent.

Heads of Consideration s4.15	Comment	Complies
(iii) Any development control plan (DCP)	A key outcome sought by the Department of Planning and Environment (DPE) with the proposal is the establishment of minimum and maximum densities for all residential areas that have been rezoned under the SEPP (i.e. putting in place density bands). Currently the planning controls nominate only a minimum density. This proposal, if gazetted, will have a significant influence on the ultimate development capacity (i.e. yield) of the precincts. The DPE is proceeding with finalising the density bands applicable to some of the precincts in the North West Growth Area in the Blacktown local government area following exhibition in 2017 and the receipt of many objections. 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. This site is within the Alex Avenue Precinct, and the minimum density band demonstrated in the exhibition package is 25 dwellings per hectare, which equates to a minimum of 32 dwellings on this site. The maximum density band demonstrated in the Exhibition Package is 35 dwellings per hectare, which equates to a maximum of 45 dwellings on this site. The proposal is for 212 dwellings, being an additional 137 dwellings above that anticipated in the Exhibition Package. Although the proposal is inconsistent with the maximum dwelling density exhibited in May 2017 following lodgement of the DA much earlier in 2016, there is no certainty or imminence to these amendments coming into effect, and therefore this is not a matter for consideration in this application. Council's Growth Centre Precincts DCP applies to the site. The proposed development is compliant with the numerical controls established under the DCP, with the exception of a minor variation to building setbacks for a portion of the development.	No, but variation is supported in this instance.
(iiia) Any Planning agreement	N/A	N/A
(iv) The regulations	The DA is compliant.	Yes
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	It is considered that the likely impacts of the development, including traffic, noise, parking and access, design, bulk and scale, overshadowing, privacy, waste management and stormwater management have been satisfactorily addressed. A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. In view of the above it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.	Yes

Heads of Consideration s4.15	Comment	Complies
c. The suitability of the site for the development	The subject site is zoned R3 Medium Density Residential with a 16 metre building height limit under the Growth Centres SEPP. Residential flat buildings are permissible on the site with development consent. The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis and responds positively to the different types of land uses adjoining the site. The site is located within close proximity to the Schofields train station and new Local Centre. The proposal is consistent with the Alex Avenue Precinct Plan.	Yes
d. Any submissions made in accordance with this Act, or the regulations	No submissions were received to this application.	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 Alex Avenue 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 complies with the development standards and controls established within the Growth Centres SEPP, to enable the orderly development of the site. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

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

The Sydney Central City Planning Panel (SPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million as at date of lodgement of the DA. As the DA has a CIV of \$49.9 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the SPP.

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. The development was referred to RMS, who found the development acceptable subject to conditions of consent.

5 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.

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.

The application is accompanied by a Stage 1 Contamination Assessment prepared by Ground Technologies (reference GTE711 and dated March 2016). The report undertakes an assessment of the development site against the National Environment Protection Measure (NEPM) 2013 guidelines. The report concludes that the site is suitable for residential development. The assessment of the subdivision for this site (DA-17-01489) has also taken this matter into consideration.

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:

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

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

Assessment of development against the design quality principles	
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.	The site is located within a greenfields context, within the Alex Avenue Precinct of the North West Growth Area. It is located 1.6 km from Schofields Railway Station and the new Local Centre.

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 layout and design of the proposal responds well to the context of the site and is generally compliant with the development standards and controls. The buildings have been architecturally designed and are considered compatible with the desired identity of the Alex Avenue Precinct.
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 5 storey height is consistent with the desired future character of this locality and adjoining approved developments. The building design incorporates a mix of alucobond cladding, hebel feature walls and timber cladding frames throughout to add interest and articulation. Through the use of a variety of materials including render and a paint finish, a mixture of glass and solid balustrades and various feature materials on the external façade of the core, the building achieves an appropriate built form. A condition will be imposed requiring the materials for use on the external walls of this development to achieve compliance with the relevant fire resistance levels. This includes compliance with the Building Code of Australia.
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 proposed residential development comprises 212 apartments, which is a suitable density for the site. The proposed subdivision has responded to the residential flat building development, providing for a wider road reserve to cater for the increased traffic and has catered for the portion of the site zoned SP2 Drainage for future Council acquisition. The site is within walking distance to public transport and the Schofields local centre.
Principle 4: Sustainability	
Control	Town Planning Comment
Good design combines positive environmental, social and economic outcomes.	The proposal provides for a mix of dwellings, contributing to the housing diversity within the locality.

Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	The proposal is supported by a BASIX Certificate. The commitments are incorporated into the design of the building. The proposal demonstrates satisfactory levels of sustainability, waste management and efficient use of energy and water resources.
Principle 5: Landscape	
Control	Town Planning Comment
Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	A Landscape Plan has been submitted with the proposal, which incorporates a variety of planting that contributes to the amenity of the development. Deep soil zones have been provided throughout the development, to ensure sufficient planting can be achieved, some of which are co-located with the internal courtyard communal open space areas. The landscape design provides for suitable screening to adjoining properties, creates usable spaces for future residents and improves the overall quality of the development. A condition is recommended to be imposed requiring the Landscape Plan to be amended to agree with the final approved Architectural Plans, as the driveway location was amended to be clear of the T-intersection at the west of the site.
Principle 6: Amenity	
Control	Town Planning Comment
Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	The design of the proposal is considered to provide a high level of amenity through a carefully considered spatial arrangement and layout. The proposal achieves a suitable level of internal amenity through providing appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.

Principle 7: Safety	
Control	Town Planning Comment
Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.	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.
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.	
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. Although a limited number of 3 bedroom apartments are proposed (3 x 3 bedroom apartments, being 1% of the 212 apartments proposed), when considered in the context of the Precinct as a whole, the proposal suitably contributes to the provision of 1 and 2 bedroom apartments and contributes to the diversity of housing available. The proposal provides additional housing choice which is in close proximity to public transport and the Schofields Local Centre.
Principle 9: Aesthetics	
Control	Town Planning Comment
Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials, finishes and colours, and reflect the use, internal design and structure of the resultant buildings. This distinct and contemporary design assists in setting a high quality standard for the transitioning character of this locality and creates a desirable streetscape.

Assessment of compliance with Apartment Design Guide (ADG)

ADG Requirement	Proposal	Compliance
Controls		
<u>2F Building Separation</u> Up to 4 storeys/12 m: - 12 m between habitable rooms/balconies - 9 m between habitable rooms / balconies and non-habitable rooms - 6 m between non-habitable rooms Five to 8 storeys/up to 25 m: - 18 m between habitable rooms/balconies - 13 m between habitable rooms/balconies and non-habitable rooms - 9 m between non-habitable rooms Nine storeys and above/over 25 m: - 24 m between habitable rooms/balconies - 18 m between habitable rooms/balconies and non-habitable rooms - 12 m between non-habitable rooms	Storeys 1 to 4 achieve a 12 m building separation between buildings. Storey 5 generally achieves an 18 m building separation between buildings, with the exception of the break between the western component of the development. A condition of consent is recommended to be imposed requiring 2 bedroom windows to be treated with privacy screens to provide visual privacy. This is further considered in relation to Part 3F Visual Privacy below, which also considers building separation within a development site.	Yes No, but acceptable in this instance. Also refer to discussion at Part 3F Visual Privacy below. Refer to Section 7.2 of the Assessment Report for further discussion regarding this variation.
Siting the Development		
<u>3A Site Analysis</u> Satisfy the site analysis guidelines-App 1.	Site analysis provided.	Yes
<u>3B Orientation</u> Where an adjoining property does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by more than 20%. 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 generally overshadow the new local roads only, and therefore at least 2 hours of sunlight is afforded to adjoining properties. 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.	Ground level access is provided to some ground level units. Ground level courtyards are at a suitable level. Balconies and windows provide casual surveillance of the public domain.	Yes

ADG Requirement	Proposal	Compliance
Front fences to be visually permeable with maximum 1 m 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 carpark vents not to be visually prominent. Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carparks 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.	N/A. No front fences proposed. Entry is legible. Raised areas are suitably landscaped. Mailboxes are to be located to satisfy the recommendations of the Police and Australia Post. To be conditioned. Substations to be screened/appropriately treated. Service rooms are within the basement. 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 3 m. Direct and equitable access. If COS cannot be located on Ground Level, provide on the podium or roof. If COS cannot 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.	Site area: 8,969 m² Required 25% = 2,242 m² Provided: 2,259 m² or 25.19 % Direct sunlight is provided to at least 50% of COS for 2 hours between 9 am and 3 pm. Minimum dimension of 3 m. COS is provided at ground level. Direct and accessible access is achieved to all areas of COS. Common open space to be embellished with seating, BBQ areas and a children's play area. The COS is clear of services. The COS demonstrates a safe design. N/A	Yes Yes
<u>3E Deep Soil Zones</u> Minimum area = 7% of site area. Preferred area = 15%.	1,688 m² of deep soil zone provided. Equivalent to 18.8 % of site area.	Yes

ADG Requirement	Proposal	Compliance
If over 1,500 m ² then minimum dimensions of 6 m.	Suitable dimensions of deep soil zone are provided. The proposal provides 1 deep soil area which is co-located with COS.	
<u>3F Visual Privacy</u> Building Separation: refer to 2F above. Refer to Figure 3F.2 for separation distances between buildings on the same site depending on the type of room. Refer to Figure 4F.4 for separation distances within the same site which requires minimum separation to be shared equitably between buildings. Direct lines of sight should be avoided for windows and balconies across corners. Appropriate design solutions should be in place to separate POS and habitable windows to common areas. Note: When adjacent to a lower density residential zone an additional 3 m rear and side setback is required.	Also refer to 2F above. The minimum separation distances are generally satisfied, with the exception of the building separation on the fifth level of the western portion of the development (between apartments A24 and A25 to Apartments B21 and B22). A separation distance of 18 metres is required, only 12 metres is provided. Direct lines of sight are avoided at the corners. This is consistent with Figure 3F.2, 3F.6, 3F.7, 3F.8 and 3F.9. This is achieved by providing planter boxes and landscaping, fencing and highlight windows. N/A	Yes, with the exception of the separation distance on the fifth storey. Refer to Section 7 of the Assessment Report for further discussion regarding this variation. Yes Yes N/A
<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. Internal links are direct.	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. >20 units Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.4 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking) At least 1 loading dock. Conveniently located and sufficient numbers of bicycle and motorbike spaces.	The site is within 800 m from Schofields railway station. The proposal is for 212 apartments (2 x studio, 47 x 1 bed, 160 x 2 bed and 3 x 3 bed). 220 car parking spaces are required (178 residential and 43 visitor). 257 car parking spaces are provided (214 residential and 43 visitor) which satisfies this requirement (being a surplus of 36 residential spaces). 1 loading dock has been provided. 72 visitor and resident bicycle parking spaces will be 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.	71% 4.7% Projecting balcony elements assist with managing solar access.	Yes
<u>4B Naturally Ventilation</u> All habitable rooms naturally ventilated. Number of naturally cross ventilated units > 60%. Depth of cross over apartments < 18m. The area of unobstructed window openings should be equal to at least 5% of the floor area served.	All habitable rooms are naturally ventilated. 60% Complies. 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.	2.7 m provided for habitable rooms.	Yes
<u>4D Apartment Size and Layout</u> Studio > 35 m² 1 bed > 50 m² 2 bed > 70 m² 3 bed > 90 m² + 5 m² for each unit with more than 1 bathroom. 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 m² Other – 9 m² 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	Achieved Achieved Achieved Achieved Where second bathrooms are provided unit size exceeds the minimum size by 5 m². Satisfactory room depths. Open plan layouts are provided. Kitchens are less than 8 metres to a window. Bedroom and living room sizes and dimensions meet requirements. Achieved Achieved	Yes

ADG Requirement	Proposal	Compliance
<u>4E Private Open Space and Balconies</u> Studio > 4 m ² 1 bed > 8 m ² and 2 m depth 2 bed > 10 m ² and 2 m depth 3 bed > 12 m ² and 2.4 m depth Ground level/ podium apartments > 15 m ² 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.	Balcony dimensions compliant for the equivalent apartment size. Minimum 15 m ² and 3 m is achieved. POS is an extension of the living space. Relevant conditions imposed.	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. 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.	Up to 5 apartments per core. N/A Yes Achieved Dual aspect apartments are provided. Windows do not open onto common circulation areas. Achieved. Achieved. Achieved. Not provided.	Yes
<u>4G Storage</u> Studio > 4 m ³ 1 bed > 6 m ³ 2 bed > 8 m ³ 3 bed > 10 m ³ Minimum 50% within the apartment.	Minimum storage areas are provided, with a minimum 50 % provided in apartment. Storage spaces also provided within basement.	Yes
<u>4H Acoustic Privacy</u> 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.	Achieved. Achieved.	Yes

ADG Requirement	Proposal	Compliance
Separate noisy and quiet spaces. Provide double/acoustic glazing, acoustic seals, materials with low noise penetration.	Achieved Suitable acoustic measures to be installed.	
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
Configuration		
4K Apartment Mix Provide a variety of apartment types. Flexible apartment mix.	The proposal is for 212 apartments (2 x studio, 47 x 1 bed, 160 x 2 bed and 3 x 3 bed). A suitable and responsive apartment mix is provided.	Yes
4L Ground Floor Apartments Maximise street frontage activity. Direct street access to ground floor apartments. Ground floor apartments to deliver amenity and safety for residents.	The ground level apartments achieve an overall high level of amenity and safety, and are satisfactory.	Yes
4M Facades 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 are catered for at the basement levels.	Yes
4N Roof Design Roof treatments are to be integrated into the building design and positively respond to the street.	The roof is designed to be recessive and not visible from the public domain.	Yes
4O Landscape Design Site Area < 850 m ² - 1 medium tree per 50 m ² of deep soil zone. 850 m ² to 1,500 m ² - 1 large tree or 2 medium trees per 90 m ² of DSZ. >1,500 m ² - 1 large tree or 2 medium trees per 80 m ² of DSZ.	The site area is 8,969 m ² . Deep soil zone of 1,681 m ² (19 %) is provided. A mixture of shrubs and medium and large trees are proposed which are considered to suitably complement the site and built form. Concept plans indicate 45 - 75 medium to large trees.	Yes

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 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.	Yes
<u>4Q Universal Design</u> 10% adaptable housing. Flexible design solutions to accommodate the changing needs of occupants.	22 adaptable units are provided (10 %). The layout of the units comprises flexible design solutions.	Yes
<u>4R Adaptive Reuse</u> New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A	N/A
<u>4S Mixed Use</u> Provide active street frontages and encourage pedestrian movement. Residential entries separate and clearly defined. Landscaped COS to be at podium or roof level.	N/A	N/A
<u>4T Awnings 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.	N/A	N/A
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 are provided within the basement.	Yes

ADG Requirement	Proposal	Compliance
<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 carparks.	Some roofwater will be collected and re-used. Suitable plants are proposed. WSUD measures are proposed. A belowground on-site detention tank is located within the southern setback area and is suitably placed given the existing site conditions and levels. This tank is clear of the COS areas.	Yes
<u>4W Waste Management</u> Waste storage should be discreetly located away from the front of the development or in the basement. Waste cupboard within each dwelling. Waste and recycling rooms are to be in convenient and accessible locations related to each vertical core.	Waste storage located within basement by private waste contractors. Each dwelling has sufficient storage.	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

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

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

Compliance with SEPP (Sydney Region Growth Centres) 2006 General controls within main body of the SEPP		
Clause	Proposal	Complies
Part 5 Development controls – flood prone and major creek land		
Cl.19 Development on flood prone and major creeks land—additional heads of consideration	The southern part of the site in proposed Lot 2 is mapped as Flood Prone, but not in Lot 1 where the RFB is proposed. The application was referred to NSW Department of Primary Industries - Water and General Terms of Approval have been provided.	Yes, General Terms of Approval to be conditioned.

**Compliance with SEPP (Sydney Region Growth Centres) 2006
Appendix 4 - Alex Avenue and Riverstone Precinct Plan 2010**

Clause	Proposal	Complies
Part 2 Permitted or prohibited development		
2.1 Zoning and Land Use Tables	R3 – Medium Density Residential. 'Residential flat building' is permissible in the zone with consent. SP2 Drainage – no works are proposed within this part of the site.	Yes
2.6 Subdivision	Subdivision of this site is proposed in DA-17-01489. The proposed subdivision plan is at attachment 5 .	Yes
2.6A Demolition	Demolition is proposed in DA-17-01489.	Yes
Part 4 Principal development standards		
4.1AB Cl. (9) - Minimum lot size for RFB in R3 zone ➤ Minimum 2,000 m ²	Site area – 12,946 m ² (excluding land zoned SP2).	Yes
4.1B Residential Density ➤ Minimum 25 dwellings per hectare	32 dwellings required. 212 units proposed.	Yes
4.3 Height of Buildings ➤ Maximum 16 m	Maximum height – 16.83 m. Clause 4.6 variation sought in proposal.	No – refer to Section 7.1 of the Assessment Report. Acceptable on its merits.
4.4 Floor space ratio (NB. calculations to be in accordance with 4.5) ➤ Maximum 1.75:1	1.32:1 (17,050.92 m ²)	Yes
4.6 Exceptions to development standard ➤ Request must be in writing	A Clause 4.6 variation request has been submitted for height variation of parapets only.	Satisfactory. Refer to Section 7.1 of the Assessment Report.
Part 5 Miscellaneous provisions		
5.1 Relevant acquisition authority	Council is the relevant authority for acquisition of the part of the site zoned SP2 Drainage. At its meeting of 5 May 2016, Council's Section 94 Finance Committee resolved that the SP2 drainage land is not required at this time and the land should be created as a residue.	Yes
5.6 Architectural roof features	N/A	N/A

5.9 Preservation of trees or vegetation	Subdivision application DA-17-01489 has approved the removal of 2 existing trees.	Yes
5.10 Heritage conservation	The site is not identified as containing potential Aboriginal heritage constraints. The application is accompanied by a Due Diligence Aboriginal Archaeological Assessment, an Aboriginal Cultural Heritage Assessment prepared by AMAC Group and Streat Aboriginal Services Pty Ltd and an Aboriginal Test Excavation Report. The report notes that extensive archaeological assessment, site inspections and assessments have been undertaken near the study area in Kellyville, Schofields and Rouse Hill, and concludes that there is a low likelihood of harm to Aboriginal objects for the subject site. This has been assessed by Council's Heritage Officer, who advises that a condition of consent is to be imposed in the event of an unexpected circumstance that an Aboriginal object is unearthed.	Yes

Part 6 Additional local provisions

6.1 Public utility infrastructure	Council has received confirmation from Sydney Water and Endeavour Energy that drinking water, sewerage and electricity are available in the Alex Avenue Precinct. In addition, suitable conditions will be imposed requiring a Section 73 Certificate and a Notification of Arrangements.	Yes
6.2 Attached dwellings, manor homes and multi dwelling housing in R2 zone	N/A	N/A
6.4 and 6.5 Native vegetation	Native Vegetation Protection (NVP) area not identified on site.	N/A

9 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.

Compliance with BCC Growth Centre Precincts DCP 2018

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

SPECIFIC RESIDENTIAL FLAT BUILDING CONTROLS

Key controls for residential flat buildings (Table 4 - 10)

Element/Control	Proposal	Complies
Site coverage ➤ Maximum 50%	Maximum 4,485 m ² (50 %) Provided 3,901 m ² (43.5 %)	Yes
Landscaped area ➤ Minimum 30% of site area	Required 2,691 m ² (30 %) Provided 2,836 m ² (31.6 %)	Yes
Communal open space	Required 1,345 m ² (15 %)	Yes

➤ 15% of site area	Provided 2,392 m ² (26.7 %)	
Principal private open space (PPOS) ➤ Minimum 10 m ² per dwelling ➤ Minimum dimension of 2.5 m	Consistent with ADG requirements.	Yes
Front setback ➤ Minimum 6 m ➤ Balconies and other articulation may encroach into setback to a maximum of 4.5 m from the boundary for the first 3 storeys, and for a maximum of 50% of the façade length.	6 m setback provided to streets. Yes, with the exception of the south-western corner of the site which does not satisfy this allowance for balconies due to the new corner splay.	Yes No, refer to Section 7 of the Assessment Report for further assessment.
Corner lots secondary setback ➤ Minimum 6 m	No, variation at the south-western corner of the site due to the new corner splay.	No, refer to Section 7 of the Assessment Report for further assessment.
Side setback ➤ Buildings above 3 storeys: minimum 6 m	6 m provided	Yes
Rear setback ➤ Minimum 6 m	6 m provided	Yes
Zero lot line ➤ Not permitted	N/A	N/A
Habitable room/balcony separation distance for buildings 3 storeys and above ➤ Minimum 12 m	Building separation of 12 m provided.	Yes
Car parking spaces ➤ 1 space per dwelling, plus 0.5 spaces per 3 or more bed dwelling. ➤ May be in a 'stack parking' configuration. ➤ Spaces to be located below ground or behind building line ➤ 1 visitor car parking space per 5 units	212 apartments 2 x studio, 47 x 1 bed, 160 x 2 bed and 3 x 3 bed Required: 256 spaces, being 214 resident spaces and 42 visitor spaces Proposed: 257 spaces, being 214 residential and 43 visitor spaces	Yes
Bicycle parking ➤ 1 space per 3 dwellings	Required: 71 spaces Proposed: 72 spaces	Yes
Garage dominance ➤ Maximum 2 garage doors per 20 m of lot frontage facing any one street frontage.	Single access proposed along the western side of the proposed RFB off new Road No. 3.	Yes
Garages and car parking dimensions ➤ Covered: minimum 3 m x 5.5 m ➤ Uncovered: minimum 2.5 m x 5.2 m ➤ Aisle widths must comply with AS 2890.1	Car parking to comply with AS 2890.1.	Yes

Additional controls for certain dwelling types (Section 4.3) (Sub section 4.3.5 Controls for residential flat buildings)		
Element/Control	Proposal	Complies
Street frontage ➤ Minimum 30 m	Approximately 140 m	Yes
Access ➤ Direct frontage to street or public park	Vehicle access proposed to Road No. 3.	Yes
Amenity ➤ Must not adversely impact upon the amenity (i.e. overshadowing, privacy or visual impact) of existing or future adjoining residential development.	Satisfactory	Yes
Adaptable Housing ➤ Minimum 10% of dwellings (where 10 or more proposed). ➤ Designed in accordance with the Australian <i>Adaptable Housing Standard (AS 4299 - 1995)</i> ➤ Preferably on ground floor or access via a lift, including access to basement. ➤ DA to be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the <i>Australian Adaptable Housing Standard (AS 4299 - 1995)</i> .	Access report submitted.	Yes
Accessible parking ➤ Car parking and garages to comply with the requirements of AS for disabled parking spaces.	Access report submitted.	Yes
Landscape Plan ➤ Landscape plan to be submitted.	Satisfactory	Yes
CONTROLS FOR ALL RESIDENTIAL DEVELOPMENT		
Site Responsive Design (Section 4.1)		
Control/Requirement	Proposal	Complies
4.1.1 Site analysis plan	Satisfactory	Yes
4.1.2 Cut and fill ➤ 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 m between each step	Satisfactory	Yes
4.1.3 Sustainable building design ➤ BASIX Certificate ➤ Indigenous species to make up more than 50% of plant mix on landscape plan ➤ Plant species to be selected from Appendix D ➤ Outdoor clothes lines/drying areas required	BASIX Certificate submitted.	Yes

4.1.4 Salinity, sodicity and aggressivity ➤ To comply with Salinity Management Plan developed at subdivision phase	This application is accompanied by a Salinity Investigation report prepared by Ground Technologies, which includes the testing of soil samples. The results indicate that the underlying soils encountered on the site are predominantly non-saline to slightly saline. The soils were also found to be non-aggressive to concrete and non-aggressive to steel. Based on the findings of this report, a Salinity Management Plan is not required for the site.	Yes. Standard conditions to be imposed.
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Dwelling design controls (Section 4.2)		
Control/Requirement	Proposal	Complies
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 – no specific controls for RFBs	N/A
4.2.3 Front setbacks	N/A - no specific controls for RFBs	N/A
4.2.4 Side and rear setbacks	N/A - no specific controls for RFBs	N/A
4.2.5 Height, massing and siting	N/A - no specific controls for RFBs	N/A
4.2.6 Landscaped area	N/A - no specific controls for RFBs	N/A
4.2.7 Private open space ➤ Principle POS to be accessible from the main living area and have a maximum gradient of 1:10.	Balconies and ground floor terraces directly accessible.	Yes
4.2.8 Garages, access and parking ➤ Driveways not to be within 1m of drainage facilities on gutter. ➤ Planting/walls adjacent to driveways must not block sight lines. ➤ Driveways to have soft landscaped areas on either side.	Driveway location satisfactory.	Yes
4.2.9 Visual and acoustic privacy ➤ Acoustic report required if adjacent to railway line or major road, or impacted upon by nearby industrial/commercial area. ➤ No equipment or plant to generate noise level > 5 dBA measured during the hours 7 am to 10 pm. ➤ Internal layout of residential buildings, window openings, location of courtyards and balconies, and building plant to be designed to minimise noise impacts ➤ Noise walls are not permitted. ➤ Development effected by rail or traffic noise is to comply with AS2107 - 2000 Acoustics: Recommended Design Sound Levels and Reverberation Times for Building Interiors. ➤ Development shall aim to comply with the criteria in Tables 4 - 7.	Satisfactory	Yes

4.2.10 Fencing ➤ Front fencing maximum 1 m. ➤ Front fences not to impede sight lines. ➤ Side and rear fences maximum 1.8 m. ➤ Side fences not on a street frontage to be a maximum 1 m high to a point 2 m behind the primary building façade.	Fencing details provided and are satisfactory. Solid fencing with horizontal slats above provided at 1.5 m height enclosing ground floor terraces for privacy reasons. Suitable conditions to be imposed.	Yes
➤ 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 m behind the building line. ➤ On boundaries adjoining open space/drainage, fencing to be of high quality material and finish. Design to permit casual surveillance with maximum height 1 m or see-through materials for portion above 1 m. ➤ Pre-painted steel or timber paling or lapped/capped boundary fencing not permitted adjacent to open space or drainage land or on front boundaries. ➤ Fencing adjoining rear access ways to permit casual surveillance.		

**Compliance with BCC Growth Centre Precincts DCP 2018
Schedule 1 – Alex Avenue Precinct (precinct specific controls)**

Section 2 – Relevant figures

Control	Comment
Figure 2.1 Indicative layout plan	The proposal is consistent with the road layout pattern and the subdivision application (DA-17-01489).
Figure 2.2 Key elements of the water cycle management and ecology strategy	The proposal is consistent with the primary drainage lands indicated.
Figure 2.3 Flood prone land	The southern portion of the site, which is zoned SP2 Drainage, is identified as flood prone land. The proposed works are clear of this area.
Figure 2.4 Salinity	The southern portion of the site is identified as higher salinity risk, however salinity report submitted and conditioned for appropriately.
Figure 2.5 Aboriginal heritage	Site not identified as having potential aboriginal heritage constraints.
Figure 2.6 Bushfire prone land	Site not identified as bushfire prone land.
Figure 2.7 Residential structure	The proposal is consistent with the medium density residential structure of this site.
Figure 2.8 Precinct road hierarchy	The proposal is consistent with the local street and local street WSUD types.

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

10 Central City District Plan 2018

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 Central City District Plan has been undertaken. Outlined below is where the Development Application is consistent with the overarching priorities outlined in the Central City District Plan:

Liveability

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