

Assessment against planning controls

1 Environmental Planning and Assessment Act 1979

a. Section 4.15 'Heads of Consideration'

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

Heads of Consideration	Comment	Complies
a. The provisions of: (i) Any environmental planning instrument (EPI) (iii) Any development control plan (DCP) (iv) The regulations	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 Draft Central City District Plan 2017. 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 Area 20 Precinct Plan. 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 a minor variation to building setbacks for portions of the development. Refer to further discussion at Section 7.1 of the Assessment Report.	Satisfactory
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, parking and access, design, bulk and scale, overshadowing, noise, privacy, waste management, flora and fauna, salinity, contamination and stormwater management have been satisfactorily addressed. A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. In view of the above it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.	Yes
c. The suitability of the site for the development	The subject site is zoned R3 Medium Density Residential with a 26 m building height limit under the Growth Centres SEPP. Residential flat buildings are permissible on the site with development consent. The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis and responds positively to the different types of land uses adjoining the site. The site is located within close proximity to the new Sydney Metro Northwest (under construction) and future Local Centre.	Yes

Heads of Consideration	Comment	Complies
	The proposal is generally consistent with the Area 20 Precinct Plan. The road layout differs from the Indicative Layout Plan. However, the road layout was considered and approved in the DA for the subdivision of the site (DA-15-01552). This application for RFBs is consistent with the approved subdivision.	
d. Any submissions made in accordance with this Act, or the regulations	One submission was received to this application from the owners of the adjoining properties to the north (Nos. 44 and 56 Cudgegong Road, Rouse Hill), raising concern with regard to solar access and the location of the private driveway access. The submitter has since stated that they have been advised by the Applicant of this subject DA that the areas of concern relating to solar access and driveway location have now been suitably progressed and resolved. This submission has now been formally withdrawn.	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 Area 20 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 Planning Panel (SPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million. As the DA has a CIV of \$67,340,000, 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 Phase 1 and 2 Contamination, Salinity and Geotechnical Investigation prepared by GeoEnviro Consultancy Pty Ltd (reference JC14215A dated March 2015). The report undertakes a contamination assessment of the development site against the National Environment Protection Measure (NEPM) 2013 guidelines and includes soil sampling and analysis. The report concludes that the site is to be remediated to ensure suitability of the site for residential development. Our Environmental Health Officer has reviewed this report and provided conditions of consent requiring the preparation and submission of a Remediation Action Plan to Council for approval. This Remediation Action Plan is to be implemented and remediation works validated prior to the issue of any Construction Certificate. These requirements ensure that the site is remediated and made suitable for the proposed development to the strict residential standard under the NEPM 2013 guidelines. These requirements will be conditioned accordingly.

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
- 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.

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. Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.	The site is located within a Greenfields context, within the Area 20 Precinct of the North West Growth Centre. The site is to the north of the Sydney Metro Northwest under construction. The future Cudgegong Local Centre and Cudgegong Road Railway Station are to the west on the opposite side of Cudgegong Road. 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. The buildings have been architecturally designed and are considered compatible with the social, economic and environmental identity of the Area 20 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 8 storey scale is consistent with the desired future character of this locality and surrounding approved and proposed developments, in particular given the roofline and rooftop plant and equipment are within the maximum permitted building height of 26 m. The design of the buildings incorporates a mix of texture paint finishes in charcoal, grey and white, sandstone wall cladding, brick, glass balustrades and aluminium slated screens throughout to add interest and articulation. Through the use of a variety of materials including a textured paint finish, a mixture of glass and solid balustrades and various feature materials which emphasise the external façades, the buildings achieve an appropriate built form.

Principle 3: Density

Control	Town Planning Comment
Good design achieves a high level of amenity for residents and each apartment, resulting in a density 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 295 apartments, which is a suitable density for the site. The approved subdivision (DA-15-01552) has established appropriate development lots and includes provision for wider road reserves for the new public roads to cater for the increased traffic and cater for the portion of the site zoned RE1 Public Recreation and SP2 Drainage for dedication to Council. The proposed residential flat building development is within walking distance of public transport and the Cudgegong Road Railway Station and town centre.

Assessment of development against the design quality principles

Principle 4: Sustainability

Control	Town Planning Comment
Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	The proposal provides for a mix of dwellings, contributing to the housing diversity within the locality. The proposal is supported by a BASIX Certificate. The commitments are incorporated into the design of the building. The proposal demonstrates satisfactory levels of sustainability, waste management and efficient use of energy and water resources.

Principle 5: Landscape

Control	Town Planning Comment
Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises usability, 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.

Principle 6: Amenity

Control	Town Planning Comment
Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.	The design of the proposal is considered to provide an acceptable level of amenity through a carefully considered spatial arrangement and layout.

Assessment of development against the design quality principles

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 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.

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 adjoining site to the north is also capable of redevelopment and will overshadow parts of this site.

Principle 7: Safety

Control

Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.

A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.

Town Planning Comment

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.

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) which is preferable with regard to promoting safety.

Principle 8: Housing Diversity and Social Interaction

Control

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.

Town Planning Comment

The proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands.

The proposal provides additional housing choice which is in close proximity to public transport and the Cudgegong town centre.

Assessment of development against the design quality principles

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, with the exception of the colour of the brickwork on the external façades. We consider the 'charcoal' colour of the external brickwork to be dark in appearance, however the white coloured mortar assists with creating a balance which results in a satisfactory appearance for the buildings. This distinct and contemporary design assists in setting a suitable appearance 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		
2F Building Separation 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 5 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 9 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	Ground floor through to Level 7 each achieve an 18 m building separation between buildings.	Yes
Siting the Development		
3A Site Analysis Satisfy the site analysis guidelines.	Site analysis provided.	Yes

Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
Controls		
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%.	The adjoining properties currently receive adequate solar access. The proposal will overshadow Cudgegong Road to the east, the rail corridor to the south and the new public road to the east, but at least 2 hours of sunlight is afforded to adjoining properties.	Yes
4 hours of solar access should be retained to solar collectors on neighbouring buildings.	Adjoining properties do not contain solar collectors.	N/A
3C Public Domain Interface Ground level courtyards to have direct access, if appropriate. Ground level courtyards to be above street level for visual privacy. Balconies and windows to overlook the public domain. Front fences to be visually permeable with max 1m height, and limited length. Entries to be legible. Raised terraces to be softened by landscaping. Mail boxes to be located in lobbies, perpendicular to the street or within the front fence. Basement car park vents not to be visually prominent. Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement car parks or out of view. Ramping for accessibility to be minimised. Durable, graffiti resistant and easily cleanable materials should be used. On sloping sites, protrusion of car parking should be minimised.	Ground level access is provided to some ground level units. Ground level courtyards are a suitable level. Balconies and windows provide casual surveillance of the public domain. 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. Substations to be screened and 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 the building footprint.	Yes Yes Yes N/A Yes Yes Yes - to be conditioned. Yes Yes Yes Yes
3D Communal and Public Open Space 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.	Site area of Lot 1:11,960 sqm. Required 25% = 2,990 sqm. Provided: 3,075 sqm or 25.7%. Minimum dimension of 3 m. Achieved.	Yes

Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
Controls		
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.	All 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 children's play areas. The COS is clear of services. The COS demonstrates a safe design. Achieved.	
3E Deep Soil Zones Minimum area = 7% of site area. Preferred area = 15%. If the site is between 650 sqm to 1,500 sqm then minimum dimensions of 3 m. If over 1,500 sqm then minimum dimensions of 6 m.	3,188 sqm of deep soil zone provided. Equivalent to 26.7 % of site area. Suitable dimensions of deep soil zone are provided. The proposal has deep soil areas which is co-located with COS areas.	Yes
3F Visual Privacy 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 satisfied. Direct lines of sight are avoided at the corners. This is consistent with Figures 3F.2, 3F.6, 3F.7, 3F.8 and 3F.9.	Yes
3G Pedestrian Access and Entries 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

Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
Controls		
3H Vehicle Access Access points are safe and create quality streetscapes.	Car parking and driveway location is suitable.	Yes
3J Bicycle and Car Parking Sites within 800 m of a railway station comply with Guide to Traffic Generating Developments. < 20 units 1 space for each unit An additional 0.2 space for each 2 bedroom unit An additional 0.5 space per 3 bedroom unit 0.2 space for visitor parking >20 units Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.4 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking) At least 1 loading dock. Conveniently located and sufficient numbers of bicycle and motorbike spaces.	The site is within 800 m from Cudgegong Road Railway Station. The proposal is for 295 apartments (31 x 1 bed, 233 x 2 bed and 31 x 3 bed). 331 car parking spaces are required (272 residential and 59 visitor). 392 car parking spaces are provided (333 residential and 59 visitor spaces) which satisfies this requirement (being a surplus of 61 residential spaces). This also takes into account providing additional on-site car parking spaces in response to the loss of 22 on-street car parking spaces due to the departure from the road indicative layout plan as approved in Subdivision DA-15-01552. 1 loading dock will be provided. 98 visitor and resident bicycle parking spaces are also proposed.	Yes
Designing the Building		
4A Solar and Daylight Access 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% Achieved. Projecting balcony elements and screening devices assist with managing solar access.	Yes

Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
Controls		
4B Naturally Ventilation All habitable rooms naturally ventilated. Number of naturally cross ventilated units > 60%. Depth of cross over apartments < 18 m. The area of unobstructed window openings should be equal to at least 5% of the floor area served.	All habitable rooms naturally ventilated. 63% Yes The window areas are satisfactory.	Yes
4C Ceiling Heights 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
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 m x Ceiling Height (6.75 m with 2.7 m ceiling heights) Open Plan Layouts that include a living, dining room and kitchen – maximum 8 m to a window. Bedroom sizes (excluding wardrobe space): Master – 10 sqm Other – 9 sqm Minimum dimensions – 3 m Living rooms/dining areas have a minimum width of: 3.6 m - Studio/1 bedroom 4 m – 2 bedroom/3 bedroom Cross-over/cross-through: 4m wide	N/A Achieved. Achieved. Achieved. Where second bathrooms are provided, unit size exceeds the minimum size by 5 sqm. 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. Achieved. Achieved.	Yes
4E Private Open Space and Balconies Studio > 4 sqm 1 bed > 8 sqm and 2 m depth 2 bed > 10 sqm and 2 m depth 3 bed > 12 sqm and 2.4 m depth Ground level/ podium apartments > 15 sqm and 3 m depth Extension of the living space	Balcony dimensions compliant for the equivalent apartment size. Min 15 sqm and 3 m – Complies. POS is an extension of the living space.	Yes

Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
Controls		
A/C units should be located on roofs, in basements, or fully integrated into the building design.	Relevant conditions imposed.	
4F Common Circulation and Spaces		
Maximum number of apartments off a circulation core on a single level – 8 - 12.	Up to 10 apartments per core.	Yes
Buildings over 10 storeys - maximum of 40 units sharing a single lift.	N/A	
Daylight and natural ventilation to all common circulation areas above ground level.	Yes.	
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.	Achieved.	
Maximise dual aspect apartments and cross over apartments.	Dual aspect apartments are provided.	
Primary living room and bedroom windows are not to open directly onto common circulation spaces.	Windows do not open onto common circulation areas.	N/A
Direct and legible access.	Achieved.	
Tight corners and spaces to be avoided.	Achieved.	
Well lit at night.	Achieved.	
For larger development – community rooms for owners meetings of resident use should be provided.	Not provided or required.	
4G Storage		
Studio > 4 m ³ 1 bed > 6 m ³ 2 bed > 8 m ³ 3 bed > 10 m ³ Min 50% within the apartment.	Minimum storage areas provided, with a minimum 50% provided in apartment. Storage spaces also provided within basement.	Yes
4H Acoustic Privacy		
Window and door openings orientated away from noise sources.	Achieved.	Yes
Noise sources from garage doors, driveways, services, COS and circulation areas to be 3 m from bedrooms.	Achieved.	
Separate noisy and quiet spaces.	Achieved.	
Provide double/acoustic glazing, acoustic seals, materials with low noise penetration.	Suitable acoustic measures to be installed.	

Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
Controls		
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 295 apartments (31 x 1 bed, 233 x 2 bed and 31 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 façades are architecturally treated to create visual interest and contribute 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. No communal open space and only limited plant / equipment is proposed on the roof of the 4 buildings.	Yes
4O Landscape Design		

Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
Controls		
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 DSZ.	The site area of Lot 1 is 11,960 sqm. Deep soil zone of 3,188 sqm (26.7%) is provided. A mixture of shrubs and medium and large trees are proposed which are considered to suitably compliment the site and built form. Concept plans indicate a suitable provision of 45 - 75 medium to large trees.	Yes
4P Planting on Structures 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
4Q Universal Design 10% adaptable housing. Flexible design solutions to accommodate the changing needs of occupants.	30 adaptable units are provided (10%). The layout of the units comprises flexible design solutions.	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
4S Mixed Use 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
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.	N/A	N/A

Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
Controls		
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.		
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 is summer. No details of services, however plant rooms are provided within the basement.	Yes
4V Water Management and Conservation Rainwater collection and reuse. Drought tolerant plants. WSUD measures. Detention tanks should be located under paved areas, driveways or in basement car parks.	Some roofwater will be collected and re-used. Suitable plants are proposed. WSUD measures are proposed. A bio-retention basin is located within the north-eastern setback area and is suitably placed given the existing site conditions and levels. These are clear of the COS areas.	Yes
4W Waste Management 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 and collection is within Basement Level 1. Each dwelling has sufficient storage.	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 6 of the SEPP, Area 20 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
2 Aims of Policy		
(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	The proposal is consistent with these aims.
(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.	
Part 4 Development controls – general		
Clause 18 - Water recycling and conservation	Sydney Water's 'Growth Servicing Plan July 2014 to June 2019' 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

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 Part 6 Development controls – vegetation Part 7 Development controls – cultural heritage landscape area		
Clause19 - Development on flood prone and major creeks land—additional heads of consideration	The eastern portion of the site is identified as containing Second Ponds Creek. The works the subject of this application are a distance of more than 40 m from Second Ponds Creek, and therefore this application is not required to obtain General Terms of Approval from the NSW Office of Water. This application has been assessed by our Engineers and is supported, subject to conditions of consent.	Yes - subject to conditions
Clause - 20 Development on and near certain land at Riverstone West	N/A. The site is not on or near Riverstone West.	N/A
Clause 21 - 24 - Vegetation	The western portion of the site is nominated as containing Shale Plains Woodland. This portion of the site is also located on Biodiversity Certified land. Also refer to detailed comment below.	Satisfactory
Clause 25 - 26 - Cultural heritage landscape area	The western corner of the site is identified as an area of moderate Aboriginal cultural heritage significance. The works the subject of this DA are clear of this area. Consideration of cultural heritage has already been undertaken in the Approved DA for Subdivision (DA-15-01552). Standard conditions of consent are recommended to be imposed requiring that if any Aboriginal objects are unearthed during works, that the activities cease and the Office of Environment and Heritage be advised.	Yes - subject to conditions

Compliance with SEPP (Sydney Region Growth Centres) 2006 Appendix 6 – Area 20 Precinct Plan 2011		
Clause	Proposal	Complies
1.2 Aims of Precinct Plan		
(a) To make development controls for land in the Area 20 Precinct within the North West Growth Centre that will ensure the creation of quality environments and good design outcomes (b) To protect and enhance the environmentally sensitive natural areas in, and the cultural heritage of, the Precinct (c) To provide for recreational opportunities within the Precinct (d) To provide for multifunctional and innovative development in the Precinct that encourages employment and economic growth (e) To promote housing choice and affordability in the Precinct (f) To provide for the sustainable development of the Precinct		The proposal is consistent with the Aims of the Precinct Plan.

Compliance with SEPP (Sydney Region Growth Centres) 2006 Appendix 6 – Area 20 Precinct Plan 2011		
Clause	Proposal	Complies
(g) To promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Precinct.		
Part 2 - Permitted or prohibited development		
1 Objectives of zone - To provide for the housing needs of the community within a medium density residential environment. - To provide a variety of housing types within a medium density residential environment. - To enable other land uses that provide facilities or services to meet the day to day needs of residents. - To support the well-being of the community by enabling educational, recreational, community, religious 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	RFB: RFBs are permissible with consent in this R3 Medium Density Residential zone.	Yes
2.6 - Subdivision	Subdivision was approved in DA-15-01552.	N/A
2.7 - Demolition	Demolition was approved in DA-15-01552, however also forms part of this DA.	Yes
Part 4 - Principal development standards		
4.1 - AB Clause (9a) - Minimum lot size for RFB in R3 zone ➤ N/A	N/A	N/A
4.1B - Residential Density ➤ Minimum 25 ph	The proposal is for 295 apartments. The residential density for Lot 1 requires 54 apartments. Complies.	Yes
4.3 - Height of Buildings ➤ Maximum 26 m	The proposed 25.8 m building height complies with the permitted building height of 26 m.	Yes
4.4 - Floor space ratio (NB. calculations to be in accordance with 4.5) ➤ Maximum 1.75:1	Site area of Lot 1: 14,917 sqm (including roads) Proposed GFA: 26,077 sqm Proposed FSR: 1.748:1. Complies.	Yes
4.6 - Exceptions to development standard ➤ Request must be in writing	N/A	N/A
Part 5 Miscellaneous provisions		
5.4 - Controls relating to miscellaneous permissible uses	N/A	N/A
5.6 - Architectural roof features	N/A	N/A

Compliance with SEPP (Sydney Region Growth Centres) 2006 Appendix 6 – Area 20 Precinct Plan 2011		
Clause	Proposal	Complies
5.9 - Preservation of trees or vegetation	The proposal is for the removal of all existing trees and vegetation.	Yes
Part 6 Additional local provisions		
6.1 - Public utility infrastructure	The Applicant states that the site is capable of being adequately serviced with connections for public utility infrastructure. The application was referred to Sydney Water and the proposal is supported, subject to conditions. The provision of services will also be conditioned appropriately.	Yes
6.4 and 6.5 - Native vegetation	The site is nominated as containing Shale Plains Woodland (canopy cover of less than 10%). It is noted that the site has been allocated biodiversity certification which enables approval for the clearing of trees without the need for the 7 part test. All trees are already approved for removal in Subdivision DA-15-01552.	Yes

9 Blacktown City Council Growth Centre Precincts Development Control Plan 2016 (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 2016 Part 2.0 – Precinct Planning Outcomes (from main body of DCP)		
Element/Control	Proposal	Complies
2.2 - The Indicative Layout Plan ➤ DA is to be generally in accordance with ILP	The proposal varies from the road ILP. However, this has been approved in Subdivision DA-15-01552. No objection is raised by Council's Traffic, Engineering and Waste sections.	Yes
2.3- Subdivision site analysis		
The following clauses must be addressed:		
2.3.1 - Flooding and water cycle management	This has been considered in the approved Subdivision DA-15-01552, and is satisfactorily maintained in this application.	Yes

Compliance with BCC Growth Centre Precincts DCP 2016
Part 2.0 – Precinct Planning Outcomes (from main body of DCP)

Element/Control	Proposal	Complies
2.3.2 - Salinity and soil management ➤ Land within the Areas of potential salinity and soil aggressivity risk figure, must be accompanied by a salinity report. A qualified person is to certify the project upon completion of the works. ➤ The Salinity Management Plan is to be in accordance with Appendix C of the DCP. All works are to comply with the plan.	The site is identified as high salinity potential. The proposal is accompanied by a Phase 1 and 2 Contamination, Salinity and Geotechnical Investigation Report prepared by GeoEnviro Consultancy Pty Ltd and dated March 2015, which provides strategies for salinity management, which will be imposed as conditions of consent.	Yes - subject to conditions of consent.
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 western corner of the site is identified as an area of moderate Aboriginal cultural heritage significance. The works the subject of this DA are clear of this area, and will be cordoned off accordingly. Consideration of cultural heritage has already been undertaken in the Approved DA for Subdivision (DA-15-01552). Standard conditions of consent are recommended to be imposed requiring that if any Aboriginal objects are unearthed during works, that the activities cease and the Office of Environment and Heritage be advised.	Yes - subject to conditions of consent.
2.3.4 - Native vegetation and ecology ➤ Native trees/vegetation to be retained where possible. ➤ Is the site identified on the Riparian Protection Area figure. If so, native vegetation 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 western portion of the site is identified as a Riparian Corridor. However, the works the subject of this application are clear of this area. The site does not adjoin E2 zoned land. Furthermore, the site is not identified on the North West Growth Centre Native Vegetation Protection Map. Pursuant to the Biodiversity Certificate Order, the subject site is not identified as 'native vegetation protection area' on the SEPP North West Growth Centre Vegetation Map. Development can therefore occur without the need for any further assessment of flora and fauna under the Threatened Species Conservation Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999. Appropriate conditions are to be imposed re the planting of appropriate street trees.	Yes - subject to conditions of consent.
2.3.5 - Bushfire hazard management ➤ Development is to be consistent with Planning for Bushfire Protection 2006	N/A. The site is not identified as bushfire affected or within a buffer zone.	N/A

Compliance with BCC Growth Centre Precincts DCP 2016
Part 2.0 – Precinct Planning Outcomes (from main body of DCP)

Element/Control	Proposal	Complies
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.	The application is accompanied by a Phase 1 and 2 Contamination, Salinity and Geotechnical Investigation prepared by GeoEnviro Consultancy Pty Ltd (reference JC14215A dated March 2015). The report undertakes a contamination assessment of the development site against the NEPM guidelines and includes soil sampling and analysis. The report concludes that the site is to be remediated to ensure suitability of the site for the residential development. The site will be conditioned to be remediated and validated prior to the construction of this development. Subject to the recommendations of the report being imposed as conditions of consent, there is no constraint to the proposed development, and the site will be made suitable for residential use.	Yes - subject to conditions of consent.
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 not adjacent to odour generating activities. 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.	Yes

Compliance with BCC Growth Centre Precincts DCP 2016
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%	5,061 sqm or 41.32%	Yes
Landscaped area ➤ Minimum 30% of site area	4,551 sqm or 37.16%	Yes
Communal open space ➤ 15% of site area	3,131 sqm or 25.56%	Yes
Principal private open space (PPOS) ➤ Minimum 10 sqm per dwelling ➤ Minimum dimension of 2.5 m	Yes - minimum area of 10 sqm or greater. Yes - minimum dimensions of 2.5 m are satisfied.	Yes

Compliance with BCC Growth Centre Precincts DCP 2016

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

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.	The proposal generally provides a 6 m setback to all boundaries and new public roads with the exception of Blocks B, C and D which have a setback of 5 m for all levels to the street frontage to the north (New Road 1). This 1 m allowance is considered appropriate given the road widths were increased from 16 m to 18 m at Council's request.	Variation proposed – refer to the Assessment Report for further consideration. The proposed variation is considered reasonable in this instance.
Corner lots secondary setback ➤ Minimum 6 m	N/A. Refer to front setback control above.	N/A
Side setback ➤ Buildings up to 3 storeys: minimum 3 m ➤ Buildings above 3 storeys: minimum 6 m	N/A. Refer to front setback control above.	N/A
Rear setback ➤ Minimum 6 m	6 m	Yes
Zero lot line ➤ Not permitted	N/A	N/A
Habitable room/balcony separation distance for buildings 3 storeys and above ➤ Minimum 12 m	The development achieves the minimum 12 m separation to all adjoining sites.	Yes
Car parking spaces Residential: ➤ 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	N/A The site is within 800 m from Cudgegong Road Railway Station. As permitted by Part 3J Bicycle and Car Parking of the ADG, the car parking requirements of the Guide to Traffic Generating Developments applies. Refer to discussion above.	N/A
Bicycle parking ➤ 1 space per 3 dwellings	98 spaces.	Yes
Garage dominance ➤ Maximum 2 garage doors per 20 m of lot frontage facing any one street frontage.	Driveway entrances are satisfactory.	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	Yes. Compliance with the relevant AS also to be conditioned.	Yes - subject to conditions of consent.

Compliance with BCC Growth Centre Precincts DCP 2016

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

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	Achieved	Yes
Access ➤ Direct frontage to street or public park	Direct access is provided to all streets.	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 provides suitable building separation, orientation and floor plan layout to afford suitable privacy to the future residents of this development and neighbouring properties. The proposal does not overshadow surrounding sites which are capable of redevelopment for residential purposes. Satisfactory.	Yes
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 assessment above.	Noted.
Adaptable Housing ➤ Minimum 10% of dwellings (where 10 or more proposed). ➤ Designed in accordance with the <i>Australian 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> .	30 adaptable dwellings are indicated on the plans, being 10%. An Access Report was submitted with the proposal. Satisfactory. Suitable access is provided at ground level and via lifts.	Yes Also to be conditioned accordingly.
Accessible parking ➤ Car parking and garages to comply with the requirements of AS for disabled parking spaces.	Accessible parking is suitably provided.	Yes
Landscape Plan ➤ Landscape plan to be submitted.	Provided and satisfactory.	Yes - to be conditioned accordingly.

Compliance with BCC Growth Centre Precincts DCP 2016
Part 4.0 - Development in the Residential Zones (from main body of DCP)

CONTROLS FOR ALL RESIDENTIAL DEVELOPMENT

Site Responsive Design (Section 4.1)		
Control/Requirement	Proposal	Complies
4.1.1 - Site analysis plan	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 m between each step	The development is designed to follow the slope of the site. Balanced cut and fill will be achieved.	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 and drying areas required	BASIX Certificate provided and the plans are stamped. Suitable plant species are proposed. Satisfactory. Each unit has mechanical drying facilities.	Yes
4.1.4 - Salinity, sodicity and aggressivity ➤ To comply with Salinity Management Plan developed at subdivision phase	Recommendations from the Phase 1 and 2 Contamination, Salinity and Geotechnical Investigation prepared by GeoEnviro Consultancy Pty Ltd dated March 2015 will be conditioned.	Yes - subject to conditions of consent.
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.	PPOS is directly accessible from main living area with suitable access.	Yes

Compliance with BCC Growth Centre Precincts DCP 2016

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

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 is clear of drainage on gutters. Suitable sight lines are achieved. Yes, overall landscaping is provided along the street boundaries.	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. ➤ Internal layout of residential buildings, window openings, location of courtyards and balconies, and building plant to be designed to minimise noise impacts ➤ Noise walls are not permitted. ➤ Development effected by rail or traffic noise is to comply with AS2107 - 2000 Acoustics: Recommended Design Sound Levels and Reverberation Times for Building Interiors. ➤ Development shall aim to comply with the criteria in Table 4 - 7.	N/A Capable of being satisfied. A suitable layout is proposed. N/A Capable of being satisfied. Capable of being satisfied.	Yes - condition recommended to be imposed to meet maximum levels of noise emission to the requirements of SEPP (Infrastructure) 2007.

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)

Compliance with BCC Growth Centre Precincts DCP 2016

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

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 1m high to a point 2 m behind the primary building façade.	Front fencing is appropriate. N/A N/A	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 1m. ➤ Pre-painted steel or timber paling or lapped/capped boundary fencing not permitted adjacent to open space or drainage land or on front boundaries. ➤ Fencing adjoining rear access ways to permit casual surveillance.	N/A Fencing is appropriate. Noted. N/A	

Compliance with BCC Growth Centre Precincts DCP 2016

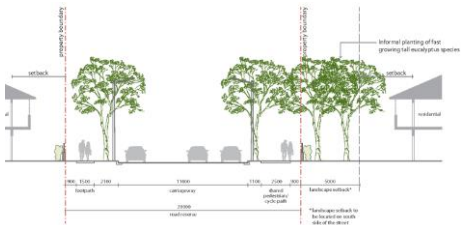
Schedule 4 – Area 20 (precinct specific controls)

Section 2 – Relevant figures

Control	Comment
Figure 2.1 - Precinct Indicative Layout Plan	The proposal varies from the ILP. However, this variation was approved in Subdivision DA-15-01552. The variation is appropriate given the location of an ILP road is shared between the subject site and the adjoining site to the south, and which abuts the Sydney Metro Northwest, as shown in Attachments 1 and 2. No objection is raised by Council's Traffic, Engineering and Waste sections. In lieu of the loss of 22 on-street car parking spaces that would have been provided by the road ILP, the Applicant has provided a surplus of on-site car parking spaces (total surplus of 61 spaces).
Figure 2.2 - Aboriginal Cultural Heritage Sites	The western corner of the site is identified as an area of moderate Aboriginal cultural heritage significance. The works the subject of this DA are clear of this area. Consideration of cultural heritage has already been undertaken in the Approved DA for Subdivision (DA-15-01552). Standard conditions of consent are recommended to be imposed requiring that if any Aboriginal objects are unearthed during works, that the activities cease and the Office of Environment and Heritage be advised.

Compliance with BCC Growth Centre Precincts DCP 2016

Schedule 4 – Area 20 (precinct specific controls)

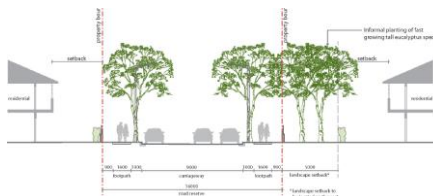
Figure 2.3 - Second Ponds Creek - Flood Prone Land and Riparian Corridor	The eastern portion of the site is identified as containing Second Ponds Creek. This application has been assessed by our Engineers and NSW Department of Industry – Lands and Water and is supported, subject to conditions of consent.
Figure 2.4 - Salinity Potential	The site is identified as high salinity potential. The proposal is accompanied by a Phase 1 and 2 Contamination, Salinity and Geotechnical Investigation Report prepared by GeoEnviro Consultancy Pty Ltd and dated March 2015 which provides strategies for salinity management, which will be imposed as conditions of consent.
Figure 3.1 - Precinct Road Hierarchy	The proposal is consistent with the precinct road hierarchy. All roads are 'other local streets'.
Figure 3.2 - Public Transport Network	Cudgegong Road is a bus route. The proposal is consistent with the public transport network.
Figure 3.2 - Pedestrian and Cycle Network	The proposal is consistent with the pedestrian and cycle network. A secondary shared route is provided along the northern boundary. A pedestrian link will be provided at the north-eastern portion of the site to Cudgegong Road via the modification application to the subdivision of the site (MOD-17-00512 to DA-15-01552). 
Figure 3.4 - Additional Public Domain and Landscaping Provisions	The proposal is consistent with these provisions.
Figure 3.5 - Section B – Landscape Buffer to Collector Road	The 5 m landscape setback is required to be located on the south side of the collector road. Cudgegong Road is a collector road, however given its north-south orientation, it does not have a 'south side' of the street. Therefore, this control is not relevant in this instance. 

Compliance with BCC Growth Centre Precincts DCP 2016

Schedule 4 – Area 20 (precinct specific controls)

Figure 3.6 - Section C – Landscape Buffer to Local Road

The 5 m landscape setback is required to the east side of local roads. This does not affect the subject site. The proposal is consistent with these provisions.



10 Draft Central City District Plan 2017

Whilst the *Environmental Planning and Assessment Act 1979* does not require consideration of District Plans in the assessment of development applications, an assessment of the Draft Central City District Plan 2017 has been undertaken. Outlined below is where the development application is consistent with the overarching priorities outlined in the Draft Central City District Plan 2017:

Liveability

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