

Assessment against planning controls

1. Environmental Planning and Assessment Act 1979

a. Section 79C 'Heads of Consideration'

The development satisfies the matters for consideration under Section 79C of the Act as detailed below.

Heads of Consideration Section 79C	Comment	Complies
<p>a. The provisions of:</p> <p>(i) Any environmental planning instrument (EPI)</p> <p>(iii) Any development control plan</p> <p>(iiia) Any planning agreement</p> <p>(iv) The regulations</p>	<ul style="list-style-type: none"> The proposal is considered to be generally consistent with SEPP Infrastructure, SEPP 55 Remediation of Land, the Growth Centres SEPP, SEPP BASIX 2004 and the 9 'design quality principles' of SEPP 65, subject to conditions of consent. The proposal is permissible within the R3 Medium Density Residential zone and satisfies the zone objectives outlined under the Growth Centres SEPP 2006. The proposal is consistent with the Riverstone Precinct Plan, with the exception of the principal development standard for building height. The applicant has submitted a request to vary this development standard pursuant to Clause 4.6 of the SEPP. The height control is varied by up to 1.6 m. The proposed variation is discussed in detail in Section 8 of the Assessment Report and is considered satisfactory. The proposal is consistent with the Growth Centre DCP 2014, with the exception of a variation to the ILP road pattern, building setbacks and building separation. The proposal is consistent with the ADG with the exception of building separation, communal open space, visual privacy, natural ventilation and common spaces/rooms. Subject to conditions of consent to reduce the number of storeys of Building F to three to provide a transition in the built form from a two storey dwelling at Lot 39 to 5 storey RFBs the subject of this DA, the proposed development provides an appropriate development outcome and a satisfactory desired future character which respects the outcome of the overall Precinct. A detailed assessment of the key issues of this DA is provided at Section 8 of the Assessment Report. 	<p>Yes</p> <p>No, but acceptable in the circumstances for point encroachments only.</p> <p>No, but acceptable in this instance.</p> <p>No, but acceptable in this instance.</p>

Heads of Consideration Section 79C	Comment	Complies
<p><i>b. The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</i></p>	<ul style="list-style-type: none"> • An assessment of the key issues relating to the proposed development is provided under Section 8. It is considered that the likely impacts of the development, including traffic, noise, parking and access, bulk and scale, overshadowing, privacy, amenity, waste management, stormwater management and the like, have been satisfactorily addressed with conditions. • A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. • The Applicant has undertaken some measures with respect to attempts to formally purchase Lot 39 DP 1218200 as directed by the site isolation planning principles. The offers were declined by the owner of Lot 39. The Applicant has provided a response to this transition between the proposed RFBs and the future dwelling house on Lot 39. This is provided at Attachment 7. • Given the delay in receiving this submission and the contentious nature of this issue, Council engaged the advice of an independent town planning consultant, John Brunton Planning Pty Ltd, which is provided at Attachment 10. This advice concludes that it is apparent that all parties will be satisfied if amalgamation is not pursued. The planning objectives will be achieved and there will be no disadvantage to the community. Consequently, the request from the applicant for the determination of development application JRPP-16-3311 to proceed without amalgamation can be supported, subject to conditions to assist with protecting the privacy of Lot 39. • Notwithstanding the above considerations regarding privacy, we also consider the contribution of the application's impact on streetscape to be a consideration. Conditions of consent are recommended to be imposed requiring number of storeys of Building F to be reduced to three storeys only to provide a transition in the built form from a two storey dwelling at Lot 39 to 5 storey RFBs the subject of this DA, the proposed development provides an appropriate development outcome and a satisfactory desired future character which respects the outcome of the overall Precinct. • Subject to this amendment to the proposal, the proposal is not considered to result in undue social, economic or environmental 	<p>Yes</p>

Heads of Consideration Section 79C	Comment	Complies
	impacts.	
<i>c. The suitability of the site for the development</i>	<ul style="list-style-type: none"> • The subject site is zoned R3 Medium Density Residential and permits 'residential flat buildings' with consent. • The surrounding locality is in transition and includes recently approved residential lots to the north. The proposal is compatible with the existing and future land uses in the immediate vicinity, with the exception of its relationship to Lot 39 which adjoins Building F. The provision of a part 4-part 5 storey RFB wrapped around Lot 39 is not considered to be a suitable development. As discussed above, Building F is to be reduced to three storeys only by the imposition of conditions of consent. • Subject to conditions, the site is therefore considered suitable for the proposed development. 	Yes
<i>d. Any submissions made in accordance with this Act or the regulations</i>	<ul style="list-style-type: none"> • No submissions were received as part of the first public notification process. • As a result of the second notification process 2 submissions were received, including a submission from the isolated lot, however this submission was formally withdrawn by the current owner of Lot 39 on 26 April 2017. These owners confirmed that they no longer object to the proposal, and they intend to construct a two storey dwelling on their property. • The remaining 1 confidential submission raised concern regarding construction noise and adverse impacts caused by a substantial population increase with regard to a lack of infrastructure, traffic and availability of education, and therefore the developer should build more car spaces, supermarkets, schools and child care centre. • These issues are considered in Section 9 of the Assessment Report. • The issues raised in the submissions are considered to be suitably addressed by the Applicant and are capable of being managed by conditions of consent to satisfactorily control the development. Therefore the submissions are not considered warranted to require the refusal of this DA. 	Satisfactory

Heads of Consideration Section 79C	Comment	Complies
<i>e. The public interest</i>	<ul style="list-style-type: none"> • The Applicant has generally demonstrated that potential adverse matters arising from this proposal with regard to public interest have been appropriately considered and mitigated, including the relationship to the majority of the adjoining residential properties to the north and the future transport corridor to the south. As discussed above, we do not consider that it is in the public interest that a part 4-part 5 storey RFB is wrapped around Lot 39, being a lot which is now only capable of redevelopment as a dwelling house. This is not considered to be in the public interest given the outcome in terms of streetscape and the quality of the new Precinct, as well as the amenity of Lot 39. Therefore Building F is to be reduced to three storeys only by the imposition of conditions of consent. • The road layout is consistent with the Indicative Layout Plan, with the exception of the intersection at the staggered intersection at Gloucester Street, Whitechapel Avenue and Berkeley Street. Due to safety concerns regarding this staggered intersection, the alternate treatment, being a cul-de-sac, is considered to be an appropriate design response which is in the public interest. • Subject to a condition reducing the number of storey of Building F to three storeys, it is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides high quality housing stock and provides for a wider range of housing diversity within the Riverstone Precinct Plan. • Therefore, subject to conditions the proposal is considered to be in the public interest. 	Yes

2. State Environmental Planning Policy (State and Regional Development) 2011

The Planning Panel (PP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million. The DA has a CIV of \$143.1 million. While we are responsible for the assessment of the DA, determination of the application is to be made by the Sydney Central City Planning Panel.

3. State Environmental Planning Policy (Infrastructure) 2007

i. Clause 86 Excavation in, above or adjacent to rail corridors

Development within 25 m of a rail corridor that involves that penetration of ground depth of at least 2 m below existing ground level is required to be referred to Sydney Trains. A consent authority must take into consideration any response received.

As the development satisfies the above criteria, the application was referred to Transport for NSW (TfNSW) for concurrence in accordance with this Clause. On 5 August 2016, TfNSW provided concurrence, subject to conditions being included within the development consent (Conditions 2.12 and 5.19).

ii. Clause 87 Impact of rail noise and vibration on non-rail development

A consent authority is required to take into consideration the Department of Planning's *Development Near Rail Corridors and Busy Roads – Interim Guideline* and must not grant consent to a development unless it is satisfied that approval measures will be taken to ensure certain noise criteria is met as specified in Clause 87 of SEPP (Infrastructure).

As the development site adjoins the future North West Rail Link, Clause 87 is required to be satisfied.

The Applicant has failed to satisfy this clause. Our Environmental Health Section has reviewed the Noise Impact Assessment prepared by Acoustic Logic which accompanies this DA and advises that it cannot be confirmed that the approach provided by the acoustic consultant is acceptable as the future extent of rail use has not been incorporated into noise mitigation strategies. However, TfNSW have provided their concurrence in support of the DA subject to Conditions of consent requiring the submission of a report demonstrating the proposed development will comply with the *Development near Railway Corridors and Busy Roads – Interim Guidelines*. This will also assess impacts of airborne noise, ground borne noise and vibration from future rail operations and is required to be submitted prior to the issue of any Construction Certificate. This approach is considered satisfactory to ensure that the development provides a satisfactory development outcome which is capable of ameliorating potential adverse impacts from the Transport Corridor.

Conditions will be imposed requiring compliance with the recommendations of the noise assessment, as well as a validation report to ensure that the standards are met (Conditions 5.19.2 and 13.4).

Given the imposition of these conditions, Clause 87 is considered to be capable of being satisfied by the Applicant.

iii. Clause 102 Impact of road noise or vibration on non-road development

A consent authority is required to take into consideration the Department of Planning's *Development Near Rail Corridors and Busy Roads – Interim Guideline* and must not grant consent to a development unless it is satisfied that approval measures will be taken to ensure certain noise criteria is met as specified in Clause 102 of SEPP (Infrastructure).

As the development site adjoins Schofields Road, an arterial road, Clause 102 is required to be satisfied.

The Applicant has failed to satisfy this clause. Our Environmental Health Section has reviewed the Noise Impact Assessment prepared by Acoustic Logic which accompanies this DA and advises that it cannot be confirmed that the approach provided by the acoustic consultant is acceptable as the future extent of traffic volume has not been incorporated into noise mitigation strategies. However, Transport for NSW have provided their concurrence in support of the DA subject to Conditions of consent requiring the submission of a report demonstrating the proposed development will comply with the *Development near Railway Corridors and Busy Roads – Interim Guidelines*. This will also assess impacts of airborne noise, ground borne noise and vibration from future rail operations and is required to be submitted prior to the issue of any Construction Certificate. This approach is considered satisfactory to ensure that the development provides a satisfactory development outcome which is capable of ameliorating potential adverse impacts from Schofields Road.

Conditions will be imposed requiring compliance with the recommendations of the noise assessment, as well as a validation report to ensure that the standards are met (Conditions 5.19.2 and 13.4).

Given the imposition of these conditions, Clause 102 is considered to be capable of being satisfied by the Applicant.

iv. Clause 104 Traffic-generating development

SEPP (Infrastructure) 2007 ensures that the Roads and Maritime Services (RMS) is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP.

As the development adjoins Schofields Road and proposes more than 75 dwellings, the DA was referred to RMS, which raised no objection to the development, subject to conditions (Condition 2.11).

4. State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

i. Clause 7 Contamination and remediation to be considered in determining development application

SEPP 55 aims to 'provide a State wide planning approach to the remediation of contaminated land'. Clause 7 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to granting of a development consent.

A Preliminary Site Investigation for Contamination Report in a report prepared by Douglas Partners and the conclusion and recommendations are as follows:

'On the basis of the results of this Preliminary Site Investigation, there is a potential that activities that could cause soil and groundwater contamination have been undertaken on the site to date. While the majority of the site will be excavated to form four separate basements and therefore near-surface contamination within the basement footprints will be removed as part of the works, surface levels around the proposed basements are likely to remain close to existing levels.'

Given the results of this Preliminary Site Investigation, an intrusive investigation is warranted to assess contamination at the site, in particular, given the proposed future high-density residential land use intended for the site. However, it is noted

that if contaminants are identified on the site, the site could still be made suitable for the intended use by soil remediation. There is nothing to suggest that the site cannot be made suitable for high-density residential land use.

It is recommended that a hazardous building material survey be undertaken of the site structures in accordance with the requirements of the NSW Work Health and Safety Regulation (2011) prior to demolition. Recommendations of the survey should be implemented, and all hazardous building materials, including any at the ground surface, should be removed as part of the demolition process.

A clearance certificate for the cleared site should be issued by an Occupational Hygienist prior to commencement of general excavation and construction works.

Waste classification in accordance with current NSW EPA policies and guidelines will need to be undertaken on the materials to be removed from the site.'

Although the report concludes that the site can be made suitable for the intended residential use, it is recommended that the necessary testing and reports are undertaken and submitted to Council for approval. To ensure these works are undertaken prior to the release of a construction certificate on the site for the proposed residential flat buildings, suitable conditions will be imposed. These conditions will ensure that the site is made suitable for residential development without any limitations under the current strict residential use criteria as set out in the *National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999* as amended 2013 (Condition 3.4, 5.4 and 13.6).

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

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

i. Clause 28 Determination of development applications

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

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

Blacktown City Council does not have a design review panel. However, the following table provides comments in relation to the 9 design quality principles and assessment against the relevant design concepts and numerical guidelines of the ADG. The development complies with the 9 design principles and the ADG, with the exception of building separation, communal open space, visual privacy, natural ventilation and common spaces/rooms.

Assessment of development against the design quality principles

Principle 1: Context and Neighbourhood Character	
Control	Town Planning Comment
<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p>	<p>The layout and design of the proposal responds to the site conditions including the extension of the North West Transport Corridor and the desired future character of the immediate locality, with the exception of its relationship to adjoining Lot 39. The proposal is considered to provide a poor relationship to this site, and is not a desirable element of the area's desired future character.</p> <p>Therefore, Conditions of consent are recommended to be imposed requiring number of storeys of Building F to be reduced to three storeys only to provide a transition in the built form from a two storey dwelling at Lot 39 to 5 storey RFBs the subject of this DA, the proposed development provides an appropriate development outcome and a satisfactory desired future character which respects the outcome of the overall Precinct [Condition 5.20.1 (a)].</p> <p>Subject to this amendment, the development is considered to satisfactorily contribute to the quality and identity of the area. The proposed residential apartments are compatible with the social, economic and environmental function of the Riverstone Precinct.</p>
Principle 2: Built Form and Scale	
Control	Town Planning Comment
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The area is in transition, and currently features dwelling houses to the north, including Lot 39 which is within the 'Block' with this development.</p> <p>The 4/5 storey height is generally consistent with the desired future character of this locality, however Building F is required to be reduced to 3 storeys to ensure that the proposal is appropriate in light of the street and surrounding buildings.</p> <p>Articulation and building elements are satisfactory.</p>

Assessment of development against the design quality principles

Principle 3: Density	
Control	Town Planning Comment
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposed residential development comprises 650 units which is a substantial density for the development of this site.</p> <p>The site has access to nearby current and future public transport and is capable of being serviced by infrastructure (subject to its implementation and amplification) and community facilities.</p>
Principle 4: Sustainability	
Control	Town Planning Comment
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The proposal demonstrates appropriate waste management during the demolition, construction and ongoing use phases.</p> <p>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 and the efficient use of energy and water resources.</p>
Principle 5: Landscape	
Control	Town Planning Comment
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>The proposal provides appropriately sited landscaping elements throughout the development which are of a suitable design and are capable of being sustained and maintained.</p> <p>The landscaping complements the presentation of the built form as viewed from the public domain and enhances the amenity of the private and common open space areas.</p>

Assessment of development against the design quality principles

Principle 6: Amenity	
Control	Town Planning Comment
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well-being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The design of the proposal is considered to provide a suitable level of amenity through a carefully considered spatial arrangement and layout.</p> <p>In light of the future occupants within the site, as well as the surrounding properties, 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.</p> <p>This is considered to be achieved despite some shortfalls in building separation and some windows and openings of sensitive rooms (bedrooms) and balconies in close proximity to each other.</p>
Principle 7: Safety	
Control	Town Planning Comment
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The proposal is considered to be satisfactory in terms of future residential occupants overlooking communal spaces while maintaining internal privacy. Public and private spaces are clearly defined and suitable safety measures are integrated into the development.</p> <p>The proposal provides suitable casual surveillance of the public domain.</p>
Principle 8: Housing Diversity and Social Interaction	
Control	Town Planning Comment
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands, with the exception of 3 bedroom apartments. The application is expected to provide at least 10% of the apartments as 3 bedroom apartments. However, in this instance a condition of consent will be imposed requiring only 6% (as originally proposed). Subject to this requirement, the apartment mix is adequate.</p> <p>The proposal provides additional housing choice which is in suitable proximity to public transport and services, including future services which are anticipated at the future Town Centre to the south-west of the site.</p>

Assessment of development against the design quality principles

Principle 9: Aesthetics	
Control	Town Planning Comment
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The proposed development has been designed to present as a cohesive 'Precinct' or single development site and is considered to be appropriate in terms of the composition of building elements, textures, materials, finishes and colours and reflect the use, internal design and structure of the resultant buildings.</p> <p>This distinct and modern design assists in setting a high quality standard for the transitioning character of this locality and creates a desirable streetscape.</p>

Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
Controls		
<p><u>2F Building Separation</u></p> <p>Up to 4 storeys/12 m:</p> <ul style="list-style-type: none"> - 12 m between habitable rooms / balconies - 9 m between habitable rooms / balconies and non-habitable rooms - 6 m between non-habitable rooms <p>5 to 8 storeys/up to 25 m:</p> <ul style="list-style-type: none"> - 18 m between habitable rooms / balconies - 13 m between habitable rooms / balconies and non-habitable rooms - 9 m between non-habitable rooms <p>Nine storeys and above/over 25 m:</p> <ul style="list-style-type: none"> - 24 m between habitable rooms / balconies - 18 m between habitable rooms / balconies and non-habitable rooms - 12 m between non-habitable rooms 	<p>Variations proposed. Refer to further discussion at Section 8 of the Assessment Report and Attachment 4.</p>	<p>No, however variations considered satisfactory. Refer to further discussion at Section 8 of the Assessment Report and Attachment 4.</p>
Siting the Development		
<p><u>3A Site Analysis</u></p> <p>Satisfy the site analysis guidelines-App 1.</p>	<p>Site Analysis provided.</p>	<p>Yes</p>

Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
3B Orientation Where an adjoining property does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by more than 20%. 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	The proposal does not overshadow adjoining residential properties. N/A Adjoining properties do not contain solar collectors	N/A 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 provided to ground level units. Ground level courtyards are at a suitable level. Balconies and windows provide casual surveillance of the public domain. Front fences have a retaining wall approximately 600 mm in height, with vertical slat metal fencing above to a total height of 1.8 m which is visually permeable. Entries are legible. Raised areas are suitably landscaped. Mailboxes near the lobby entries perpendicular to the streets. Not clear. To be conditioned (Condition 5.10.9). Services are within the basement, street setback, and/or out of view. Ramping is suitable. Suitable and durable materials are proposed. The car parking levels are stepped to follow the slope of the site and do not protrude above the finished ground level.	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 <u>excluding the transport corridor and Road 1</u> : 27,877 sqm Required 25% = 6,969 sqm Provided: 7,265 sqm or 26% Direct sunlight for 50% of the required area for 2 hours achieved. Minimum dimensions of 3 m. Direct and accessible access is achieved.	Yes <i>Note: Only 15% is required by Table 4-10 the Growth Centres DCP.</i>

Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
<p>If COS cannot be located on Ground Level, provide on the podium or roof. If it COS can't be achieved, provide on rooftop of a common room, provide larger balconies, or demonstrate proximity to public open space and facilities. Range of activities (e.g. seating, BBQ, play area, gym or common room). Visual impacts minimised from ventilation, substations and detention tanks. Maximise safety.</p> <p>Public Open Space, where provided, is to be well connected and adjacent to street.</p>	<p>N/A</p> <p>N/A</p> <p>A range of activities is provided.</p> <p>The COS is clear of services.</p> <p>The COS demonstrates a safe design.</p> <p>N/A</p>	
<p>3E Deep Soil Zones Minimum area = 7% of site area. Preferred area = 15%. If the site is between 650 to 1500 sqm then minimum dimensions of 3m. If over 1500 sqm then min dimensions of 6 m.</p>	<p>6,283 sqm or 11% provided (excludes the area of the Transport Corridor). Suitable dimensions of deep soil zone are provided.</p>	<p>Yes</p>
<p>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.</p> <p>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.</p> <p>Note: When adjacent to a lower density residential zone an additional 3m rear and side setback is required.</p>	<p>Also refer to 2F above. The minimum separation distances are generally satisfied. Where there may be oblique / angled views from balcony to balcony, or balcony to bedroom, these are appropriately screened. This is consistent with Figure 3F.2, 3F.6, 3F.7, 3F.8 and 3F.9. Direct lines of sight are generally avoided, with some exceptions. This is achieved through screening devices and walls.</p> <p>N/A</p>	<p>No, however variations considered satisfactory. Refer to further discussion at Section 8 of the Assessment Report.</p>
<p>3G Pedestrian Access and Entries Connect to and activate the public domain. Easy to identify access. Internal pedestrian links to be direct.</p>	<p>Pedestrian access is direct to the street frontage and easily identifiable. Internal links are direct.</p>	<p>Yes</p>
<p>3H Vehicle Access Access points are safe and create quality streetscapes.</p> <p>The need for large vehicles to enter or turn around within the site should be avoided.</p>	<p>The driveway locations are suitable.</p> <p>The basements cater for on-site manoeuvring.</p>	<p>Yes</p>

Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
<p><u>3J Bicycle and Car Parking</u> Sites within 800 m of a railway station comply with Guide to Traffic Generating Developments.</p> <p>< 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</p> <p>>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)</p> <p>At least 1 loading dock.</p> <p>Conveniently located and sufficient numbers of bicycle and motorbike spaces.</p>	<p>This site is greater than 800 m to the Schofields Railway Station (to the SW of the site).</p> <p>The proposal is for 650 units (2 x studio, 162x1 bed, 460x2 bed and 26x3bed).</p> <p>Refer to DCP for parking rates.</p> <p>1 waste loading dock is provided for each basement. The loading dock also services furniture and service trucks, etc.</p> <p>220 bicycle parking spaces are provided. Satisfactory. 12 motorcycle spaces are provided.</p>	<p>Yes</p>
Designing the Building		
<p><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.</p> <p>(Minimum 1 sqm of direct sunlight measures at 1 m above floor level is achieved for at least 15 minutes).</p> <p>Maximum number with no sunlight access < 15%.</p> <p>Suitable design features for operable shading to allow adjustment and choice.</p>	<p>70.5% of the units receive 2 hours.</p> <p>11%</p> <p>Louvres are provided which allow for management of solar access.</p>	<p>Yes</p>
<p><u>4B Naturally Ventilation</u> All habitable rooms naturally ventilated.</p> <p>Number of naturally cross ventilated units > 60%.</p>	<p>All habitable rooms are ventilated.</p> <p>60% of units are cross ventilated. However 54 (8%) top floor apartments achieve this by providing skylights. This equates to 53% excluding apartments relying on skylights.</p>	<p>Yes</p> <p>Yes, however this is only achieved by providing skylights. Refer to further discussion at Section 8 of the Assessment Report.</p>

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Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
<p><u>4F Common Circulation and Spaces</u></p> <p>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.</p> <p>Daylight and natural ventilation to all common circulation areas above ground level.</p> <p>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.</p> <p>Maximise dual aspect apartments and cross over apartments.</p> <p>Primary living room and bedroom windows are not to open directly onto common circulation spaces.</p> <p>Direct and legible access.</p> <p>Tight corners and spaces to be avoided.</p> <p>Well lit at night.</p> <p>For larger development – community rooms for owners meetings or resident use should be provided.</p>	<p>Yes - maximum 8.</p> <p>N/A</p> <p>Provided to most circulation areas.</p> <p>Corridors are less than 12 m.</p> <p>Dual aspect apartments are provided.</p> <p>Any rooms which open near common circulation spaces/pathways are separated by a landscaped buffer and highlight windows.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Not provided. This is recommended to be conditioned to ensure that a community room is provided for each 'Block' (Condition 5.20.3).</p>	<p>Yes</p> <p>No, recommended to be conditioned. Refer to Section 8 of the Assessment Report.</p>
<p><u>4G Storage</u></p> <p>Studio > 4 m³</p> <p>1 bed > 6 m³</p> <p>2 bed > 8 m³</p> <p>3 bed > 10 m³</p> <p>Min 50% within the apartment.</p>	<p>-</p> <p>6 m³</p> <p>8 m³</p> <p>10 m³</p> <p>Provided within the units and basements.</p>	<p>Yes</p>
<p><u>4H Acoustic Privacy</u></p> <p>Window and door openings orientated away from noise sources.</p> <p>Noise sources from garage doors, driveways, services, COS and circulation areas to be 3m from bedrooms.</p> <p>Separate noisy and quiet spaces.</p> <p>Provide double / acoustic glazing, acoustic seals, materials with low noise penetration.</p>	<p>Achieved, with the exception of some window and door openings orientated to the adjoining Transport Corridor. Refer to further discussion at Section 8 of the Assessment Report.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Conditions to be imposed to ensure suitable acoustic measures are installed (Conditions 5.19.2, 11.1.1 and 13.4).</p>	<p>Refer to Section 8 of the Assessment Report.</p> <p>Yes</p>

Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
<p><u>4J Noise and Pollution</u> In noisy or hostile environments, the impacts of external noise and pollution are to be minimised through the careful siting and layout of buildings. To mitigate noise transmission: Limit the number and size of openings facing the noise sources. Use double or acoustic glazing, acoustic louvres or enclosed balconies (winter gardens). Use materials with mass and/or sound insulation (e.g. solid balcony balustrades, external screens or soffits).</p>	<p>Achieved, with the exception of some window and door openings orientated to the adjoining Transport Corridor. Refer to further discussion at Section 8 of the Assessment Report.</p>	<p>Refer to Section 8 of the Assessment Report.</p>
Configuration		
<p><u>4K Apartment Mix</u> Provide a variety of apartment types. Flexible apartment mix.</p>	<p>The application was originally submitted with an apartment mix of 2xstudios, 162x1 bed, 447x2 bed and 40x3 bed.</p> <p>The Applicant has since revised the mix to 2xstudios, 162x1 bed, 460x2 bed and 26x3 bed.</p> <p>With regard to the number of 3 bed apartments, 14 apartments have been deleted resulting in only 4% of the apartments being 3 bed.</p> <p>This is considered to be insufficient. At least 10% of the total apartments are expected to be 3 bedroom apartments to reflect a variety of apartment types, being 65 apartments.</p> <p>However, in this instance we will allow only 6% of the total apartments to be 3 bedroom apartments (as originally proposed). This will be imposed as a condition of consent (Condition 5.20.5).</p> <p>A suitable and responsive apartment mix is capable of being provided.</p>	<p>No, a more appropriate apartment mix is required to be provided. Refer to Section 8 of the Assessment Report for further details.</p>
<p><u>4L Ground Floor Apartments</u> Maximise street frontage activity. Direct street access to ground floor apartments.</p> <p>Ground floor apartments to deliver amenity and safety for residents.</p>	<p>A suitable level of street frontage activity is provided. Direct access is provided.</p> <p>Ground floor apartments achieve a suitable level of amenity and safety.</p>	<p>Yes</p>

Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
<u>4M Facades</u> Front building facades are to provide visual interest whilst respecting the character of the local area. Building services are to be integrated into the overall façade. Provide design solutions which consider scale and proportion to the streetscape and human scale.	The front façades are architecturally treated to create visual interest and contributes to the desired future character of this area. Building services are integrated into the overall façade. Suitable design solutions are provided which relate to the streetscape.	Yes
<u>4N Roof Design</u> Roof treatments are to integrated into the building design and positively respond to the street.	The roof is designed to be recessive and not visible from the public domain.	Yes
<u>4O Landscape Design Site Area</u> < 850 sqm - 1 medium tree per 50 sqm of deep soil zone. 850 sqm to 1,500sqm - 1 large tree or 2 medium trees per 90 sqm of DSZ. >1,500 sqm - 1 large tree or 2 medium trees per 80 sqm of DSZ.	The site area is 32,580 sqm (excluding the area of the Transport Corridor). A mixture of shrubs and medium and large trees are proposed which are considered to suitably complement the site and built form. A suitable mixture of trees is achieved including deep soil areas within the internal courtyard areas.	Yes
<u>4P Planting on Structures</u> Refer to Table 5 for minimum soil standards. Provide suitable plant selection. Provide suitable irrigation and drainage systems and maintenance. Enhance the quality and amenity of COS with green walls, green roof and planter boxes, etc.	Planting is provided within the deep soil areas within the street setbacks deep soil areas and some internal courtyard areas. The proposal comprises suitable plant selection which is considered to enhance the quality and amenity of the COS.	Yes
<u>4Q Universal Design</u> 10% adaptable housing. Flexible design solutions to accommodate the changing needs of occupants.	65 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

Assessment of compliance with Apartment Design Guide (ADG)		
ADG Requirement	Proposal	Compliance
<p><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.</p> <p>Signage is to be integrated and in scale with the building. Legible and discrete way finding is to be provided.</p>	N/A	N/A
Performance		
<p><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).</p>	<p>The development allows for the optimisation / management of heat storage in winter and heat transfer is summer. Services are accommodated in the basements and rooftops.</p>	Yes
<p><u>4V Water Management and Conservation</u> Rainwater collection and reuse. Drought tolerant plants. WSUD measures. Detention tanks should be located under paved areas, driveways or in basement car parks.</p>	<p>Rainwater collection will be used for irrigation and car wash bays. Suitable plants are proposed. WSUD measures are proposed. Detention tanks are proposed underground. Satisfactory.</p>	Yes
<p><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.</p>	<p>Waste storage and collection is within the basement.</p> <p>Each dwelling has sufficient storage. Waste chutes are proposed and satisfactory.</p>	Yes
<p><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.</p>	<p>The proposal demonstrates ease of maintenance.</p>	Yes

(a) **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. Suitable **conditions** will be imposed on any development consent requiring compliance with the submitted BASIX Certificate (Conditions 2.5 and 6.5).

(b) **State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

Appendix 4 Alex Avenue and Riverstone Precinct Plan applies to the site. An assessment of the development standards established within the Growth Centres SEPP and the proposal's compliance with these standards is provided below. The development complies with the development standards contained within Growth Centres SEPP with the exception of building height.

i. Clause 2.3 Zone objectives and land use table

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The subject site is zoned R3 Medium Density Residential pursuant to the Growth Centres SEPP. A residential flat building, defined as a building containing 3 or more dwellings, but does not include an attached dwelling, a manor home or multi dwelling housing, is permissible within the zone with consent. The proposed residential flat buildings are entirely located within the R3 portion of the site, and are clear of the land marked 'N' for the Transport Investigation Corridor Area and are therefore permissible. The development is also considered to meet the objectives of the zone.

ii. Clause 4.6 Exceptions to development standards

A consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant has made a written request that has adequately addressed the variation being sought and that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case. The applicant must demonstrate that there are sufficient environmental planning grounds to justify contravening the development standard. The consent authority must also be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard the objective of the zone.

The applicant is seeking an exemption to the maximum permissible building height under Clause 4.6 of up to 1.6 m above the permissible height limit of 16 m due to lift overruns and roof parapets buildings representing a variation of 10%. A minor part of Building A exceeds the height limit by 800 mm, including the roofline and habitable room area representing a variation of 5%. A minor part of Buildings B, C, E, F and G also exceed the height limit by 200 mm, representing a variation of 1%.

The proposed exceedance of the building height enables the provision of rooftop communal open spaces which significantly increases the overall provision of usable outdoor space which benefits from sunlight access for the future residents and their guests. This is considered to be a better planning outcome than enforcing the deletion

of a level to enable all rooftop lift overruns and stairwells to be within the compliant building height limit.

A minor part of Building A exceeds the height limit by 800 mm, which includes the roofline and part of the habitable room area. This is due to the slope of the land in this location. Although the building is stepped to follow the slope, a minor part of Building A exceeds the height limit. This variation is considered acceptable and is a better planning outcome than enforcing the deletion of this level.

Based on this assessment, we agree that the requested variation under Clause 4.6 will result in a better planning outcome and is considered reasonable, well founded and is recommended for support.

A copy of the applicant's Clause 4.6 variation request is provided at **Attachment 6**, while an assessment against the development standards is discussed in detail in Section 8 of the Assessment Report and **Attachment 4**.

iii. *Clause 6.1 Public utility infrastructure*

The consent authority must not grant development consent to development on land to which this Precinct Plan applies unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when required.

Council has received confirmation from Sydney Water Corporation (SWC) that drinking water, wastewater and sewerage are available in the Riverstone Precinct. In addition, suitable Conditions of consent will be imposed requiring a SWC Section 73 Certificate and an Endeavour Energy Notification of Arrangements prior to the release of an Occupation Certificate (Conditions 1.4, 2.14, 5.17 and 13.14).

iv. *Clause 6.10 Development of land within or adjacent to public transport corridor*

Part of the site is marked 'N' on the land zoning map under the Growth Centres SEPP 2006 and therefore concurrence of Transport for NSW (TfNSW) is required under Clause 6.10 taking into account the effect of the development on:

- '(a) The practicability and cost of carrying out public transport projects on the land in the future, and*
- (b) Without limiting paragraph (a), the structural integrity or safety of, or ability to operate, public transport projects on the land in the future, and*
- (c) Without limiting paragraph (a), the land acquisition costs and the costs of construction, operation or maintenance of public transport projects on the land in the future.'*

TfNSW has provided their concurrence to the proposed development subject to conditions to ensure that the proposed development does not have adverse effects on the viability of the Northwest Transport Corridor (Conditions 2.12 and 5.19). Therefore, this proposal is considered to satisfy Clause 6.10.

Compliance with SEPP (Sydney Region Growth Centres) 2006 General controls within main body of the SEPP		
Clause	Proposal	Complies
Part 4 Development controls – general		
Cl. 18 Water recycling and conservation	<p>Sydney Water's 'Growth Servicing Plan July 2014 to June 2019' indicates that the North West Growth Centre Package 2 works will deliver trunk water and wastewater services for 2,000 dwellings in Schofields. A future package of works will also provide trunk water and wastewater for the remainder of the Schofields Precinct.</p> <p>Sydney Water raised no objection to the proposal, subject to Conditions.</p> <p>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.</p>	Yes
Part 5 Development controls – flood prone and major creek land Part 6 Development controls – vegetation Part 7 Development controls – cultural heritage landscape area		
Cl.19 Development on flood prone and major creeks land—additional heads of consideration	N/A the site is not identified as flood prone. Department of Primary Industries – Water confirmed that there are no water courses in the vicinity of this site.	N/A
Cl. 20 Development on and near certain land at Riverstone West	N/A the site is not on or near Riverstone Road West.	N/A
Cl. 21-24 Vegetation	The site is nominated as containing Shale Plains Woodland. The DA includes the removal of all trees significant vegetation, however the site is also located on Biodiversity Certified land.	Yes
Cl. 25-26 Cultural heritage landscape area	The site is not identified as containing potential Aboriginal heritage constraints.	N/A

Compliance with SEPP (Sydney Region Growth Centres) 2006 Appendix 4 – Alex Avenue and Riverstone Precinct Plan 2014		
Clause	Proposal	Complies
Part 2 Permitted or prohibited development		
2.1 Zoning and Land Use Tables	The site is zoned R3 Medium Density Residential. RFBs are permissible with consent. The proposal is consistent with the zoning objectives.	Yes
2.6 Subdivision	Subdivision is not proposed.	N/A
2.6A Demolition	This proposal comprises demolition.	Yes
Part 4 Principal development standards		
4.1AB Cl. (9) - Min. lot size for RFB in R3 zone ➤ Min. 2,000 sqm	The overall site area is 4.921 ha. Complies.	Yes
4.1B Residential Density ➤ Min. 25ph	The proposal is for 650 apartments. The residential density requires 123 units. Complies.	Yes
4.3 Height of Buildings ➤ Max. 16 m	The proposal generally satisfies the maximum permitted building height of 16 m, with minor encroachments of: <ul style="list-style-type: none"> Up to 1.6 m above the permissible height limit of 16 m due to lift overruns and roof parapets buildings representing a variation of 10%. Up to 4.05 m above the permissible height limit of 16 m due to the provision of lift overruns and fire stairs required to access the rooftop communal open space areas of Buildings E and G representing a variation of 25% Up to 88 mm for a minor part of Building A representing a variation of 5% Up to 200 mm for a minor part of Buildings B, C, E, F and G representing a variation of 1%. 	No. The Applicant seeks to vary this development control, refer to the Applicant's Clause 4.6 at Attachment 6 .
4.4 Floor space ratio (NB. calculations to be in accordance with cl 4.5) ➤ Max. 1.75:1	FSR 1.68:1 (based on a site area excluding the area of the Transport Corridor). Complies.	Yes

Compliance with SEPP (Sydney Region Growth Centres) 2006 Appendix 4 – Alex Avenue and Riverstone Precinct Plan 2014		
Clause	Proposal	Complies
4.6 Exceptions to development standard ➤ Request must be in writing	The applicant has submitted a Clause 4.6 in support of a variation to the height of buildings.	Satisfactory. Refer to further discussion at Section 8 of the Assessment Report and Attachments 4 and 6.
Part 5 Miscellaneous provisions		
5.6 Architectural roof features	It is our preference that the rooftop lift overrun and stairwell which exceeds the height plane are within an architectural roof feature, and addressed via condition 5.20.6.	Satisfactory, subject to a condition.
5.9 Preservation of trees or vegetation	The proposal comprises the removal of trees and vegetation. This has been considered by Council's Open Space and Tree Maintenance section, and no objection is raised subject to Conditions.	Yes
5.10 Heritage conservation	N/A	N/A
Part 6 Additional local provisions		
6.1 Public utility infrastructure	The development will include the provision / augmentation of electricity, water and sewage services.	Yes. The provision of services will be appropriately conditioned.
6.2 Attached dwellings, manor homes and multi-dwelling housing in R2 zone	N/A	N/A
6.4 and 6.5 Native vegetation	N/A the site is not mapped as containing native vegetation.	N/A
6.6 Zone B4 Mixed Use	N/A	
6.7 B1 Neighbourhood Centre	N/A	
6.10 Development of land within or adjacent to public transport corridor	As the site comprises an area marked 'N' on the Land Zoning Map. Concurrence and conditions of consent have been provided by Transport for NSW, as detailed at Section 11 of the Assessment Report.	Yes

(c) Draft West Central District Plan

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

Liveability

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

(d) Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River (SREP 20)

i. Clause 4 – Application of general planning considerations, specific planning policies and recommended strategies

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, proposal is considered to satisfy Clause 4 of SREP 20.

(e) Blacktown City Council Growth Centres Precincts Development Control Plan 2014 (Growth Centres DCP)

The Growth Centres DCP applies to the site. The table below outlines the proposal's compliance with the controls established in the DCP. The development complies with the development standards with the exception of setbacks to public roads and the building separation. Both variations are discussed in detail in Section 8.

Compliance with BCC Growth Centre Precincts DCP 2014		
Part 4.0 - Development in the Residential Zones (from main body of DCP)		
SPECIFIC RESIDENTIAL FLAT BUILDING CONTROLS		
Key controls for residential flat buildings (Table 4-10)		
Element/Control	Proposal	Complies
Site coverage ➤ Max. 50%	12,269 sqm or 24.9% of the overall site. 12,269 sqm or 37.7% of the area excluding the transport corridor.	Yes
Landscaped area ➤ Min. 30% of site area	9,767 sqm or 35% (excluding corridor and Road 1.	Yes
Communal open space ➤ 15% of site area	7,265 sqm or 26%	Yes

Principal private open space (PPOS) <ul style="list-style-type: none"> ➤ Min. 10 sqm per dwelling ➤ Min. dimension of 2.5 m 	Yes - minimum area of 10 sqm or greater. Yes - minimum dimensions of 2.5 m are satisfied.	Yes
Front setback <ul style="list-style-type: none"> ➤ Min. 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 is generally achieved, however some encroachments as discussed at Section 8 of the Assessment Report.	No, variation sought – refer to the Assessment Report for further consideration.
Corner lots secondary setback <ul style="list-style-type: none"> ➤ Min. 6 m 	6 m is generally achieved, however some encroachments as discussed at Section 8 of the Assessment Report.	No, variation sought – refer to the Assessment Report for further consideration.
Side setback <ul style="list-style-type: none"> ➤ Buildings up to 3 storeys: min. 3 m ➤ Buildings above 3 storeys: min. 6 m 	6 m is required. The development site has a 'side' setback to the west only, which is achieved.	Yes
Rear setback <ul style="list-style-type: none"> ➤ Min. 6 m 	The development site does not technically have a 'rear' setback. Consideration of the setback of the southern elevation of Buildings B, C, G and H is reduced to 3.4 m in places, and is discussed at Section 8 of the Assessment Report.	No, variation sought – Refer to the Assessment Report for further consideration.
Zero lot line <ul style="list-style-type: none"> ➤ Not permitted 	N/A	N/A
Habitable room/balcony separation distance for buildings 3 storeys and above <ul style="list-style-type: none"> ➤ Min. 12 m 	The development achieves the minimum 12 m separation to the future neighbouring developments, in particular to the west. Some internal separation distances don't strictly satisfy the 12 m separation distance. Refer to Section 8 of the Assessment Report for further details. Also refer to ADG building separation discussion above.	Yes No, variation sought – refer to Assessment Report for further details.
Car parking spaces <ul style="list-style-type: none"> ➤ 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 	<u>Building A, B and C</u> Required: 312 spaces. Provided: 315 spaces. Complies. <u>Building D and E</u> Required: 170 spaces. Provided: 175 spaces. Complies. <u>Buildings F, G, H and I</u> Required: 319 spaces. Provided: 331 spaces. Complies. Total required: 801 spaces. Provided: 821 spaces. Surplus of 20 spaces.	Yes
Bicycle parking <ul style="list-style-type: none"> ➤ 1 space per 3 dwellings 	Required: 217 bicycle spaces. Provided: 220 bicycle spaces.	Yes

Garage dominance ➤ Max. 2 garage doors per 20m of lot frontage facing any one street frontage.	3 driveway entrances proposed. Satisfactory.	Yes
Garages and car parking dimensions ➤ Covered: min. 3 m x 5.5 m ➤ Uncovered: min. 2.5 m x 5.2 m ➤ Aisle widths must comply with AS 2890.1	The minimum dimensions are met.	Yes
Additional controls for certain dwelling types (Section 4.3) (Sub section 4.3.1 Residential development adjacent to transmission easements)		
Element/Control	Proposal	Complies
1. Dwellings are to be set back as far as possible from the transmission easement.	N/A	N/A
Additional controls for certain dwelling types (Section 4.3) (Sub section 4.3.5 Controls for residential flat buildings)		
Element/Control	Proposal	Complies
Street frontage ➤ Minimum 30m	Street frontages are in excess of 30m.	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. Refer to the further discussion at Section 8 of the Assessment Report regarding the amenity of adjoining Lot 39.	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 ➤ Min 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.	10% of units are adaptable dwellings as indicated on the plans. An Access Assessment Report was submitted with the proposal, dated April 2016. Suitable access is provided at ground level and via lifts.	Yes Also to be conditioned accordingly.
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> .		

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.	Yes
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 ➤ Max. 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 ➤ Max. 600 mm high walls ➤ Max. 1200 mm combined wall height ➤ Min 0.5 m between each step	The development site is generally level and balanced cut and fill is achieved. The retaining walls do not exceed 600 mm, are stepped where required, are integrated into the external design of the building and are accompanied by landscaping.	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 Certificates provided – plans stamped. Suitable plant species are proposed. Satisfactory. No outdoor drying area is proposed. Each unit has mechanical drying facilities and the ability to dry clothes on the balconies.	Yes
4.1.4 Salinity, sodicity and aggressivity ➤ To comply with Salinity Management Plan developed at subdivision phase	A Preliminary Geotechnical Assessment, including a salinity assessment was prepared by Douglas Partners dated April 2016. Recommendations are to be imposed.	Yes, to be conditioned.
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
4.2.8 Garages, access and parking ➤ Driveways not to be within 1 m 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 <ul style="list-style-type: none"> ➤ 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. 	<p>Noise Impact Assessment provided, however it does not consider the Transport Corridor or Schofields Road. Refer to discussion above and Section 8 of the Assessment Report for further consideration. Capable of being satisfied.</p> <p>A suitable layout is proposed. Building plant is in the basement or rooftop. A/C units are within the balconies or rooftop.</p> <p>N/A Not addressed, however capable of being managed via conditions of consent.</p> <p>Not addressed, however capable of being managed via conditions of consent.</p>	<p>Capable of being managed by Conditions to meet maximum levels of noise emission. Satisfactory.</p>
4.2.10 Fencing <ul style="list-style-type: none"> ➤ Front fencing max. 1 m. ➤ Front fences not to impede sight lines. ➤ Side and rear fences max. 1.8 m. ➤ Side fences not on a street frontage to be a max. 1 m high to a point 2 m behind the primary building façade. ➤ Corner lots or lots with side boundary adjoining open space/drainage, the front fencing style and height is to be continued to at least 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. 	<p>Satisfactory. Satisfactory.</p> <p>N/A no side or rear fencing. N/A no fencing.</p> <p>N/A</p> <p>N/A</p> <p>Noted</p> <p>Satisfactory</p>	<p>Yes</p>

**Compliance with BCC Growth Centre Precincts DCP 2014
Schedule 2 – Riverstone Precinct (precinct specific controls)**

Section 2 – Relevant figures	
Control	Comment
Figure 3.1 Precinct Indicative Layout Plan	The road layout is generally consistent with the intent of the ILP and the reservation of land for the future rail link. Refer to Section 8 of the Assessment Report for further consideration.
Figure 3.2 Key elements of the water cycle management and ecology strategy	N/A The site is clear of these key elements.
Figure 3.3 Flood prone land	The site is clear of flood prone land, as verified by NSW Department of Primary Industries – Water.

Figure 3.4 Areas of potential salinity and soil aggressivity risk	<p>The site is identified as mainly Lower Risk Salinity, with some areas being Higher Risk Salinity.</p> <p>A Preliminary Geotechnical Assessment, including a salinity assessment was prepared by Douglas Partners dated April 2016. Recommendations are to be imposed by conditions of consent.</p>
Figure 3.5 Aboriginal Cultural Heritage Sites	N/A The site is not identified as containing Aboriginal Cultural Heritage Sites.
Figure 3.6 European Cultural Heritage Sites	N/A The site is not identified as containing European Cultural Heritage Sites.
Figure 3.7 Bushfire risk and Asset Protection Zone requirements	N/A The site is not identified as subject to bushfire risk.
Figure 3.8 Residential structure	The proposal is consistent with the Medium Density Residential structure permitted on this site.
4 Scheduled Lands Residential Controls	N/A
4 Centres Development Controls	N/A