

## Assessment against planning controls

### 1 Environmental Planning and Assessment Act 1979

#### a. Section 79C 'Heads of Consideration'

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

Heads of Consideration 79C	Comment	Complies
<p>a. The provisions of:</p> <ul style="list-style-type: none"> <li>(i) Any environmental planning instrument (EPI)</li> <li>(ii) Any development control plan (DCP)</li> <li>(i) The regulations</li> </ul>	<p>The provisions of the relevant EPIs relating to the proposed development are summarised under Section 7 of the report. The proposal is considered to be consistent with the relevant EPIs.</p> <p>The proposed development is a permissible land use within the R4 High Density Residential zone and satisfies the zone objectives outlined under Blacktown Local Environmental Plan 2015 (BLEP2015). The proposal is consistent with BLEP2015, with the exception to the development standard for building height.</p> <p>The applicant has submitted a request to vary this development standard pursuant to Clause 4.6 of BLEP2015. The height control is varied by up to 600 mm.</p> <p>The proposed variation is discussed in detail in Section 8 of the report and is considered satisfactory.</p> <p>Blacktown Development Control Plan 2015 (BDCP2015) applies to the site. The proposed development is compliant with the numerical controls established under BDCP2015 with the exception of communal open space.</p> <p>The proposal is affected by the Apartment Design Guide (ADG). The proposal performs well against the key controls of the ADG.</p>	Yes
<p>b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality</p>	<p>An assessment of the key issues relating to the proposed development is provided in Section 8 of the report. 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.</p> <p>A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties.</p> <p>In view of the above, it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.</p>	Yes

Heads of Consideration 79C	Comment	Complies
c. The suitability of the site for the development	<p>The subject site is zoned R4 High Density Residential with a 20 m building height limit under BLEP2015. A residential flat building is permissible with development consent.</p> <p>The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis and responds positively to the different types of land uses adjoining the site. The site is located within close proximity to the Blacktown train station and CBD. The proposal is consistent with the applicable planning instruments.</p>	Yes
d. Any submissions made in accordance with this Act, or the regulations	No submissions were received as a result of notification.	Yes
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides high quality housing stock and provides for housing diversity.	Yes

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

The Sydney Planning Panel (SPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million. As the DA has a CIV of \$29.22 million, Council is responsible for the assessment of the DA but determination of the application is to be made by the SPP.

## 3 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy No. 65 (SEPP 65) – *Design Quality of Residential Apartment 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:

- The advice (if any) obtained from the design review panel
- The design quality of the 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. The development complies with the 9 design principles and the ADG as detailed below.

#### 4 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 site is located within an urban renewal precinct, within close proximity to Blacktown City Centre. The site is located approximately 390 m from Blacktown Train Station and 96 m from Westpoint shopping centre.</p> <p>The layout and design of the proposal responds well to the context of the site and is generally compliant with the development standards and controls. The buildings have been architecturally designed and are considered compatible with the social, economic and environmental identity of the Blacktown City Centre.</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 7 storey height is consistent with the desired future character of this locality and adjoining approved developments.</p> <p>The building design has been artistically addressed in the design and provides wrap-around balconies with semi enclosed architectural elements, which adds interest to the presentation of the building. The development proposes a variety of external colours and finishes, painted render finishes, compressed fibro cement (CFC) cladding and aluminium framed windows, achieving an appropriate built form.</p> <p>All materials and finishes have been conditioned [Condition 6.3.1(a)] to be durable, graffiti resistant and fire resistant to National Construction Code standards.</p>

#### 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 101 apartments, which is a suitable density for the site. The site is within walking distance to public transport and the Blacktown CBD.</p>

<b>Principle 4: Sustainability</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<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 provides for a mix of dwellings, contributing to housing diversity within the locality.</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, waste management and efficient use of energy and water resources.</p>
<b>Principle 5: Landscape</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>A Landscape Plan has been submitted with the proposal, which incorporates a variety of planting that contributes to the amenity of the development. Deep soil zones have been provided throughout the development, to ensure sufficient planting can be achieved.</p> <p>The landscape design provides for suitable screening to adjoining properties, creates usable spaces for future residents and improves the overall quality of the development.</p>

<b>Principle 6: Amenity</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<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 high level of amenity through a carefully considered spatial arrangement and layout.</p> <p>The proposal achieves a suitable level of internal amenity through providing appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.</p>
<b>Principle 7: Safety</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<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>
<b>Principle 8: Housing Diversity and Social Interaction</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands.</p> <p>The proposal provides additional housing choice which is in close proximity to public transport and the Blacktown CBD.</p>

**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 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 contemporary design assists in setting a high quality standard for the transitioning character of this locality and creates a desirable streetscape.</p>

**Compliance with Apartment Design Guide (ADG)**

ADG Requirement	Proposal	Compliance
<b>Controls</b>		
<b>2F Building Separation</b> Up to 4 storeys/12 m: 12m between habitable rooms / balconies 9 m between habitable rooms / balconies and non-habitable rooms 6 m between non-habitable rooms Five to 8 storeys/up to 25 m: 18 m between habitable rooms / balconies 13 m between habitable rooms / balconies and non-habitable rooms 9 m between non-habitable rooms Nine storeys and above/over 25 m: 24 m between habitable rooms / balconies 18 m between habitable rooms / balconies and non-habitable rooms 12 m between non-habitable rooms	The proposed development is 7 storeys in height and appropriately setback from adjoining properties to allow for a 12 m building separation between future buildings.	Yes
<b>Siting the Development</b>		
<b>3A Site Analysis</b> Satisfy the site analysis guidelines – App 1.	Site analysis provided.	Yes
<b>3B Orientation</b> Where an adjoining property does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by more than 20%. 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	The adjoining properties currently receive adequate solar access. Although the proposal will overshadow the adjoining properties, they will still maintain 2 hours of sunlight. N/A. Adjoining properties do not contain solar collectors.	Yes N/A

ADG Requirement	Proposal	Compliance
<p><b>3C Public Domain Interface</b></p> <p>Ground level courtyards to have direct access, if appropriate.</p> <p>Ground level courtyards to be above street level for visual privacy.</p> <p>Balconies and windows to overlook the public domain.</p> <p>Front fences to be visually permeable with max 1 m height, and limited length.</p> <p>Entries to be legible.</p> <p>Raised terraces to be softened by landscaping.</p> <p>Mail boxes to be located in lobbies, perpendicular to the street or within the front fence.</p> <p>Basement carpark vents not to be visually prominent.</p> <p>Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carparks or out of view.</p> <p>Ramping for accessibility to be minimised.</p> <p>Durable, graffiti resistant and easily cleanable materials should be used.</p> <p>On sloping sites, protrusion of car parking should be minimised.</p>	<p>Ground level access provided to some ground level units fronting Carinya Street.</p> <p>Most ground level courtyards are at a suitable level.</p> <p>Balconies and windows provide casual surveillance of the public domain.</p> <p>Entry is legible.</p> <p>Raised areas are suitably landscaped.</p> <p>Mailboxes are perpendicular to the street frontage.</p> <p>Service rooms adequately screened and appropriately located.</p> <p>Ramping is suitable.</p> <p>Suitable and durable materials are proposed.</p> <p>Car parking is suitably designed to be within building footprint.</p>	Yes
<p><b>3D Communal and Public Open Space</b></p> <p>COS &gt;25% of the site.</p> <p>Direct sunlight to &gt;50% of COS for 2 hours between 9 am and 3 pm.</p> <p>Minimum dimension of 3 m.</p> <p>Direct and equitable access.</p> <p>If COS cannot be located on Ground Level, provide on the podium or roof.</p> <p>If it COS cannot be achieved, provide on rooftop of a common room, provide larger balconies, or demonstrate proximity to public open space and facilities.</p> <p>Range of activities (e.g. seating, BBQ, play area, gym or common room).</p> <p>Visual impacts minimised from ventilation, substations and detention tanks.</p> <p>Maximise safety.</p> <p>Public Open Space, where provided, is to be well connected and adjacent to street.</p>	<p>Site area: 3,344 sqm</p> <p>Required 25% = 836 sqm</p> <p>Provided: 29% = 968 sqm</p> <p>COS is provided on ground and within the roof terrace located on top of the building. Direct access is achieved to all areas of COS.</p> <p>The COS will be embellished with BBQ areas, seating, play areas, etc.</p> <p>The COS is clear of services.</p> <p>Good surveillance is provided to the COS maximising safety for users.</p>	Yes

ADG Requirement	Proposal	Compliance
<b>3E Deep Soil Zones</b> Minimum area = 7% of site area. Preferred area = 15%. If the site is between 650 to 1,500 sqm then minimum dimensions of 3 m. If over 1,500 sqm then minimum dimensions of 6 m.	910 sqm of deep soil zone provided. Equivalent to 27% of site area. Suitable dimensions of deep soil zone are provided.	Yes
<b>3F Visual Privacy</b> Building Separation: refer to <b>2F</b> above. 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 3m rear side setback is required.	A setback of 6m is provided from all habitable rooms to the side and rear boundaries. There are some minor point encroachments where fire stairs come up from the basement level. Fire stairs are not considered to be a privacy concern and therefore can be supported. N/A	Yes
<b>3G Pedestrian Access and Entries</b> 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
<b>3H Vehicle Access</b> Access points are safe and create quality streetscapes.	Car parking and driveway location is suitable.	Yes
<b>3J Bicycle and Car Parking</b> Sites within 800 m of a railway station comply with Guide to Traffic Generating Developments. <b>&gt;20 units</b> Metropolitan Subregional Centre: 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.	The site is 550 m from Blacktown Train Station by walk or 390 m by straight-line distance The proposal is for 101 units (42 x 1 bed, 57 x 2 bed and 2 x 3 bed). A total of 100 spaces is required. The proposal has provided 119 car parking spaces. Loading areas near the lifts are also provided at each basement level.	Yes
<b>Designing the Building</b>		
<b>4A Solar and Daylight Access</b> 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.	71/101 (70%)	Yes



<b>ADG Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
<b>4B Naturally Ventilation</b> 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.	Adequate ventilation is achieved. The window areas are satisfactory.	Yes
<b>4C Ceiling Heights</b> 2.7 m for habitable 2.4 m for non-habitable Service bulkheads are not to intrude into habitable spaces.	2.7 m is provided for habitable rooms.	Yes
<b>4D Apartment Size and Layout</b> Studio > 35 sqm 1 bed > 50 sqm 2 bed > 70 sqm 3 bed > 90sqm + 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 (excl. wardrobe space): Master – 10 sqm Other – 9 sqm Minimum dimensions – 3 m Living rooms/dining areas have a minimum width of: 3.6 m - Studio/1 bedroom 4 m – 2 bedroom/ 3 bedroom Cross-over / cross-through: 4 m wide	No studios 1 bed: 50.10 – 70.20 sqm 2 bed: 75.80 – 94.80 sqm 3 bed: 96.30 sqm 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.	Yes
<b>4E Private Open Space and Balconies</b> Studio > 4 sqm 1 bed > 8 sqm and 2 m depth 2 bed > 10 sqm and 2 m depth 3 bed > 12 sqm and 2.4 m depth Ground level/ podium apartments > 15 sqm and 3 m depth Extension of the living space. A/C units should be located on roofs, in basements, or fully integrated into the building design.	Balcony dimensions compliant for the equivalent apartment size. Min 15 sqm and 3 m – Complies POS is an extension of the living space Relevant conditions imposed.	Yes

<b>ADG Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
<b>4F Common Circulation and Spaces</b> Maximum number of apartments off a circulation core on a single level – 8 - 12. Buildings over 10 storeys - maximum of 40 units sharing a single lift. Daylight and natural ventilation to all common circulation areas above ground level. Corridors greater than 12 m from the lift core to be articulated by more foyers, or wider areas / higher ceiling heights at apartment entry doors. Maximise dual aspect apartments and cross over apartments. Primary living room and bedroom windows are not to open directly onto common circulation spaces. Direct and legible access. Tight corners and spaces to be avoided. Well lit at night. For larger development – community rooms for owners meetings of resident use should be provided.	6 to 9 units per core N/A The common circulation areas provide an efficient layout which do not compromise amenity. Dual aspect apartments are provided. Windows do not open onto common circulation areas. Achieved. Achieved. Achieved. N/A	Yes
<b>4G Storage</b> Studio > 4 m <sup>3</sup> 1 bed > 6 m <sup>3</sup> 2 bed > 8 m <sup>3</sup> 3 bed > 10 m <sup>3</sup> Min 50% within the apartment.	Minimum storage areas provided, with a minimum 50% provided in apartment. Storage spaces also provided within basement.	Yes
<b>4H Acoustic Privacy</b> Window and door openings orientated away from noise sources. Noise sources from garage doors, driveways, services, COS and circulation areas to be 3 m from bedrooms. Separate noisy and quiet spaces. Provide double / acoustic glazing, acoustic seals, materials with low noise penetration.	Achieved. Achieved. Achieved. Suitable acoustic measures to be installed.	Yes

<b>ADG Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
<b>4J Noise and Pollution</b> <p>In noisy or hostile environments, the impacts of external noise and pollution are to be minimised through the careful siting and layout of buildings.</p> <p>To mitigate noise transmission:</p> <p>Limit the number and size of openings facing the noise sources.</p> <p>Use double or acoustic glazing, acoustic louvres or enclosed balconies (winter gardens).</p> <p>Use materials with mass and/or sound insulation (e.g. solid balcony balustrades, external screens or soffits).</p>	<p>The layout of the development considers potential noise and pollution impacts, and is satisfactory.</p>	Yes
<b>Configuration</b>		
<b>4K Apartment Mix</b> <p>Provide a variety of apartment types.</p> <p>Flexible apartment mix.</p>	<p>The proposal is for 101 units (42 x 1 bed, 57 x 2 bed and 2 x 3 bed).</p> <p>A suitable and responsive apartment mix is provided.</p>	Yes
<b>4L Ground Floor Apartments</b> <p>Maximise street frontage activity.</p> <p>Direct street access to ground floor apartments.</p> <p>Ground floor apartments to deliver amenity and safety for residents.</p>	<p>Some ground level apartments directly link with the street frontage. The ground level apartments achieve an overall high level of amenity and safety, and are satisfactory.</p>	Yes
<b>4M Facades</b> <p>Front building facades are to provide visual interest whilst respecting the character of the local area.</p> <p>Building services are to be integrated into the overall façade.</p> <p>Provide design solutions which consider scale and proportion to the streetscape and human scale.</p>	<p>The front façade is architecturally treated to create visual interest and contributes to the desired future character of this area.</p>	Yes
<b>4N Roof Design</b> <p>Roof treatments are to be integrated into the building design and positively respond to the street.</p>	<p>The roof is designed to be recessive and not visible from the public domain.</p>	Yes
<b>4O Landscape Design Site Area</b> <p>&lt; 850 sqm - 1 medium tree per 50 sqm of deep soil zone.</p> <p>850 sqm to 1,500 sqm - 1 large tree or 2 medium trees per 90 sqm of DSZ.</p> <p>&gt;1,500 sqm - 1 large tree or 2 medium trees per 80 sqm of DSZ.</p>	<p>The site area is 3,344 sqm.</p> <p>Deep soil zone of 910 sqm (27%) provided.</p> <p>A mixture of shrubs and medium and large trees are proposed which are considered to suitably complement the site and built form.</p>	Yes

<b>ADG Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
<b>4P Planting on Structures</b> 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. 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 area have been provided with sufficient soil depth.	Yes
<b>4Q Universal Design</b> 10% adaptable housing. Flexible design solutions to accommodate the changing needs of occupants.	11 adaptable units are provided (10%). The layout of the units comprises flexible design solutions.	Yes
<b>4R Adaptive Reuse</b> New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A	N/A
<b>4S Mixed Use</b> 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
<b>4T Awnings and Signage</b> Awnings to be continuous and complement the existing street character. Provide protection from sun and rain, wrapped around the secondary frontage. Gutters and down pipes to be integrated and concealed. Lighting under awnings is to be provided. Signage is to be integrated and in scale with the building. Legible and discrete way finding is to be provided.	N/A	N/A
<b>Performance</b>		
<b>4U Energy Efficiency</b> The development is to incorporate passive solar design. Heating and cooling infrastructure are to be centrally located (e.g. basement).	The development allows for the optimisation / management of heat storage in winter and heat transfer in summer. No details of services, however plant rooms provided within basement and on roof.	Yes

<b>ADG Requirement</b>	<b>Proposal</b>	<b>Compliance</b>
<b>4V Water Management and Conservation</b> Rainwater collection and reuse. Drought tolerant plants. WSUD measures. Detention tanks should be located under paved areas, driveways or in basement carparks.	None proposed. Suitable plants are proposed. WSUD measures are proposed. Detention tanks located within the western side setbacks, and are suitably placed given the site conditions and levels. These are clear of the COS areas. Satisfactory.	Yes
<b>4W Waste Management</b> Waste storage should be discreetly located away from the front of the development or in the basement. Waste cupboard within each dwelling. Waste and recycling rooms are to be in convenient and accessible locations related to each vertical core.	Waste storage located within basement. Each dwelling has sufficient storage. Waste chutes are centrally located on each floor.	Yes
<b>4X Building Maintenance</b> 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

Therefore, the proposal demonstrates consistency with the guidelines contained within SEPP 65 and the ADG.

## **5 State Environmental Planning Policy No. 55 Remediation of Land**

*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 the granting of development consent.

The subdivision DA (DA-15-01553) addressed contamination concerns on the site. A preliminary contamination assessment by GeoEnviro Consultancy Pty Ltd was prepared and identified that the site can be made suitable for the proposed residential apartment development, subject to further sampling and preparation of a Remediation Action Plan to remediate potentially contaminated topsoil followed by site validation to the strict residential standard in the NEPM 2013 guidelines. To ensure these works are undertaken prior to the release of a Construction Certificate on the site for the proposed development, suitable conditions will be imposed to address these matters and to ensure that the site is made suitable for residential development without any limitations.

## 6 State Environmental Planning Policy (Building Sustainability Index: BASIX)

A BASIX certificate has been lodged as part of the DA, as well as a NatHERS (Nationwide House Energy Rating Scheme) assessor certificate. The BASIX certificate indicates that the development has been designed to achieve the required water, thermal comfort and energy scores. A suitable condition will be imposed requiring compliance with the submitted BASIX certificate.

## 7 Blacktown Local Environmental Plan 2015

Blacktown Local Environmental Plan 2015 applies to the site. The site is zoned R4 High Density Residential and residential flat buildings are permitted with consent. The table below provides a summary assessment of the development standards established within the BLEP 2015 and the proposal's compliance with these standards.

Development Standard	Requirement	Proposal	Compliance
<b>2.1 Land use zone</b>	R4 High Density Residential	Residential flat building	Yes
<b>4.3 Maximum Height of Buildings</b>	20 m	20.6 m	No – but variation is reasonable
<b>4.4 Maximum Floor Space Ratio</b>	N/A	N/A	N/A
<b>4.6 Exception to development standards</b>	20m height limit	20.6 m	The development proposal seeks minor variation to the building height control applying to the site. See attachment 8 and Applicant's Clause 4.6 request
<b>7.5 Essential Services</b>	Consent Authority is to be satisfied that essential services are available or adequate arrangements have been made.	The site is near the existing CBD and services are available. Relevant servicing conditions will be imposed.	Yes
<b>7.7 Design Excellence</b>	Development consent must not be granted to development involving the erection of a new building or external alterations to an existing building on any land unless the consent authority is satisfied that the development exhibited design excellence.	The proposed development is appropriately designed.	Yes

## 8 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River

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

## 9 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.

## 10 Blacktown Development Control Plan 2015

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

Development Standard	Requirement	Proposal	Compliant
Minimum dimensions	30 m x 30 m	54.87 m x 60.96 m	Yes
Front Setback	9 m 8 m encroachment	9 m 6 m balcony encroachment of Unit 1	No – but variation is reasonable.
Side and rear setbacks	6 m	6 m	Yes

Development Standard	Requirement	Proposal	Compliant
<b>Common open space</b>	(a) 30 sqm for each 1 bedroom dwellings (b) 40 sqm for each 2 bedroom dwelling (c) 55 sqm for each 3 or more bedroom dwelling  Minimum 3 m width  Maximum 30% on balcony/terrace areas, 30% on roof and minimum 40% on ground level.  If no rooftop, ground floor is increased to 70%.	2,060 sqm	56.6 % compliance – but ADG applies.
<b>Building separation</b>	12 m	Yes	Yes
<b>Floor to ceiling heights</b>	As per ADG – 2.7 m for habitable rooms and 2.4 m for second floor where its area does not exceed 50% of the apartment area.	2.7 m and 2.5 m for second floor bedrooms on the 5 <sup>th</sup> floor	Yes
<b>Balcony dimensions</b>	As per ADG – 2 m depth for 1-2 bedroom apartments and 2.4 m for 3 bedroom apartments	2 m for 1-2 bedrooms 2 m for 3 bedrooms	Yes  No – However (overall size meets the minimum area)
<b>Solar access and overshadowing</b>	Min. 50% common open space 3 hrs on 21 June As per ADG for units	With North and East facing common open space as well as the roof area more than 50% achieves greater than 3 hrs potential solar access on 21 <sup>st</sup> June winter solstice	Yes
<b>Natural ventilation</b>	As per ADG – All habitable rooms naturally ventilated 60% of units to be cross ventilated	All (60% cross ventilated)	Yes
<b>Privacy</b>	Offset of windows and balconies	Adjacent land not yet redeveloped. No issues internally	Yes
<b>Car parking</b>	1 space per 1 or 2 bedroom dwelling  2 spaces per 3 or more bedroom dwellings  Plus, 1 space per 2.5 dwellings for visitors	The proposal is within 800 m of Blacktown Station and therefore adopts the RMS car parking rates. As a result the proposal complies with the ADG requirements.	Yes
<b>Podium</b>	Podium projections should not exceed 0.5 m	No podium proposed	N/A
<b>Accessibility provision</b>	10% of units	11 units are adaptable	Yes



Development Standard	Requirement	Proposal	Compliant
<b>Laundry facilities</b>	<p>Communal area - wet weather drying minimum area of 20 sqm up to 10 units, plus 10 sqm per 10 units thereafter to a maximum of 60 sqm.</p> <p>7.5 m of external clothes drying line or mechanical drying appliance within the dwelling unit.</p>	There is sufficient area within the communal space to allow for wet weather drying.	Yes