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
a. The provisions of : (i) Any environmental planning instrument (EPI) (ii) Any development control plan (DCP) (i) The regulations	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. The proposed development is a permissible land use within the R3 Medium Density Residential zone and satisfies the zone objectives outlined under the Growth Centres SEPP. The proposal is consistent with the Area 20 Precinct Plan, with the exception of the development standard for building height. The applicant has submitted a request to vary this development standard pursuant to Clause 4.6 of the Growth Centres SEPP. The height control is varied by up to 2.8 m. The proposed variation is discussed in detail in Section 8 of the report and is considered satisfactory. The Growth Centre Precincts DCP applies to the site. The proposed development is compliant with the numerical controls established under the DCP.	Yes
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	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. A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. In view of the above, it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.	Yes
c. The suitability of the site for the development	The subject site is zoned R3 Medium Density Residential with a 12 m building height limit under the Growth Centres SEPP. Residential flat buildings are permissible on the site with development consent. The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis and responds positively to the different types of land uses adjoining the site. The site	Yes

Heads of Consideration 79C	Comment	Complies
	is located within close proximity to the Schofields train station and Local Centre. The proposal is consistent with the Area 20 Precinct Plan.	
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 within the Area 20 Precinct.	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 $29.1 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, and
- 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 & Neighbourhood Character	
Control	**Town Planning Comment**
Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the	The site is located within a Greenfields context, within the Area 20 Precinct of the North West Growth Centre. The site is located approximately 1 km south of the subject site is Rouse Hill Bus Terminal on Windsor Road. The proposed Cudgegong Road Sydney Metro Train Station is also under construction, located approximately 650 m to the south. 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 Area 20 Precinct.

area including the adjacent sites, streetscape and neighbourhood.	
Principle 2: Built Form & Scale	
Control	**Town Planning Comment**
Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	The 4 storey height is consistent with the desired future character of this locality and adjoining approved developments. The building design has been artistically addressed in the design and conception of Block 'D' and provides wrap-around balconies with semi enclosed architectural elements and a sail shape like roofing structure, which adds interest to the presentation of the building. The development proposes a variety of external colours and finishes, including face brick, painted render finishes, wood-like aluminium cladding and aluminium framed windows, achieving an appropriate built form.
Principle 3: Density	
Control	**Town Planning Comment**
Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	The proposed residential development comprises 140 apartments, which is a suitable density for the site. The approved subdivision has responded to the residential flat building development, providing for a wider road reserve to cater for the increased traffic. The site is within walking distance to public transport and the Rouse Hill local centre.
Principle 4: Sustainability	
Control	**Town Planning Comment**
Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling	The proposal provides for a mix of dwellings, contributing to the housing diversity within the locality. The proposal is supported by a BASIX Certificate. The commitments are incorporated into the design of the building. The proposal demonstrates satisfactory levels of sustainability, waste management and efficient use of energy and water resources.

and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	
Principle 5: Landscape	
Control	**Town Planning Comment**
Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	A Landscape Plan has been submitted with the proposal, which incorporates a variety of planting that contributes to the amenity of the development. Deep soil zones have been provided throughout the development, to ensure sufficient planting can be achieved. The landscape design provides for suitable screening to adjoining properties, creates usable spaces for future residents and improves the overall quality of the development.
Principle 6: Amenity	
Control	**Town Planning Comment**
Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	The design of the proposal is considered to provide a high level of amenity through a carefully considered spatial arrangement and layout. The proposal achieves a suitable level of internal amenity through providing appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.
Principle 7: Safety	
Control	**Town Planning Comment**
Good design optimises safety and	The proposal is considered to be satisfactory in terms of

security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	future residential occupants overlooking communal spaces while maintaining internal privacy. Public and private spaces are clearly defined and suitable safety measures are integrated into the development. The proposal provides suitable casual surveillance of the public domain.
Principle 8: Housing Diversity & Social Interaction	
Control	**Town Planning Comment**
Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	The proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands. The proposal provides additional housing choice which is in close proximity to public transport and Rouse Hill local centre.
Principle 9: Aesthetics	
Control	**Town Planning Comment**
Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials, finishes and colours and reflect the use, internal design and structure of the resultant buildings. This distinct and contemporary design assists in setting a high quality standard for the transitioning character of this locality and creates a desirable streetscape.

Compliance with Apartment Design Guide (ADG)

ADG Requirement	Proposal	Compliance
Controls		
2F Building Separation Up to four storeys/12m: - 12m btw habitable rooms / balconies - 9m btw habitable rooms / balconies & non-habitable rooms - 6m btw non-habitable rooms Five to eight storeys/up to 25m: - 18m between habitable rooms / balconies - 13m btw habitable rooms / balconies & non-habitable rooms - 9m btw non-habitable rooms Nine storeys and above/over 25m: - 24m btw habitable rooms / balconies - 18m btw habitable rooms / balconies & non-habitable rooms - 12m btw non-habitable rooms	Development is 4 storeys in height and provides for a 12 m building separation between buildings.	Yes
Siting the Development		
3A Site Analysis Satisfy the site analysis guidelines-App 1.	Site analysis provided.	Yes
3B Orientation Where an adjoining property does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by more than 20%. 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	The adjoining properties currently receive adequate solar access. Although the proposal will overshadow the adjoining properties, they will still enjoy 2 hours sunlight. N/A Adjoining properties do not contain solar collectors	Yes 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.	Ground level access provided to some ground level units. Most ground level courtyards are a suitable level. Balconies and windows provide casual surveillance of the public domain. N/A No front fences proposed. Entry is legible. Raised areas are suitably landscaped. Mailboxes are perpendicular to the street frontage.	Yes

ADG Requirement	Proposal	Compliance
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 & easily cleanable materials should be used. On sloping sites, protrusion of car parking should be minimised.	Conditions imposed. Substation screened by proposed landscaping. Service rooms adequately located. Ramping is suitable. Suitable and durable materials are proposed. Car parking is suitably designed to be within building footprint.	
3D Communal & Public Open Space COS >25% of the site. Direct sunlight to >50% of COS for 2 hours between 9am and 3pm. Minimum dimension of 3m. Direct & equitable access. 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 & facilities. Range of activities (e.g. seating, BBQ, play area, gym or common room). Visual impacts minimised from ventilation, substations and detention tanks. Maximise safety. Public Open Space, where provided, is to be well connected and adjacent to street.	Site area: 7,239 sqm Required 25% = 1,809 sqm Provided: 1,814 sqm (25%). Minimum dimension of 3m. It is noted that the COS provided along the Windsor Road frontage is located within the front setback area. This site is unique as this area will be 2 metres lower than the Windsor Road street level (see insert of section below). This will allow the COS to be private and it will minimise overlooking. As this area is 11m wide, it will become a multi-functional area allowing for users to enjoy the same space at different times.  COS is provided on ground and within the roof terrace located on top of Buildings B & C. Direct and accessible access is achieved to all areas of COS. The COS will be embellished with BBQ areas, seating, play areas, etc. The COS is clear of services. Good surveillance is provided to the COS maximising safety for users. N/A	Yes

ADG Requirement	Proposal	Compliance
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 6m.	623 sqm of deep soil zone provided. Equivalent to 8.6 % of site area. Suitable dimensions of deep soil zone are provided.	Yes.
3F Visual Privacy Building Separation: refer to **2F** 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.	6m provided to building. Balconies encroach to the street frontage as permitted by Growth Centres DCP, and are setback 4.5 m setback from the property boundary. N/A	Yes
3G Pedestrian Access & Entries Connect to & 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
3H Vehicle Access Access points are safe and create quality streetscapes.	Car parking and driveway location is suitable.	Yes
3J Bicycle & Car Parking Sites within 800m of a railway station comply with Guide to Traffic Generating Developments. **< 20 units** 1 space for each unit An additional 0.2 space for each 2br unit An additional 0.5 space per 3br unit 0.2 space for visitor parking **>20 units** Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.4 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking) At least 1 loading dock. Conveniently located and sufficient numbers of bicycle & motorbike spaces.	The site is 650 m from Cudgegong Road Sydney Metro Train Station currently under construction. The proposal is for 140 units (8 x 1 bed, 129 x 2 bed and 3 x 3 bed). 141 residential car parking spaces and 28 visitor parking spaces will be provided (total 169 car parking spaces) 1 loading dock and separate car wash space has been provided. 28 visitor and resident bicycle parking will be provided.	Yes
Designing the Building		
4A Solar & Daylight Access Living rooms & POS receive minimum 2 hours direct sunlight between 9am - 3pm in mid-winter > 70% of units. Maximum number with no sunlight access < 15%.	98/140 (70%)	Yes

ADG Requirement	Proposal	Compliance
Suitable design features for operable shading to allow adjustment & choice.	28 units (20%) The ADG is to be used a guide only and while it is considered desirable to maximise the number of dual/north orientated units within a development, it is considered that the provision of 7 south facing units on each level over the two buildings is not excessive and should be supported in this instance. None provided	No – but acceptable on its merits
4B Naturally Ventilation All habitable rooms naturally ventilated. Number of naturally cross ventilated units > 60%. Depth of cross over apartments < 18m. The area of unobstructed window openings should be equal to at least 5% of the floor area served.	87/140 units cross ventilated (62%). The window areas are satisfactory.	Yes
4C Ceiling Heights 2.7m for habitable 2.4m for non-habitable Service bulkheads are not to intrude into habitable spaces.	3m provided for habitable rooms.	Yes
4D Apartment Size & Layout 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 2.5m x Ceiling Height (6.75m with 2.7m ceiling heights) Open Plan Layouts that include a living, dining room and kitchen – max 8m to a window. Bedroom sizes (excl wardrobe space): Master - 10sqm Other – 9 sqm Minimum dimensions – 3 m Living rooms/dining areas have a minimum width of: 3.6m - Studio/1 br 4m - 2br/ 3br Cross-over/cross-through: 4m wide	 N/A 52.50 – 65.60 sqm 75 – 83.7 sqm 96.80 sqm Where second bathrooms are provided unit size exceed the minimum size by 5sqm. Satisfactory room depths. Open plan layouts are provided. Kitchens are less than 8m to a window. Bedroom and living room sizes and dimensions meet requirements. N/A	Yes
4E Private Open Space & Balconies Studio > 4 sqm	Balcony dimensions compliant for the	Yes

ADG Requirement	Proposal	Compliance
1 bed > 8 sqm & 2m depth 2 bed > 10 sqm & 2m depth 3 bed > 12 sqm & 2.4m depth Ground level/ podium apartments > 15 sqm & 3m depth Extension of the living space. A/C units should be located on roofs, in basements, or fully integrated into the building design.	equivalent apartment size. Min 15 sqm and 3m – Complies POS is an extension of the living space Relevant conditions imposed.	
4F Common Circulation & Spaces 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 & natural ventilation to all common circulation areas above ground level. Corridors greater than 12m 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 & 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.	3 to 11 units per core N/A No – however for this scale of development, the common circulation areas provide an efficient layout which does not compromise amenity. Corridor lengths exceed 12m, however, windows and seating areas provided. Dual aspect apartments are provided. Windows do not open onto common circulation areas. Achieved. Achieved. Achieved. N/A	No – but acceptable on its merits.
4G Storage Studio > 4 m^3 1 bed > 6 m^3 2 bed > 8 m^3 3 bed > 10 m^3 Min 50% within the apartment.	Minimum storage areas provided, with a minimum 50% provided in apartment. Storage spaces also provided within basement.	Yes
4H Acoustic Privacy Window & door openings orientated away from noise sources. Noise sources from garage doors, driveways, services, COS and circulation areas to be 3m from bedrooms. Separate noisy & quiet spaces. Provide double / acoustic glazing, acoustic seals, materials with low noise penetration.	Achieved. Achieved. Achieved. Suitable acoustic measures to be installed.	Yes
4J Noise & Pollution In noisy or hostile environments, the	The layout of the development	Yes

ADG Requirement	Proposal	Compliance
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).	considers potential noise and pollution impacts, and is satisfactory.	
Configuration		
4K Apartment Mix Provide a variety of apartment types. Flexible apartment mix.	The proposal is for 140 units (8 x 1 bed, 129 x 2 bed and 3 x 3 bed). A suitable and responsive apartment mix is provided.	Yes
4L Ground Floor Apartments Maximise street frontage activity. Direct street access to ground floor apartments. Ground floor apartments to deliver amenity and safety for residents.	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.	Yes
4M Facades Front building facades are to provide visual interest whilst respecting the character of the local area. Building services are to be integrated into the overall façade. Provide design solutions which consider scale and proportion to the streetscape and human scale.	The front façade is architecturally treated to create visual interest and contributes to the desired future character of this area. Plant and equipment catered for in plant room provided for in basement.	Yes
4N Roof Design 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
4O Landscape Design **Site Area** < 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 7,239.27 sqm. Deep soil zone of 623 sqm (8.6%) provided. A mixture of shrubs and medium and large trees are proposed which are considered to suitably complement the site and built form. Concept plans indicate 44 medium to large trees will be planted.	Yes
4P Planting on Structures Refer to Table 5 for minimum soil standards. Provide suitable plant selection. Provide suitable irrigation and drainage systems and maintenance.	Planting is provided within the setbacks, some of which is above the basement structures. The proposal comprises suitable plant selection which is considered to enhance the	Yes

ADG Requirement	Proposal	Compliance
Enhance the quality and amenity of COS with green walls, green roof and planter boxes, etc.	quality and amenity of the COS. Feature trees provided within central communal courtyard area have been provided with sufficient soil depth.	
4Q Universal Design 10% adaptable housing. Flexible design solutions to accommodate the changing needs of occupants.	14 adaptable units are provided (10%). The layout of the units comprises flexible design solutions.	Yes
4R Adaptive Reuse New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A	N/A
4S Mixed Use Provide active street frontages and encourage pedestrian movement. Residential entries separate and clearly defined. Landscaped COS to be at podium or roof level.	N/A	N/A
4T Awnings & Signage Awnings to be continuous and complement the existing street character. Provide protection from sun and rain, wrapped around the secondary frontage. Gutters & down pipes to be integrated and concealed. Lighting under awnings is to be provided. Signage is to be integrated and in scale with the building. Legible and discrete way finding is to be provided.	N/A	N/A
Performance		
4U Energy Efficiency The development is to incorporate passive solar design. Heating & cooling infrastructure are to be centrally located (e.g. basement).	The development allows for the optimisation / management of heat storage in winter and heat transfer is summer. No details of services, however plant rooms provided within basement and on roof.	Yes
4V Water Management & Conservation Rainwater collection & reuse. Drought tolerant plants. WSUD measures. Detention tanks should be located under paved areas, driveways or in basement car parks.	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
4W Waste Management Waste storage should be discreetly located away from the front of the development or in the basement. Waste cupboard within each dwelling.	Waste storage located within basement. Each dwelling has sufficient storage. Waste chutes are centrally located on	Yes

ADG Requirement	Proposal	Compliance
Waste and recycling rooms are to be in convenient and accessible locations related to each vertical core.	each floor.	
4X Building Maintenance The design is to provide protection from weathering. Enable ease of maintenance. The materials are to reduce ongoing maintenance costs.	The proposal demonstrates ease of maintenance.	Yes

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

5 State Environmental Planning Policy (Infrastructure) 2007

a. Roads and Maritime Services (RMS)

SEPP (Infrastructure) 2007 is triggered because the site is within 90 m of a State road (Windsor Road) which has an annual average daily traffic volume of more than 40,000 vehicles. The application has been referred to the RMS for consideration and conditions of consent have been provided.

6 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 residential flat buildings, suitable conditions will be imposed to address these matters and to ensure that the site is made suitable for residential development without any limitations.

7 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.

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

Appendix 6 of the SEPP, Area 20 Precinct Plan, applies to the site. The site is zoned R3 Medium Density Residential and residential flat buildings are permitted with consent. The table below provides a summary assessment of the development standards established within the Growth Centres SEPP and the proposal's compliance with these standards. The development complies with the development standards contained within the SEPP.

Compliance with SEPP (Sydney Region Growth Centres) 2006 General controls within main body of the SEPP		
Clause	**Proposal**	**Complies**
Part 5 Development controls – flood prone and major creek land		
Cl.19 Development on flood prone and major creeks land—additional heads of consideration	N/A	N/A
Cl. 20 Development on and near certain land at Riverstone West	N/A	N/A
Compliance with SEPP (Sydney Region Growth Centres) 2006 Appendix 6 – Area 20 Precinct Plan 2010		
Clause	**Proposal**	**Complies**
Part 2 Permitted or prohibited development		
2.1 Zoning & Land Use Tables	R3 – Medium Density Residential. 'Residential flat building' permissible in the zone with consent.	Yes
Part 4 Principal development standards		
4.1AB Cl. (9) - Min. lot size for RFB in R3 zone ➢ Min. 2,000m^2	Site area – 7,239 sqm	Yes
4.1B Residential Density ➢ Min. 25ph	18 dwellings required 140 units proposed	Yes
4.3 Height of Buildings ➢ Max. 16m	Maximum height – 14.8 m. Clause 4.6 exception sought.	No – discussed in main report. Acceptable on its merits.
4.4 Floor space ratio (NB. calculations to be in accordance with 4.5) ➢ Max. 1.75:1	1.30: 1 (8,998.82 sqm including road widening)	Yes
4.6 Exceptions to development standard ➢ Request must be in writing	0.450m – 2.8 m height variation sought for Blocks A, B C and D respectively. A Clause 4.6 has been submitted. Height variation of nose of curved roof, parapets, lift overruns and stairs to access roof top terrace and planter boxes and pergolas on roof top.	Yes – discussed in main report.
Part 5 Miscellaneous provisions		
5.6 Architectural roof features	N/A	N/A

5.9 Preservation of trees or vegetation	Cleared of trees during subdivision.	N/A
5.10 Heritage conservation	Sign off during subdivision. Additional conditions imposed in case of any findings.	Yes
Part 6 Additional local provisions		
6.1 Public utility infrastructure	Site is serviced as confirmed by servicing authorities. Servicing conditions also imposed.	Yes
6.2 Attached dwellings, manor homes and multi-dwelling housing in R2 zone	N/A	N/A
6.4 & 6.5 Native vegetation	Native Vegetation Protection (NVP) area and Existing Native Vegetation (ENV) not identified on site.	N/A
6.6 Zone B4 Mixed Use	N/A	N/A
6.7 B1 Neighbourhood Centre	N/A	N/A

9 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.

10 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.

11 Blacktown City Council Growth Centre Precincts Development Control Plan 2016 (Growth Centre DCP)

The Blacktown City Council Growth Centre Precincts DCP applies to the site. The table below outlines the proposal's compliance with the specific controls established in the DCP.

Compliance with the development in residential zones controls within the Blacktown City Council Growth Centre Precincts Development Control Plan

Compliance with BCC Growth Centre Precincts DCP 2016 Part 4.0 - Development in the Residential Zones (from main body of DCP)		
SPECIFIC RESIDENTIAL FLAT BUILDING CONTROLS		
Key controls for residential flat buildings (Table 4-10)		
Element/Control	**Proposal**	**Complies**
Site coverage ➢ Max. 50%	Maximum 3,619.64 sqm (50%) Provided 3,301.5 sqm (45.61%)	Yes
Landscaped area ➢ Min. 30% of site area	Required 2,171.78 sqm (30%) Provided 2,529.93 sqm (34.95%)	Yes
Communal open space ➢ 15% of site area	Required 1,085.89 sqm (15%) Provided 1,428 sqm (19.73%)	Yes
Principal private open space (PPOS) ➢ Min. 10m² per dwelling ➢ Min. dimension of 2.5m	Consistent with ADG requirements.	Yes
Front setback ➢ Min. 6m ➢ Balconies and other articulation may encroach into setback to a maximum of 4.5m from the boundary for the first 3 storeys, and for a maximum of 50% of the façade length.	6 m setback provided to streets, with balconies encroaching into setback up to 4.5m.	Yes
Corner lots secondary setback ➢ Min. 6m	Minimum 6 m setback provided	Yes
Side setback ➢ Buildings up to 3 storeys: min. 3m ➢ Buildings above 3 storeys: min 6m	6 m provided	Yes
Rear setback ➢ Min. 6m	Nil rear setback	N/A
Zero lot line ➢ Not permitted	Not proposed.	N/A
Habitable room/balcony separation distance for buildings 3 storeys and above ➢ Min. 12m	Building separation of 12 m provided.	Yes
Car parking spaces ➢ 1 space per dwelling, plus 0.5 spaces per 3 or more bed dwelling. ➢ May be in a 'stack parking' configuration. ➢ Spaces to be located below ground or behind building line ➢ 1 visitor car parking space per 5 units	140 units 8 x 1 bed, 129 x 2 bed and 3 x 3 bed Required: 142 spaces resident and 28 visitor Proposed: 169 spaces, being 28 visitor spaces and 141 residential spaces	No, however the proposal meets the ADG requirements. In accordance with clause 30 of SEPP 65, Council cannot use car parking as grounds to refuse development if it will be equal to, or greater than what is recommended in Part 3J of the ADG. The proposal is

		providing 15 parking spaces greater than what is required under the ADG.
Bicycle parking ➢ 1 space per 3 dwellings	Required: 47 spaces Proposed: 50 spaces	Yes
Garage dominance ➢ Max. 2 garage doors per 20m of lot frontage facing any one street frontage.	Single access proposed off new Road No. 2	Yes
Garages and car parking dimensions ➢ Covered: min. 3m x 5.5m ➢ Uncovered: min. 2.5m x 5.2m ➢ Aisle widths must comply with AS 2890.1	Car parking to comply with AS 2890.1	Yes
Additional controls for certain dwelling types (Section 4.3) (Sub section 4.3.5 Controls for residential flat buildings)		
Element/Control	**Proposal**	**Complies**
Street frontage ➢ Minimum 30m	Approximately 160 m	Yes
Access ➢ Direct frontage to street or public park	Vehicle access proposed to New Road No. 2	Yes
Amenity ➢ Must not adversely impact upon the amenity (i.e. overshadowing, privacy or visual impact) of existing or future adjoining residential development.	Satisfactory	Yes
Adaptable Housing ➢ Min 10% of dwellings (where 10 or more proposed). ➢ Designed in accordance with the Australian *Adaptable Housing Standard* (*AS 4299-1995)* ➢ Preferably on ground floor or access via a lift, including access to basement. ➢ DA to be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the *Australian Adaptable Housing Standard* (*AS 4299-1995*).	Access report submitted	Yes
Accessible parking ➢ Car parking and garages to comply with the requirements of AS for disabled parking spaces.	Access report submitted	Yes
Landscape Plan ➢ Landscape plan to be submitted.	Satisfactory	Yes
CONTROLS FOR ALL RESIDENTIAL DEVELOPMENT		
Site Responsive Design (Section 4.1)		

Control/Requirement	Proposal	Complies
4.1.1 Site analysis plan	Satisfactory	Yes
4.1.2 Cut and fill ➢ Max. 500mm cut/fill ➢ Validation Report for imported fill ➢ Where cut on the boundary, retaining walls must be integrated with its construction, otherwise minimum 450mm from boundary ➢ Max. 600mm high walls ➢ Max. 1200mm combined wall height ➢ Min 0.5m between each step	Satisfactory	Yes
4.1.3 Sustainable building design ➢ BASIX Certificate ➢ Indigenous species to make up more than 50% of plant mix on landscape plan ➢ Plant species to be selected from Appendix D ➢ Outdoor clothes lines/drying areas required	BASIX submitted	Yes
4.1.4 Salinity, sodicity & aggressivity ➢ To comply with Salinity Management Plan developed at subdivision phase	Salinity report submitted	Yes – appropriate conditions of consent to be imposed.
Dwelling design controls (Section 4.2)		
Control/Requirement	**Proposal**	**Complies**
4.2.1 Summary of Key Controls	N/A – tables do not relate to RFB's	N/A
4.2.2 Streetscape & design	N/A – no specific controls for RFB's	N/A
4.2.3 Front setbacks	N/A - no specific controls for RFB's	N/A
4.2.4 Side and rear setbacks	N/A - no specific controls for RFB's	N/A
4.2.5 Height, massing and siting	N/A - no specific controls for RFB's	N/A
4.2.6 Landscaped area	N/A - no specific controls for RFB's	N/A
4.2.7 Private open space ➢ Principle POS to be accessible from the main living area and have a maximum gradient of 1:10.	Balconies and ground floor terraces directly accessible.	Yes
4.2.8 Garages, access & parking ➢ Driveways not to be within 1m of drainage facilities on gutter. ➢ Planting/walls adjacent to driveways must not block sight lines. ➢ Driveways to have soft landscaped areas on either side.	Driveway location satisfactory.	Yes
4.2.9 Visual and acoustic privacy ➢ Acoustic report required if adjacent to railway line or major road, or impacted upon by nearby industrial/commercial area. ➢ No equipment or plant to generate noise level > 5dBA measured during the hours 7.00am to10.00pm. ➢ Internal layout of residential buildings, window openings, location of courtyards and balconies, and building plant to be designed to minimise noise impacts	Satisfactory.	Yes

➢ 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.		
4.2.10 Fencing ➢ Front fencing max. 1m. ➢ Front fences not to impede sight lines. ➢ Side and rear fences max. 1.8m. ➢ Side fences not on a street frontage to be a max. 1m high to a point 2m 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 4m 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 max. height 1m or see-through materials for portion above 1m. ➢ Pre-painted steel or timber paling or lapped/capped boundary fencing not permitted adjacent to open space or drainage land or on front boundaries. ➢ Fencing adjoining rear access ways to permit casual surveillance.	Fencing details provided and are satisfactory. Horizontal "supaslats" (0.9m) atop solid wall (0.9m) provides overall 1.8 m high fence enclosing ground floor terraces for privacy reasons. Fencing setback minimum 3 m from the property boundary. Suitable conditions to be imposed.	Yes