

Assessment against planning controls: Section 4.15, summary assessment and variations to standards

1 Environmental Planning and Assessment Act 1979

1.1 Section 4.15 ‘Heads of Consideration’

Heads of Consideration	Comment	Complies
a. The provisions of: (i) Any environmental planning instrument (EPI)	<p>The proposal is considered to be consistent with the relevant EPIs, including State Environmental Planning Policy (State and Regional Development) 2011, SEPP BASIX 2004, SEPP No. 55 – Remediation of Land, SEPP No. 65 – Design Quality of Residential Apartment Development and the 9 ‘design quality principles’ of SEPP 65 and Blacktown Local Environmental Plan 2015.</p> <p>All buildings comply with the design criteria of the Apartment Design Guide with the following exceptions:</p> <ul style="list-style-type: none"> balcony sizes - 6 of 81 balconies do not comply with the ADG requirements at Objective 4E-1 building separation between the 2 wings of the building – conditions to be imposed for a screen on the side of the balcony for units numbered with a suffix .01, and for translucent glazing for a window on the Upper Ground level to Level 0.5, to prevent overlooking. side setbacks – there is a minor point encroachment to 1 balcony at the rear on the side elevation to Clancy Lane at the Lower Ground level, which does not comply with the ADG 6 m side setback. <p>These variations are outlined in the Assessment Report.</p>	<p>Satisfactory</p> <p>No, but acceptable in the circumstances as non-compliances are very minor. Conditions have been imposed to minimise impacts.</p>
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	There is no draft EPI relevant to the site.	N/A
(iii) Any development control plan (DCP)	Blacktown Development Control Plan (DCP) 2015 applies to this site. The proposed development is compliant with the numerical controls established under the DCP including the front setback, with the exception of the car parking requirement where 123 car parking spaces are provided, rather than 129 car parking spaces as required by the DCP.	No, but suitable car parking provision is made which complies with the ADG and RMS requirements
(iii a) Any Planning Agreement	There is no proposed planning agreement.	N/A

Heads of Consideration	Comment	Complies
(iv) The Regulation	<p>The DA is compliant with:</p> <ul style="list-style-type: none"> • Clause 91 Public notification of DA and accompanying info • Clause 93 Fire safety and other considerations for existing buildings • Clause 97A Fulfilment of BASIX commitments. 	Yes, subject to conditions
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>It is considered that the likely impacts of the development, including traffic, parking and access, design and presentation, bulk and scale, overshadowing, noise, privacy, waste management, flora and fauna, salinity, contamination and stormwater management, 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 have minimal unfavourable social, economic or environmental impacts.</p>	Yes
c. The suitability of the site for the development	<p>The subject site is zoned R4 High Density Residential which permits residential flat buildings with consent. There is a height limit of 20 m under BLEP 2015.</p> <p>There is a height exceedance of 3.6 m relating to the lift overrun, 2 stair cores, shade structure and balustrade/corner roof element of Unit 5.05. A Clause 4.6 request has been provided which is addressed separately.</p> <p>The site has an area of 3,396 m², with 2 street frontages, and is suited to this form of development.</p> <p>The proposed development provides a high quality design which satisfies the R4 High Density Residential zone objectives outlined under Blacktown Local Environmental Plan 2015 and is a suitable use for the site.</p> <p>The site is in the vicinity of complementary land uses, including the neighbourhood centre, public schools, community facilities and public transport connections, which demonstrates that the site is well serviced and suitable for this form of development and residential density.</p> <p>The site is therefore considered suitable for the proposed development.</p>	Yes
d. Any submissions made in accordance with this Act, or the regulations	<p>The DA was exhibited for comment for a period of 14 days. We received 1 submission requesting changes in traffic arrangements for the street network adjacent to and surrounding the site. The submitter stated that in their opinion increased traffic in the area as a result of the proposed development would impact on their ability to enter and leave their property at 12 George Street and they provided suggestions seeking change to the surrounding traffic network arrangements. These are not specifically relevant to this DA.</p>	We do not consider that the objection warrants refusal of the application and conditions are proposed.

Heads of Consideration	Comment	Complies
	This submission was sent to Council's Traffic Section for information and comment. It has provided suitable conditions relating to design requirements to ensure safety and sightlines comply with AS 2890.1, which have been included in the conditions of consent.	
e. The public interest	The site is zoned for residential flat buildings and the proposal provides high quality housing stock and housing diversity in Seven Hills. The overriding public interest is considered satisfied.	Yes

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

Summary comment	Complies
<p>The Sydney Central City Planning Panel (SCCPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million (being the CIV applicable for applications lodged but not determined prior to 1 March 2018 under Clause 23 transitional provisions of this SEPP).</p> <p>As this DA has a CIV of \$ 21,023,812 Council is responsible for the assessment of the DA and determination of the application is to be made by the Panel.</p>	Yes

3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Summary comment	Complies
<p>The proposed development includes BASIX-affected buildings and therefore requires assessment against the provisions of this SEPP, including BASIX certification.</p> <p>A BASIX Certificate was submitted with the Development Application in line with the provisions of this SEPP. The BASIX Certificate demonstrates that the proposal complies with the relevant sustainability targets and will implement those measures required by the certificate. A suitable condition will be imposed requiring compliance with the submitted BASIX Certificate, as amended to reflect the revised proposal.</p>	Yes, subject to conditions

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

Summary comment	Complies
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.	Yes, subject to conditions

Summary comment	Complies
<p>An environmental report entitled Preliminary Geotechnical Investigation and Salinity Assessment, prepared by Environmental Investigations Australia, dated 7 July 2015 has been submitted which provides a preliminary assessment of the site. The potential for on-site contamination was not examined. Our Environmental Health Unit has provided conditions that address the requirements of the SEPP requiring a Stage 2 Detailed Site Investigation Report to be provided. Our Building section has also provided conditions in relation to site investigation and asbestos removal.</p> <p>Conditions of consent are recommended to ensure that appropriate measures are undertaken should any potentially hazardous materials such as asbestos be identified during construction activities, and if any contamination is identified during excavation works it is to be disposed of or treated in line with the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.</p>	

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

Summary comment
<p>SEPP 65 applies to the assessment of Development Applications for residential flat buildings 3 or more storeys in height and containing at least 4 dwellings.</p> <p>Clause 30 of SEPP 65 requires a consent authority to take into consideration:</p> <ul style="list-style-type: none"> advice (if any) obtained from the design review panel design quality of the residential flat development when evaluated in accordance with the design quality principles the Apartment Design Guide (ADG). <p>We do not have a design review panel.</p> <p>The tables below provide comments on our assessment of the 9 design quality principles and details where the numerical guidelines of the Apartment Design Guide are not fully complied with.</p>

5.1 Design quality principles

Principle	Control	Comment
5.1.1 Design quality principles The development satisfies the 9 design quality principles.		
1. Context and neighbourhood character	<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 in the Seven Hills Urban Renewal Precinct which has been rezoned from low density to high density residential zoning under BLEP 2015.</p> <p>Best Road Park is 120 m to the east of the site and the site is 310 m from the railway station by straight-line distance.</p>

Principle	Control	Comment
		The layout and design of the proposal responds well to the context of the site and is highly compliant with the development standards and controls. The building has been architecturally designed and is considered compatible with the social, economic and environmental identity anticipated for the Seven Hills Urban Renewal Precinct.
2. Built form and scale	<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 part 6/part 7 storey building height, which exceeds the 20 m building height limit by 3.6 m, provides for a building design that incorporates waste collection at the lower ground level (with entry for SRV waste trucks from Clancy Lane).</p> <p>The proposal is consistent with the desired future character of this residential locality which is in transition to a higher density.</p> <p>The building design incorporates a mix of face brickwork in brown tones, and pre-finished cladding in beige and pale-medium greens. The paint colours feature neutral colours including white, grey, beige and pale tan. These colour tones will complement the character of this established area which is undergoing higher density development.</p> <p>Clear glass balustrades within a grey aluminium frame, aluminium-framed glass windows and sliding balcony doors are proposed. The roof is to be constructed of concrete. Through the application of these varied materials, the building achieves an appropriate built form.</p> <p>Articulation and building elements are satisfactory.</p> <p>The City Architect's office has reviewed the various iterations of the proposal between 2016 and 2018, and no objection is raised to the amended proposal.</p>
3. Density	<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 residential component of the development comprises 81 apartments. Each apartment has been designed to achieve a suitable level of amenity for residents. The proposed density and resulting population increase is consistent with that envisaged by BLEP 2015 for this site.</p> <p>The site is close to public transport and is well serviced by infrastructure and community facilities.</p>

Principle	Control	Comment
4. Sustainability	<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 development provides adequate design for solar access and natural cross ventilation. It complies with the ADG criteria for solar provision - 70% of the units will receive 2 or more hours of solar access onto balconies and living rooms during midwinter.</p> <p>63% of units are cross-ventilated, meeting the ADG requirement of 60%.</p> <p>The proposal provides for a mix of dwellings, contributing to housing diversity within the locality. It proposes 21 x 1 bedroom units, 44 x 2 bedroom units and 16 x 3 bedroom units.</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. A condition requires the BASIX Certificate to be amended to reflect Issue M of the plans and to be submitted prior to issue of the CC.</p>
5. Landscape	<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 (at ground level and upper ground level within the front, rear and side setbacks) which are suitable for the proposed use.</p> <p>The proposed landscaping in the communal open space area, including on the roof, is of good design and capable of being sustained and maintained.</p> <p>The plan includes tree removal and retention as approved by our Open Space Infrastructure Section. The landscape plan provides for tree and shrub plantings, groundcovers, and garden beds. The plan incorporates high quality surface finishes with decorative surfaces. Planter beds, garden beds in OSD and turfed areas are proposed. A brick paved area is provided which includes BBQ area and clothes drying area under which are areas of crushed granite in the rear and side setbacks.</p> <p>One existing street tree is to be retained and additional street trees planted as shown on the landscape plan. This has been conditioned.</p>

Principle	Control	Comment
		A deep soil zone has been provided of 870 m ² which is 25.6% of the site area, meeting the ADG requirement which is 15% of the site area for sites greater than 1,500 m ² .
6. Amenity	<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 residential occupants within the site, as well as the surrounding properties, the proposal achieves a suitable level of internal amenity through 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>A condition has been imposed for units ending with the suffix .01 to be screened on the balcony side to prevent overlooking, and for these units to have translucent glazing for 1 window to prevent overlooking.</p> <p>Appropriate conditions have been imposed to address acoustic impact concerns, including an acoustic report to be submitted to address acoustic emissions from plant and equipment.</p>
7. Safety	<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 satisfactory in terms of future residential occupants being capable of providing casual surveillance to the public domain and maintaining internal privacy.</p> <p>Public and private spaces are clearly defined and suitable safety measures are integrated into the development.</p> <p>Suitable access security measures are incorporated into the design and operation of the development.</p> <p>The CPTED report proposes a CCTV security camera at the entry to the building's lobby, and also within each basement level and areas where there are alcoves or recesses, so that they are monitored continuously.</p>
8. Housing diversity and social interaction	<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</p>	<p>The proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands.</p> <p>There is a variety of unit layouts and sizes, with 1-bed, 2-bed and 3-bed units accessible by lift from the lobby and car</p>

Principle	Control	Comment
	<p>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>parking levels.</p> <p>The proposal provides additional housing choice which is in close proximity to public transport and services, shops and schools.</p> <p>This mix and density will support the presence of the train station and park/community spaces in the area by achieving the required residential population.</p>
9. Aesthetics	<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 appropriate in terms of the composition of building elements, textures, materials, finishes and colours. It reflects the use, internal design and structure of the resultant building.</p> <p>The distinctive contemporary design assists in setting a high quality standard for the transitioning character of this locality and creates a desirable streetscape.</p> <p>The landscaping will ensure the building is well integrated into its surroundings.</p>

5.2 Compliance with Apartment Design Guide (ADG)

ADG requirement	Proposal	Compliance
-----------------	----------	------------

We have assessed the application against the relevant provisions of the ADG and the table below only identifies where compliance is **not fully achieved**.

It is compliant with all other matters under the ADG.

Controls

2F Building Separation	<p>Up to 4 storeys/12 m:</p> <p>12 m between habitable rooms/balconies</p> <p>9 m between habitable rooms/balconies and non-habitable rooms</p> <p>6 m between non-habitable rooms</p>	<p>Rear setback complies.</p> <p>Side setbacks comply with 1 exception which is a point encroachment to the side balcony at the rear which overlooks Clancy Lane, at the Lower Ground level, to Level 02.</p> <p>Variations are sought to the ADG building separation requirements for internal building separation. A condition will be imposed requiring a fixed privacy screen to the side of the balcony for units numbered with suffix .01, and also for translucent glazing to 1 window. This is because the internal building separation is 8.5 m to 9.5 m rather than the 12 m required under the ADG.</p>	<p>No, minor variations. Refer to section 7 of the Assessment Report for further discussion regarding this variation.</p> <p>The variations are considered acceptable in this instance, subject to conditions.</p>
-------------------------------	---	--	---

ADG requirement		Proposal	Compliance
	5 to 8 storeys/up to 25 m: 18 m between habitable rooms/balconies 13 m between habitable rooms/balconies and non-habitable rooms 9 m between non-habitable rooms	Rear setback complies. Side setbacks comply with 1 exception, which is a point encroachment to the side balcony at the rear which overlooks Clancy Lane, at Levels 03 and 04. Variations are sought to the ADG building separation requirements for internal building separation. A condition will be imposed requiring a fixed privacy screen to the side of the balcony for units numbered with suffix .01, and also for translucent glazing to 1 window. This is because the internal building separation is 9.5 m and does not comply with the 18 m requirement under the ADG.	No, minor variations. Refer to section 7 of the Assessment Report for further discussion regarding this variation. The variations are considered acceptable in this instance, subject to conditions.

Siting the Development

3F Visual privacy	Separation distances between buildings on the same site depending on the type of room as to reflect Figure 3F.2.	Refer to 2F Building Separation above.	No, but variations considered satisfactory in this instance.
	Direct lines of sight should be avoided for windows and balconies across corners.	Direct lines of sight are avoided. Blank walls are used on part of side elevations. Condition referred to above for screen on side of rear balcony for units numbered with a suffix .01 and translucent glazing on 1 window to minimise overlooking.	Satisfactory, subject to conditions.
3H Vehicle access	Access points are safe and create quality streetscapes.	There are 2 separate driveway locations, to facilitate vehicular separation. Residential parking is via the George Street frontage. The 2 basement levels and Lower Ground level which are entered from George Street cater for a separate vehicular entry for residents and visitors for parking of cars, motorbikes and bicycles.	Yes, subject to conditions.
	The need for large vehicles to enter or turn around within the site should be avoided.	Waste collection into the Lower Ground level by small rigid vehicles (SRV) is via Clancy Lane. Due to headroom allowance being limited to 4 m, the site has approval for a small rigid vehicle only, for the purpose of waste collection from the Lower Ground level. The configuration caters for waste collection vehicles to enter and leave the site in a forward direction, and to manoeuvre safely	

ADG requirement		Proposal	Compliance
		on site. Signage will denote SRV access only applies re waste vehicles, and suitable conditions have been imposed.	
Designing the building			
4E Private open space and balconies	1 bed > 8 m ² and 2.0 m depth 2 bed >10 m ² and 2.0 m depth 3 bed >12 m ² and 2.4 m depth	Most comply Most comply Most comply Non-compliant unit balcony sizes: Units 1.01, 1.02, 1.11, 2.01, 2.02, 2.11. <ul style="list-style-type: none"> The balcony for unit 1.01 is 2 m deep, and required to be 2.4 m deep. The balcony for unit 1.02 is 2 m deep, and required to be 2.4 m deep, and is also 10.3 m² in size, and is required to be 12 m² in size. The balcony for unit 1.11 is required as a primary balcony to be 10 m² in size, and is only 7.7 m². The balcony for unit 2.01 is 2 m deep, and required to be 2.4 m deep. The balcony for unit 2.02 is 2 m deep, and required to be 2.4 m deep, and is also 10.2 m² in size, and is required to be 12 m² in size. The balcony for unit 2.11 is required as a primary balcony to be 10 m ² in size, and is only 7.7 m ² .	Condition imposed for amended plans prior to issue of CC to address non-compliant balcony sizes (6 of 81 do not comply)
4H Acoustic privacy	Provide double/acoustic glazing, acoustic seals, materials with low noise penetration.	Condition imposed requiring an acoustic report to be submitted which demonstrates suitable acoustic attenuation measures as part of documentation to be provided prior to issue of Construction Certificate, and verification to be provided by an acoustic consultant prior to issue of an Occupation Certificate.	Yes, subject to condition

6 Central City District Plan 2018

Summary comment	Complies
<p>While the Act does not require consideration of District Plans in the assessment of DAs, the DA is consistent with the following overarching planning priorities of the Central City District Plan:</p> <p>Liveability</p> <ul style="list-style-type: none"> Improving housing choice Improving housing diversity and affordability. 	Yes

7 Blacktown Local Environmental Plan 2015

Summary comment	
<p>Blacktown Local Environmental Plan 2015 (BLEP 2015) applies to the site. The table below provides a summary assessment of the development standards established within the BLEP 2015 and the proposal's compliance with these standards. The development complies with the development standards prescribed by BLEP 2015, with the exception of Clause 4.3 Building Height.</p>	
Development Standard	Complies
<p>Clause 4.3 Maximum Height of Buildings: 20 metres</p> <p>For the most part the building complies with the building height limit of 20 m, with the exception of several point encroachments on the parapet, and the lift overrun, shade structure, 2 stair cores, and balustrade/corner roof element over unit 5.05.</p>	<p>No – see clause 4.6 justification at attachment 8 provided by the applicant. Our assessment is at attachment 9.</p> <p>The proposed building height variation is discussed in detail in Section 7 of the report and is considered satisfactory.</p>

8 Blacktown Development Control Plan 2015

Summary comment	Complies
<p>The proposal satisfies the requirements of the DCP, with the exception of:</p> <ul style="list-style-type: none"> car parking which has a deficit of 6 car parking spaces in relation to DCP requirements but meets the requirements of the ADG and RMS. 	<p>Satisfactory as RMS requirement legally prevails over the DCP.</p>