

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)	1. The provisions of the relevant EPIs relating to the proposed development are summarised below in Attachment 6. The proposal is considered to be consistent with the relevant planning instruments.	
	Under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Appendix 12, the site for this application is within the R3 Medium Density Residential zone. Within this zone the SEPP permits residential flat buildings, as proposed, with consent. The objectives of the zone are satisfied because the proposal provides for the construction of residential flat buildings.	Yes
	The minimum lot size for a residential flat building in the R3 zone is 2,000 sqm, which is met with the site being 10,920 sqm or 7,385 sqm excluding roads.	Yes
	Under the Growth Centres SEPP the height limit that applies to the site is 14 metres. The submitted plans show that the lift overruns are up to 15.15 metres high, with small portions of building roofs being fractionally higher than the 14 metre height standard. A Clause 4.6 Variation Submission has been made by the applicant that addresses the requirements of subclauses 4.6(3) and (4) and is considered satisfactory to allow the variation to the height of building development standard in this circumstance.	No. Clause 4.6 variation submitted
	The site is subject to a minimum dwelling density development standard of 25 dwellings per hectare which is exceeded with the proposal of 169 dwellings, being 155 dwellings per ha for the whole site or 229 dwellings per ha for the site excluding roads.	Yes

Heads of Consideration 79C	Comment	Complies
	<p>The application proposes to remove 8 existing trees, 3 of which are considered to be significant. Rather than retention of these trees which is difficult with the road layout and subdivision pattern, the applicant will be required to provide additional trees on site, including species endemic to the site.</p>	Yes
	<p>2. The second major planning instrument relevant to this proposal is State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development). While the proposal satisfies several criteria, it also fails some standards. Importantly, these standards include access to direct sunlight, deep soil areas, the amount and amenity of communal open space and insufficient liveable units. Building C has no communal open space at all. Other requirements relating to internal amenity are not satisfied. Together this indicates that the proposal will provide amenity that is below the desired standard. The unit mix consists of mostly 1 and 2 bedroom units and some 4% (total 7) 3 bedroom units.</p>	<p>No.</p> <p>Conditions of consent proposed if possible to improve amenity.</p>
	<p>3. State Environmental Planning Policy No. 55 – Remediation of Land is relevant to this site. Previously the land has been vacant and then used for residential purposes. A report has been submitted that includes a site investigation and salinity assessment. It concludes that the actual or potential contamination sources were identified as low, the site has not been contaminated by past or present activities and would not present a risk to human health. No further investigation is recommended.</p>	Yes
	<p>4. A BASIX Certificate has been provided under SEPP (Building Sustainability Index: BASIX) 2004 confirming that the proposal will comply with the water, thermal comfort and energy efficiency requirements of the policy.</p>	Yes

Heads of Consideration 79C	Comment	Complies
	5. Under State Environmental Planning Policy (Infrastructure) 2007, Clause 102 must be considered in relation to noise levels for the proposed development, which is located in proximity to Richmond Road, which is a State Road. An Acoustic Assessment has been prepared for the proposal with recommendations for the proposal to meet the requirements of the SEPP and Department of Planning Guidelines. Conditions of consent are proposed for the implementation of these recommendations.	Yes
	6. The proposed development constitutes 'regional development' under State Environmental Planning Policy (State and Regional Developmental) 2011, requiring referral to the Sydney Central City Planning Panel as it has a capital investment value of \$39,967,204.	Yes
	7. Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River applies to the site. The matters listed in the SREP have been considered and the impact of the proposal on the River catchment is not considered to be significant.	Yes
(ii) Any draft environmental planning Instrument	There are no draft environmental Planning Instruments relevant to the consideration of the proposed development.	N/A
(iii) Any development control plan (DCP)	The Blacktown City Council Growth Centre Precincts Development Control Plan 2010 applies to the site. An assessment of the proposal relative to the Development Control Plan is provided. Generally, many of the criteria are satisfied. Where the proposal is not adequate, where possible conditions will be applied to address the shortcomings.	No Conditions will address the inadequacies by increasing the provision of deep soil zone through reduction of basement footprint, provision of rooftop communal open space for Building C and design amendments to protect the residents' visual and acoustic privacy.
(iv) The regulations	There are no regulations to be considered.	N/A

Heads of Consideration 79C	Comment	Complies
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	It is considered that the likely impacts of the development, including design, stormwater management and residential amenity have been satisfactorily addressed. 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 under the Growth Centres SEPP. The proposal is consistent with relevant requirements in the Growth Centres DCP and the ADG. The site is suitable for the development subject to compliance with recommended conditions.	Yes
d. Any submissions made in accordance with this Act, or the regulations	Council received 1 submission at the completion of notification. Issues raised by the submitter have been addressed in the assessment of the proposal. Council's Engineering Section has recommended a Deferred Commencement condition with regard to stormwater management, enabling the applicant to obtain owners' consent for a stormwater easement. A further condition is recommended for the provision of temporary battering to facilitate road construction.	Yes
e. The public interest	The proposal is considered to be in the public interest as it allows the orderly development of the site.	

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 \$39, 967,204, Council is responsible for the assessment of the DA and determination of the application is to be made by the SPP.

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

Appendix 12 of the SEPP, Blacktown Growth Centres Precinct Plan, applies to the site as it is located within the Marsden Park Precinct. 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 submitted plans show that the lift overruns are up to 15.15 metres high, with small portions of building roofs being fractionally higher than the 14 metre height standard. A clause 4.6 Variation Submission has been made by the applicant that addresses the requirements of subclauses 4.6(3) and (4). This modification request is supported as discussed in the Report - **Section 8 Key planning issues assessment**.

Compliance with SEPP (Sydney Region Growth Centres) 2006 General controls within main body of the SEPP		
Clause	Proposal	Complies
Clause 19 Development on flood prone and major creeks land—additional heads of consideration	N/A	N/A
Clause 20 Development on and near certain land at Riverstone West	N/A	N/A
Clause 22 Native vegetation	N/A	N/A
Clause 25 Cultural heritage	N/A	N/A

Compliance with SEPP (Sydney Region Growth Centres) 2006 Appendix 12 – Blacktown Growth Centres Precinct Plan 2013		
Clause	Proposal	Complies
Part 2 Permitted or prohibited development		
2.1 Zoning and Land Use Tables	Residential R3. Residential flat buildings are permitted with development consent. The proposal is consistent with the objectives of the R3 zone including – ‘To provide for the housing needs of the community within a medium density residential environment’.	Yes
2.7 Demolition	The proposal includes the demolition of the existing dwelling and outbuildings on the site.	Yes
Part 4 Principal development standards		
4.1AB Clause (9) - Min. lot size for RFB in R3 zone ➤ Min. 2,000 sqm	The site is within the 25 dwellings per ha area on the Residential Density Map. The site area is 10,920 sqm, and 7385.9 sqm excluding roads.	Yes
4.1B Residential Density ➤ Min. 25 ph	Satisfied. The development of 169 dwellings on the site is 155 dwellings per ha for the whole site or 229 dwellings per ha for the site excluding roads.	Yes
4.3 Height of Buildings ➤ Max. 14 m	Building A lift overruns are over 14 m, up to 15.15 m. Building B lift overruns are over 14 m, up to 15.1 m. Building C lift overrun is 14 m.	No. Clause 4.6 variation submitted.

Compliance with SEPP (Sydney Region Growth Centres) 2006 Appendix 12 – Blacktown Growth Centres Precinct Plan 2013		
Clause	Proposal	Complies
4.4 Floor space ratio (NB. - calculations to be in accordance with 4.5) ➤	The Floor Space Ratio Map does not indicate a FSR for the site.	N/A
Part 4 Principal development standards		
4.6 Exceptions to development standard ➤ Request must be in writing	A clause 4.6 Variation Submission has been made by the applicant that addresses the requirements of subclauses 4.6(3) and (4) and is considered satisfactory to allow the variation to the height of building development standard in this circumstance.	Yes
Part 5 Miscellaneous provisions		
5.6 Architectural roof features	No features shown.	N/A
5.9 Preservation of trees or vegetation	No trees retained. 8 to be removed. Arborist's report indicates 5 trees are of no significance, 3 are endemic (2 forest red gums and 1 manna gum), however 1 is located in a proposed road and 2 on boundary driveway areas. No attempt has been made to retain these trees in the design. Consequently they should be replaced by similar trees in the new landscaping of the proposal.	No Apply condition for new endemic tree planting.
5.10 Heritage conservation	No issues identified	N/A
6.3, 6.4 native vegetation	Site is not within a native vegetation retention area or existing native vegetation area	N/A
Part 6 Additional local provisions		
6.1 Public utility infrastructure	N/A	N/A
6.2 Attached dwellings, manor homes and multi-dwelling housing in R2 zone	N/A	N/A
6.4 & 6.5 Native vegetation	N/A	N/A
6.6 Zone B4 Mixed Use	N/A	N/A
6.7 B1 Neighbourhood Centre	N/A	N/A

4 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and Apartment Design Guide

A design verification statement, dated 26 July 2017, has been submitted for the application by Architect, Sam Min-Han Lu Registration No 8842, nominated architect for Design Cubicle Pty Ltd. The Statement addresses the 9 Design Quality Principles prescribed by SEPP 65. Council's assessing officer's comments on the proposal in relation to these principles is outlined below.

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 zoned R3 Medium Density Residential under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The immediate surrounds are also proposed for medium density residential development as part of the Marsden Park Precinct. The existing locality is semi-rural with large acreage residential properties.</p> <p>The proposal is consistent with the desired future character for the area that is medium-high density residential development. Nearby are planned a commercial/retail centre, bus services, and Richmond Rd, a major arterial roadway.</p>
<p>The ADG requires 20% of the apartments to incorporate the Liveable Housing Guidelines silver level universal design features which include the following key features:</p> <ul style="list-style-type: none"> • A safe continuous and step free path of travel from the street entrance and / or parking area to a dwelling entrance that is level • At least one, level (step-free) entrance into the dwelling. • Internal doors and corridors that facilitate comfortable and unimpeded movement between spaces • A toilet on the ground (or entry) level that provides easy access • A bathroom that contains a hobless (step-free) shower recess • Reinforced walls around the toilet, shower and bath to support the safe installation of grabrails at a later date <p>A continuous handrail on one side of any stairway where there is a rise of more than one metre.</p>	<p>The proposal consists of mostly 1 and 2-bedroom units (96%) and 7x3-bedroom unit (4%). It has made provisions for 10% adaptable units but no liveable units.</p> <p>Conditions are recommended for the provision of liveable units to ensure flexibility and adaptability of the home to meet the changing needs of occupants including people with different levels of abilities, lifestyle and demographics.</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 proposal generally achieves built form and scale of the desired future character for the neighbourhood as set by the Growth Centres SEPP and the associated Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (DCP). Appropriate setbacks from neighbouring properties are provided. The 4-5 storey wall is a bulky presentation to the 3 street frontages that is proposed to be reduced with conditions of consent.</p> <p>The overall building height, setbacks, floor to ceiling height are generally consistent with the planning controls, although height exceeds the Growth centre SEPP controls due to lift overruns and the use of the rooftop for communal open space. The proposal covers 47% of the site indicating that it is a bulky development with limited available area for deep soil zones. It does not meet all the ADG standards, including deep soil, communal open space and solar access.</p> <p>Conditions have been recommended as Deferred Commencement Matters for the reduction of basement car parking and the basement footprint enabling additional deep soil planting.</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>There is no floor space ratio control for the site under the Growth centres SEPP. The proposal, containing 169 units, is appropriate to the site and its context considering its zoning. The proposal seeks to maximise the amount of development possible on the site. The minimum residential density for the site is 25 dwellings per ha and the proposal is 155 dwellings per ha, including roads.</p>
Principle 4: Sustainability	
Control	Town Planning Comment
<p>Good design combines positive environmental, social and economic outcomes.</p>	<p>The proposal has achieved an overall 60% natural ventilation and 70% of the units are afforded with 2 hours of solar access and therefore has consideration to sustainability.</p>

Principle 4: Sustainability	
Control	Town Planning Comment
<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>A BASIX Certificate is submitted nominating commitments for thermal comfort, water and energy efficiency. 60.9% of units have cross flow ventilation.</p> <p>A waste management plan is submitted providing information for the re-use and recycling of materials generated during demolition and construction and ongoing management.</p> <p>More deep soil for additional planting would improve the development with the redesign of the basement as proposed in conditions of consent.</p>
Principle 5: Landscape	
Control	Town Planning Comment
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>A total of 8 trees are proposed to be removed including 5 that are not considered to be significant and 3 are significant endemic trees. A landscape plan is submitted with the DA and the proposed planting includes a combination of trees, shrubs and groundcovers. Conditions are recommended for increased area of deep soil, provision of an accessible rooftop common open space on the site of building C (which under the proposal has none), increased numbers of large trees and the selection of appropriate species from the Growth Centre Precincts DCP, (including the endemic species to be removed).</p> <p>The site cover of 47% means there is less ground area for deep soil and landscaping. Rooftop communal open space is necessary to ensure COS with good solar access. Deep soil areas are less than the ADG standard. To increase landscape provision, conditions have been recommended for :</p> <ul style="list-style-type: none"> • The reduction of basement car parking and the basement footprint enabling additional deep soil planting; and • Provision of rooftop communal open space in building C. <p>Upper level balconies and windows overlook the public domain. Conditions have been recommended for solid balustrade for upper level balconies. Many ground level balconies/courtyards are below the street level or have planter boxes to prevent overlooking.</p> <p>Rooftop gardens are proposed to Buildings A and B and they are accessible to all the occupants of the buildings via lifts. A condition has been recommended for the provision of an accessible rooftop garden to Building C. Proposed conditions of consent will require additional landscaping and facilities to be provided on the rooftop gardens to further improve the landscape quality and residential amenity of the development.</p>

Principle 6: Amenity	
Control	Town Planning Comment
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</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 units generally meet the apartment size, layout and natural ventilation requirements. An overall of 70% of the units are afforded with adequate solar access with 17% having no solar access. Natural ventilation meets the ADG standard of 60% of units.</p> <p>Communal open space and private open space are provided to meet the recreational needs of the residents. Building C provides no accessible communal open space. A condition is recommended for the provision of an accessible rooftop garden accordingly. A further requirement to increase landscaping and facilities on the rooftop communal open space is recommended.</p> <p>The acoustic privacy of some units does not meet the ADG standards due to their close proximity to one another or driveways. Conditions of consent will require the implementation of recommendations of the Noise study undertaken by consultants for the site, due to the proximity of traffic noise from nearby Richmond Rd.</p> <p>10% adaptable units are provided, however not the total 20% liveable units as required by the ADG, which are required as proposed conditions of consent.</p>
Principle 7: Safety	
Control	Town Planning Comment
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private space 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 has considered CPTED principles, providing casual surveillance from balconies and windows to the public domain. The use of landscaping and access control delineates private properties from the public domain. The applicant's CPTED Report and checklist was referred to the local Police whose comments have been considered in the Report and included as proposed conditions of consent.</p>
Principle 8: Housing Diversity and Social Interaction	
Control	Town Planning Comment
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p>	<p>The proposal has provided a mix of 1, 2 and 3-bedroom units including 33 x 1 beds (20%), 129 x 2 beds (76%), 7 x 3 beds (4%). This is considered a satisfactory variety for the proposed development.</p> <p>Storage spaces for each unit are provided both within the unit and in the basements.</p>

Principle 8: Housing Diversity and Social Interaction	
Control	Town Planning Comment
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 units are capable of being fitted out to accommodate a range of lifestyle needs with 10% adaptable units. A condition of consent is proposed for 20% liveable units as required by the ADG.
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 built form is considered satisfactory with appropriate modulation/articulation and a variety of materials and colours is proposed. Minor encroachment into the setback will add to the visual interest of the building and therefore can be supported.</p> <p>Street trees will be required to reduce the impact of the building facades on the streetscape.</p>

In addition to the 9 'design quality principles' listed above, SEPP 65 requires that when assessing an application, Council must have consideration for the design guidelines provided in the Apartment Design Guide (ADG). The following table identified the relevant design concepts and numerical guidelines from the ADG, and an assessment of the proposal against these guidelines.

ADG Requirement	Proposal	Compliance
Controls		
<u>2F Building Separation</u>	First 4 storeys:	
Up to 4 storeys/12 m:	<u>Stage 1 Building A</u>	
- 12 m between habitable rooms / balconies	On the 3 road frontages the minimum building setback is 6.0 m with some balconies encroaching within that setback. On the Grange Avenue frontage the balconies are setback a minimum of 5 m and on the east and south the minimum setback for balconies is 4.5 m.	Yes
- 9 m between habitable rooms / balconies and non-habitable rooms	On the western elevation all sections of the building, including balconies, are setback 6 m.	Yes
- 6 m between non-habitable rooms	<u>Stage 2 Building B</u>	
	On the 3 road frontages the minimum building setback is 6 m with some balconies encroaching within that setback. On the northern frontage the balconies are setback a minimum of 5 m and on the east and south the minimum setback for balconies is 4.5 m.	Yes

ADG Requirement	Proposal	Compliance
Controls		
	On the western elevation all sections of the building, including balconies, are setback 6 m.	Yes
	<u>Stage 3 Building C</u> On the 2 road frontages the minimum building setback is 6.0 m with many balconies encroaching within that setback. On the northern frontage the balconies are setback a minimum of 4.5 m and on the east minimum setback for balconies is 4.5 m.	Yes
	On the southern elevation all sections of the building, including balconies, are setback 6 m.	Yes
	On the western elevation all sections of the building are setback 6 m but the balconies for 3 units have a setback of 5 m.	No but variation is acceptable considering the encroachment is minor.
Five to eight 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	For storey 5: <u>Stage 1 Building A</u> On the 3 road frontages the minimum building setback is 6 m with some balconies encroaching within that setback. On the Grange Avenue frontage the balconies are setback a minimum of 5 m and on the east and south the minimum setback for balconies is 4.5 m. On the western elevation all sections of the building, including balconies, are setback 9 m. <u>Stage 2 Building B</u> On the 3 road frontages the minimum building setback is 6 m with some balconies encroaching within that setback. On the northern frontage the balconies are setback a minimum of 5 m and on the east and south the minimum setback for balconies is 4.5 m. On the western elevation all sections of the building, including balconies, are setback 9 m.	Yes
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	<u>Stage 3 Building C</u> There is no 5 th storey. N/A	N/A N/A

ADG Requirement	Proposal	Compliance
Controls		
Siting the Development		
<u>3A Site Analysis</u> Satisfy the site analysis guidelines.	A site analysis is submitted.	Yes
<u>3B Orientation</u> 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 property to the west is a rural site and not overshadowed. The site to the south is undeveloped rural land and will be overshadowed by the proposed development. N/A	N/A
<u>3C Public Domain Interface</u> 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.	Ground level courtyards do not have direct access due to the level difference between Grange Avenue and the finished floor level of the proposed building. Ground level courtyards/balconies of Building A are below street level in Grange Avenue by up to 1.5 m. Courtyards for Building B are up to 1 m below the future street level on the northern boundary. Natural surveillance to the public domain will be afforded by upper level balconies and windows overlook the public domain. Ground level balconies/courtyards are below the street level or have planter boxes to protect the privacy of the occupants and therefore unable to afford natural surveillance to the street. Front fences are 1.2 m high, where provided. The fences are solid for a height of 1 m with 200 mm open-style horizontal slats on top. No objection is raised to the fence height considering the ground level courtyards for Buildings A and B are below street level.	Satisfactory considering the level difference. No. A condition is recommended for the provision of 1.5m high fencing for all ground floor courtyards of Buildings A and B to maintain the privacy of the courtyards. Yes No but a condition is recommended for the installation of a 1.5m decorative fence to the courtyards for privacy purposes considering the ground level courtyards are below street level.

ADG Requirement	Proposal	Compliance
Controls		
Entries to be legible.	Entry to each site is restricted to one central point. These entries are legible from future public roads.	Yes
Raised terraces to be softened by landscaping.	The extensive podium and raised areas above the basement are softened by landscaping.	Yes
Mail boxes to be located in lobbies, perpendicular to the street or within the front fence.	Letterboxes located at the entry to each site. The local Schofields Police Branch has requested their relocation into the building foyers. A condition will be imposed accordingly.	Yes subject to a condition.
Basement car park vents not to be visually prominent.	There is no evidence that the carparks are ventilated. Carpark vents are not shown on the elevations. No plant rooms are shown in the basement.	N/A
Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement car parks or out of view.	Plant and garbage service areas are provided in the basements for Building A and B. Due to site constraints, Building C has an at grade garbage collection area integrated with the design of the building. The final location of the garbage collection area is based on consultation with Council's Sustainable Resources Officer and City Architect.	No for Building C but no objection is raised to the ground level collection area.
Ramping for accessibility to be minimised.	There are substation sites located on the southern side of Buildings A and B at street level.	No but no objection is raised.
Durable, graffiti resistant & easily cleanable materials should be used.	Buildings A and B have a large amount of access ramping on the site due to the common levels of the buildings on site. The buildings do not respond to site conditions and are not aligned according to the topography.	The variation is due to the topography of the site.
On sloping sites, protrusion of car parking should be minimised.	Not clear from information. A condition will be imposed. The basement car park protrudes above existing and finished ground levels.	Compliance subject to a condition. No. The protrusion is due to the topography of the site and the applicant has minimised the visual impact through landscaping and finishes.

ADG Requirement	Proposal	Compliance
Controls		
<u>3D Communal and Public Open Space</u> COS >25% of the site.	Site area: 10,092 sqm (7385 sqm excluding roads) Based on site area excluding roads the required area = 1,846 sqm = 25% total area provided = 1,516 sqm = 20.5%. Buildings A and B have COS on roof and ground level, but Building C has no accessible COS at all. Roof COS = 370 + 316 = 686 sqm	No. An additional 330 sqm of communal open space is required to achieve compliance. The condition recommending provision of a rooftop terrace for Building C will increase the overall open space provision by a minimum of 330 sqm. This means the overall provision will meet the requirement but more importantly give Building C its own communal open space area for its residents.
Direct sunlight to >50% of COS for 2 hours between 9 am and 3 pm.	Roof area receives full sun but 45% of the ground level open space receives 2 hours of sunlight.	No objection is raised to the solar access received on the ground floor considering the rooftop terrace receives full sun.
Minimum dimension of 3 m.	Minimum dimensions of 3 m - smaller areas excluded from the Council calculation.	No
Direct and equitable access.	Direct and equitable access to at least one COS area from each building is available for all units in buildings A and B but not building C.	Building C can achieve compliance subject to the provision of a rooftop terrace with an area of approximately 700 sqm
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.	COS is on the podium at ground level and on the roofs of Buildings A and B.	Compliance can be achieved through the provision of rooftop terrace for Building C.

ADG Requirement	Proposal	Compliance
Controls		
Range of activities (e.g. seating, BBQ, play area, gym or common room).	The submitted plans show that facilities such as bench seats, BBQs, children's play area are provided on the ground floor communal open space of Building A only. No amenities rooms. Seating only on rooftop areas.	A condition is recommended to provide additional landscaping on the rooftop terraces of all buildings. BBQs and children's play area are to be provided to ground floor communal open space of Building B.
Visual impacts minimised from ventilation, substations and detention tanks.	Substations and basement ventilation are not located in open space.	Yes
Maximise safety.	The COS demonstrates a safe design as it is very exposed and simple.	Yes
Public Open Space, where provided, is to be well connected and adjacent to street.	No public open space provided.	N/A
<u>3E Deep Soil Zones</u> Minimum area = 7% of site area. Preferred area = 15%. If the site is between 650 to 1500 sqm then minimum dimensions of 3 m. If over 1500 sqm then min dimensions of 6 m.	Site area excluding roads = 7385 sqm. Deep soil required = 7385 sqm x 7% = 517 sqm The applicant shows the provision of 1538 sqm. (20.8%) which include areas under buildings and narrow strips of less than 6 m.	No. Given the overall carparking provision is in excess of the ADG requirement, it is recommended that a total of 9 car parking spaces be deleted (Building A – 3 spaces, Building B – 5 spaces and Building C – 1 space). This in turn will enable reduction of the basement building footprint for deep soil planting.
<u>3F Visual Privacy</u> Building Separation: refer to 2F above.	See comments on 2F above. The balconies of Building C encroach within the 6 metres side separation.	No but it is acceptable considering the 1m encroachment is minor.

ADG Requirement	Proposal	Compliance
Controls		
<p>Direct lines of sight should be avoided for windows and balconies across corners.</p> <p>Appropriate design solutions should be in place to separate POS and habitable windows to common areas.</p> <p>Note: When adjacent to a lower density residential zone an additional 3m rear side setback is required.</p>	<p>See comments in 2F above. Visual privacy across the central courtyard is not achieved. For example, in Building A between the bedrooms of Units A103 and A104, and between the open walkway to Unit A115 and Units A111, and A114. Units A111, A211 and A311 will all be adversely affected by visual intrusion, particularly from the communal open space to the east</p> <p>N/A</p>	<p>No but it has been conditioned for the provision of external louvres or solid balustrades to the balcony of these units as a deferred commencement matter.</p> <p>N/A</p>
<p><u>3G Pedestrian Access & Entries</u></p> <p>Connect to & activate the public domain.</p> <p>Easy to identify access.</p> <p>Internal pedestrian links to be direct.</p>	<p>Street entries to the proposed buildings are located on the southern side of Buildings A and B fronting future public road. Street entry to Building C is located on the northern side of the building. All entries are visible and legible.</p> <p>Satisfactory.</p>	<p>Yes.</p> <p>Yes.</p>
<p><u>3H Vehicle Access</u></p> <p>Access points are safe and create quality streetscapes.</p>	<p>Access points are adequate.</p>	<p>Yes</p>
<p><u>3J Bicycle & Car Parking</u></p> <p>Sites within 800m of a railway station comply with Guide to Traffic Generating Developments.</p> <p>< 20 units</p> <p>1 space for each unit</p> <p>An additional 0.2 space for each 2br unit</p> <p>An additional 0.5 space per 3br unit</p> <p>0.2 space for visitor parking</p> <p>>20 units</p> <p>Metropolitan Sub-Regional Centres:</p> <p>0.6 spaces per 1 bedroom unit.</p> <p>0.9 spaces per 2 bedroom unit.</p> <p>1.4 spaces per 3 bedroom unit.</p> <p>1 space per 5 units (visitor parking)</p> <p>This site is not within 800 metres of a railway station. Car parking provision must be considered in relation to the growth Centres DCP.</p>	<p>This site is not within 800m of a railway station.</p> <p>The car parking and access needs to be considered in relation to each of the 3 basements with access to the buildings immediately above.</p> <p><u>Building A</u></p> <p>The proposal is for 66 units (11 x 1 bed, 53 x 2 beds, 2 x 3 beds).</p> <p>Growth Centres DCP requires:</p> <p>Resident = 67, including 8 disabled spaces.</p> <p>Visitor = 14 spaces</p> <p>Total required = 81 spaces.</p> <p>84 spaces provided – resident 70 (incl. 7 accessible spaces) and visitor 14 (no accessible spaces).</p> <p><u>Building B</u></p> <p>The proposal is for 72 units (20 x 1 bed, 47 x 2 beds, 5 x 3 beds).</p> <p>Growth Centres DCP requires:</p> <p>Resident = 75, including 5 disabled spaces.</p>	<p>Yes</p> <p>A condition will be imposed allocating car parking and bicycle parking to each building.</p>

ADG Requirement	Proposal	Compliance
Controls		
<p>At least 1 loading dock.</p> <p>Conveniently located and sufficient numbers of bicycle & motorbike spaces.</p>	<p>Visitor = 15</p> <p>Total required 90 spaces.</p> <p>95 spaces provided – resident 80 (incl. 6 accessible spaces) and visitor 15 (no accessible parking spaces).</p> <p><u>Building C</u></p> <p>The proposal is for 31 units (2 x 1 bed, 29 x 2 beds).</p> <p>Growth Centres DCP requires:</p> <p>Resident = 31, including 4 disabled spaces.</p> <p>Visitor = 7</p> <p>Total required 38 spaces.</p> <p>39 spaces provided – resident 32 (incl. 4 disabled) and visitor 7 (no accessible parking spaces).</p> <p>In summary, the proposal provides parking spaces in excess of the DCP requirement. To achieve this quantity of car parking the basement is larger than necessary, reducing the potential for compliant deep soil. A reduction in car parking can enable more deep soil.</p> <p>Apply condition to ensure the provision of carparking in accordance with the DCP requirements, particularly the provision of 1 accessible parking space to each of the adaptable unit and 1 accessible parking space for visitors for each of the building.</p> <p>A loading area is provided on each site that will be shared with the garbage trucks.</p> <p>Bicycle parking spaces required = 57</p> <p>Spaces provided = 84.</p>	<p>Yes</p> <p>Yes</p>
Designing the Building		
<u>4A Solar & Daylight Access</u>		
<p>Living rooms & POS receive minimum 2 hours direct sunlight between 9 am – 3 pm in midwinter > 70% of units.</p> <p>Maximum number with no sunlight access < 15%.</p> <p>Suitable design features for operable shading to allow adjustment & choice.</p>	<p>The applicant states 78.6% (133 units) receive 2 hours of sunlight. It includes 7 upper level units that receive light through a skylight and some west facing units who receive direct sunlight from 1pm.</p> <p>33 units (19.5%) units receive no sunlight to any part of the unit at any time of the day.</p> <p>No consideration has been given to controlling direct sun that may produce summer heat.</p>	<p>Yes</p> <p>No</p> <p>No but a condition will be imposed for sliding louvres on balcony railings on the western elevations.</p>

ADG Requirement	Proposal	Compliance
Controls		
<u>4B Naturally Ventilation</u> 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.	60.9% of units are adequately cross-ventilated (103/169 units). The applicant calculated 63.9% but this includes 5 upper level units that are ventilated through a roof vent. Satisfied Satisfied	Yes Yes Yes
<u>4C Ceiling Heights</u> 2.7 m for habitable 2.4 m for non-habitable Service bulkheads are not to intrude into habitable spaces.	2.7 m provided for habitable rooms.	Yes
<u>4D Apartment Size and Layout</u> 1 bed > 50 sqm. 2 bed > 70 sqm. 3 bed > 90 sqm + 5 sqm for each unit with more than 1 bathroom and 12 sqm additional bedroom. Habitable rooms with windows. Habitable Room Depths: limited to 2.5 m x Ceiling Height (6.75 m with 2.7 m ceiling heights) except open plan layouts. Open Plan Layouts that include a living, dining room and kitchen – maximum 8 m to a window. Bedroom sizes (excluding wardrobe space): Master – 10 sqm Other – 9 sqm Minimum dimensions – 3 m Living rooms/dining areas have a minimum width of: 3.6 m - Studio/1 bedroom 4 m – 2 bedroom / 3 bedroom Cross-over/cross-through: 4m wide	all \geq 50 sqm all > 70 sqm all \geq 95 sqm Habitable rooms have windows Dimensions satisfactory. Dimensions satisfactory. Dimensions satisfactory.	Yes Yes Yes Satisfactory Yes Yes Yes Yes Yes

ADG Requirement	Proposal	Compliance
Controls		
<u>4E Private Open Space and Balconies</u> 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.	All meet standard. All meet standard. Dimensions satisfactory. Dimensions satisfactory. Units have living space connected to balcony/POS. No information provided.	Yes Yes Yes Yes Yes No
<u>4F Common Circulation and Spaces</u> 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.	Building A - 15 units with 3 central lifts on each level. Maximum of 6 units from a core at a maximum distance of 12 m. Total units 66. Building B - 16 units with 3 central lifts on each level. Maximum number of 7 units with maximum distance of 11m from a core. Total units 72. Building C – 8 units from 1 lift on each level located a maximum of 13 m from lift. Total units 31. Daylight provided in corridors of Buildings A and B. Building C has no external light or ventilation. Corridors are of suitable length. There are a variety of layouts. Satisfied. Direct and legible access to each building is available from future public roads to be constructed as part of the DA. Satisfactory. Not shown. A condition will be imposed.	Yes Yes Yes Yes No Yes Yes Yes Yes Yes No, but it has been conditioned as a deferred commencement matter. No but the ADG

ADG Requirement	Proposal	Compliance
Controls		
For larger development – community rooms for owners meetings or resident use should be provided.	Community rooms are not provided.	requires the community room to be co-located with the communal open space and the building layout does not facilitate the provision of a community room.
<u>4G Storage</u> 1 bed > 6 m ³ 2 bed > 8 m ³ 3 bed > 10 m ³ Min 50% within the apartment.	Satisfactory	Yes
<u>4H Acoustic Privacy</u> Window & 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.	Several units at ground level and above them have bedroom, living room and/or kitchen windows facing directly onto internal driveways with no landscaping. Western frontage units AG11, AG09, A109, A110 and A112, BG13, B109, B111 and B113. In building C units CG08, C101. Ground level units AG09 and BG13 are to be removed as they have poor amenity. Other units are to have solid balconies to reduce noise. Several ground level bedrooms are within 3m of circulation areas. Acoustic Report concluded there will be adverse noise intrusion. Recommended higher standard glazing.	No but a condition have been imposed to ensure the recommendations of the acoustic report that accompanies the DA are implemented. A further condition is recommended to ensure the nominated internal noise level for bedrooms and other habitable rooms are achieved. Certification by a qualified acoustic engineer stating the buildings have been designed to minimise the noise intrusion from external noise sources.

ADG Requirement	Proposal	Compliance
Controls		
<p><u>4J Noise & Pollution</u></p> <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>Acoustic study identified potential noise impacts from Richmond Road. It recommends treatments to windows and doors to achieve a satisfactory standard.</p>	<p>Yes</p> <p>A condition is imposed.</p>
Configuration		
<p><u>4K Apartment Mix</u></p> <p>Provide a variety of apartment types.</p> <p>Flexible apartment mix.</p>	<p>33 x 1 beds (20%), 129 x 2 beds (76%), 7 x 3 beds (4%).</p>	<p>Yes.</p>
<p><u>4L Ground Floor Apartments</u></p> <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>Ground level apartments directly face the street frontage but are separated from the street by walls, fences and vegetation. Buildings A, B and C street frontage units have no direct access (mostly not at street level). Ground floor units generally have indirect access to street via access to central open space linking to the street.</p>	<p>No but not essential.</p>
<p><u>4M Facades</u></p> <p>Front building facades are to provide visual interest whilst respecting the character of the local area.</p>	<p>The front façades create limited visual interest. Primary street frontage to Grange Avenue (Building A) is 5 storeys with little modulation or articulation. There is no pedestrian access from this frontage so there is a 40 metre uninterrupted façade, including a solid fence. The eastern elevations of all buildings are similar in design, materials and colour scheme with the same elements and treatments. When developed as a whole, they will create a monotonous, bland built form. This is particularly the case with Buildings A and B that are almost identical. There are few recesses, little modulation and continuous sections of balcony or wall on the same setback.</p>	<p>The proposed built form is considered satisfactory with appropriate modulation/articulation and a variety of materials and colours is proposed. The encroachment into the setback is supported as it</p>

ADG Requirement	Proposal	Compliance
Controls		
<p>Building services are to be integrated into the overall façade.</p> <p>Provide design solutions that consider scale and proportion to the streetscape and human scale.</p>	<p>Building services are not detailed on the plans.</p> <p>The proposed building façades are satisfactory.</p>	<p>adds to the visual interest and avoid a bulky façade.</p> <p>No. This will be conditioned.</p> <p>Yes</p>
<p><u>4N Roof Design</u></p> <p>Roof treatments are to integrated into the building design and positively respond to the street.</p>	<p>The flat roof is designed to be recessive and not visible from the public domain. Lift overruns will not be visible from street level. Provision of additional landscaping and facilities is conditioned to improve the quality and usability of the rooftop terraces.</p>	<p>Compliance subject to condition.</p>
<p><u>4O Landscape Design Site Area</u></p> <p>< 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>>1,500 sqm - 1 large tree or 2 medium trees per 80 sqm of DSZ.</p>	<p>The plans show 6 large trees and 5 medium trees providing 11 trees. It is stated that 190 trees are provided but most are small trees. This includes 43 street trees. With 20 large trees or 39 medium trees required for the entire project, the proposal falls well short of what is adequate. Buildings A and B should each provide 8 large or 16 medium trees. Landscape Plan is deficient. This reflects that insufficient deep soil is provided to support trees. The narrow deep soil areas only support small trees. With an increase in large deep soil areas there will be the opportunity to increase the planting of trees.</p>	<p>No but a condition has been imposed for the deferred commencement matter for the provision of deep soil planting in the deleted car parking spaces/reduced basement building footprint</p>
<p><u>4P Planting on Structures</u></p> <p>Refer to Table 5 for minimum soil standards.</p> <p>Provide suitable plant selection.</p> <p>Provide suitable irrigation and drainage systems and maintenance.</p> <p>Enhance the quality and amenity of COS with green walls, green roof and planter boxes, etc.</p>	<p>The landscape plans do not provide this detail. Apply conditions for minimum soil standards.</p>	<p>Compliance subject to condition.</p>

ADG Requirement	Proposal	Compliance
Controls		
<p><u>4Q Universal Design</u></p> <p>20% incorporating universal design features.</p> <p>Flexible design solutions to accommodate the changing needs of occupants.</p>	<p>The applicant's plans show 17 (10%) adaptable units (6 x1 bed, 7 x 2 bed and 4 x 3 bed). No liveable units are provided although 17 are required.</p> <p>17 residents' disabled parking spaces marked on basement parking plans. There are no disabled visitor spaces.</p> <p>The number of adaptable dwellings complies; however, 17 liveable units are needed. Building A has 7 disabled car spaces for 8 units; 2 additional accessible spaces are required, accessible car spaces for 5 units; 1 space should become an accessible visitor space.</p>	<p>No. Condition to ensure liveable dwellings are provided in accordance with the ADG and provision of accessible parking spaces for residents and visitors.</p>
<p><u>4R Adaptive Reuse</u></p> <p>New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.</p>	N/A	N/A
<p><u>4S Mixed Use</u></p> <p>Provide active street frontages and encourage pedestrian movement.</p> <p>Residential entries separate and clearly defined.</p> <p>Landscaped COS to be at podium or roof level.</p>	N/A	N/A
<p><u>4T Awnings & Signage</u></p> <p>Awnings to be continuous and complement the existing street character.</p> <p>Provide protection from sun and rain, wrapped around the secondary frontage.</p> <p>Gutters & down pipes to be integrated and concealed.</p> <p>Lighting under awnings is to be provided.</p> <p>Signage is to be integrated and in scale with the building.</p> <p>Legible and discrete way finding is to be provided.</p>	N/A	N/A

ADG Requirement	Proposal	Compliance
Controls		
Performance		
<u>4U Energy Efficiency</u> The development is to incorporate passive solar design. Heating & cooling infrastructure are to be centrally located (e.g. basement).	A BASIX certificate has been submitted for the design. BASIX water and energy commitments and Thermal Performance Specifications provided.	Yes
<u>4V Water Management & Conservation</u> Rainwater collection & reuse. Drought tolerant plants. WSUD measures. Detention tanks should be located under paved areas, driveways or in basement car parks.	Conditions need to be satisfied in order to address stormwater issues.	Compliance subject to condition
<u>4W Waste Management</u> Waste storage should be discreetly located away from the front of the development or in the basement. Waste cupboard within each dwelling. Waste and recycling rooms are to be in convenient and accessible locations related to each vertical core.	Waste services support the proposal subject to conditions.	Conditions have been recommended to be imposed in the consent.
<u>4X Building Maintenance</u> The design is to provide protection from weathering. Enable ease of maintenance. The materials are to reduce ongoing maintenance costs.	Insufficient details at this stage to determine the adequacy of the design.	A condition will be imposed requiring all materials used to be durable, graffiti proof and fire-resistant.

5 State Environmental Planning Policy (Infrastructure) 2007

Under State Environmental Planning Policy (Infrastructure) 2007, clause 102 must be considered in relation to noise levels for the proposed development, which is located in proximity to Richmond Road, which is a State Road. An Acoustic Assessment has been prepared for the proposal with recommendations for the proposal to meet the requirements of the SEPP and Department of Planning Guidelines. Conditions of consent are proposed for the implementation of these recommendations.

6 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land aims to *'provide a State wide planning approach to the remediation of contaminated land'*. Where contamination is, or may be,

present, the SEPP requires a proponent to investigate the site and provide the consent authority with the information to carry out its planning functions.

Previously the subject land was used for semi-rural residential purposes. A consultant report has been submitted that includes a preliminary site investigation and salinity assessment. It concludes that the site has not been contaminated by past or present activities and would not present a risk to human health. No further investigation is recommended. A condition is recommended to ensure appropriate response/action in the event of any unearthed contamination.

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

A BASIX Multi dwelling Certificate dated 18th May 2016 has been submitted for the original DA plans submitted to Council.

8 Sydney Regional Environmental Plan No 20 – Hawkesbury – Nepean River

The aim of this Plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. Under clause 6(1) the potential impact of the development and the cumulative environmental impact of the development on the total catchment are not considered to be significant. Additional trees will be planted than exist on the site at present, stormwater measures will control runoff and water and energy efficiency measures are proposed in the development.

The site is not an environmentally sensitive area under clause 6 (2) of SREP20. Subject to standard conditions of consent for stormwater disposal and erosion and sediment control, the development is not considered to impact on the water quality or quantity as contained in clauses 6 (3) and (4). Consistent with clause 6(5), the application includes a consultant Aboriginal Heritage Due Diligence Assessment, which concludes that the potential for subsurface or significant finds of Aboriginal objects/sites is low. The report recommendations for the proposed development during construction are included as proposed conditions of consent.

Consistent with clause 6(6), while 3 endemic forest species are being removed, additional endemic species will be required to be planted on the site through proposed conditions of consent.

9 Draft Central City District Plan 2017

The proposal is consistent with the 20-year vision set out in the Draft Central City District Plan 2017 to create a productive, liveable and sustainable city. The proposal is considered to be a positive contribution to this district which is responsive to demographic trends and improving housing diversity and affordability and fosters cohesive communities.

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

The BCC Growth Centre Precincts DCP came into force on 19 May 2010 and applies to land in the Blacktown Growth Centre Precinct, hence the subject site. It provides general planning, design and environmental objectives and controls for development, including residential flat buildings. Schedule 6 – Marsden Park Precinct provides precinct specific controls. An assessment of the DA against the DCP controls is contained below.

**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%	Site area = 7,385.9 sqm (ex. roads) 50% = 3,693 sqm The applicant's figure = 3,132 sqm, 42.4%. Based on part of the basement (building A, B and C) being above ground level and therefore constituting part of the building site cover = 3,492 sqm, 47.15%.	Yes.
Landscaped area ➤ Min. 30% of site area	Provides 1,989.3 sqm = 26.9%	No but ADG requirement of 25% prevails over DCP.
Communal open space ➤ 15% of site area	Total area provided = 1,516 sqm = 20.5% of site area. Buildings A and B have COS on roof and ground level but building C plans show no accessible COS at all. Roof COS = 370 + 316 = 686 sqm. Apply condition to provide COS on the site of Building C.	To ensure each building has its own communal open space, it is conditioned for the provision of a rooftop terrace of a minimum of 330 sq.m. for Building C.
Principal private open space (PPOS) ➤ Min. 10 sqm per dwelling ➤ Min. dimension of 2.5 m	No dimensions shown on plans. Balconies are ≥ 10 sqm.	Acceptable
Front setback ➤ Min. 6 m ➤ Balconies and other articulation may encroach into setback to a maximum of 4.5 m from the boundary for the first 3 storeys, and for a maximum of 50% of the façade length.	Buildings A and B have frontage to roads on 3 sides to which setback is min 6 m. Building C has frontage to 2 roads, with building setback to all boundaries min 6 m. On buildings A, B and C balconies are setback min 4.5m from frontages, for 50% of façade length, on all levels.	Yes No but acceptable as it provides articulation to the buildings.
Corner lots secondary setback ➤ Min. 6 m	As above. Balconies intrude into 6m setback	No but only by 1m and this provides articulation to the building.
Side setback ➤ Buildings up to 3 storeys: min. 3m ➤ Buildings above 3 storeys: min 6m	Setback 6 m, with some balconies 5 m	No
Rear setback ➤ Min. 6m	N/A	N/A
Zero lot line ➤ Not permitted	N/A	N/A

Habitable room/balcony separation distance for buildings 3 storeys and above ➤ Min. 12 m	12 m	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	<p>The site is not within 800 m of a railway station.</p> <p>Each building is separated by a public road, with separate access to each building's basements, so separate calculations are required for each.</p> <p><u>Building A</u> 66 units (11x1 bed, 53x2 beds, 2x3 beds) DCP requires: Resident = 67, including 8 disabled spaces. Visitor = 14 spaces. Total required = 81 spaces 84 spaces provided: 70 resident (including 7 disabled) spaces and 14 visitors (no disabled). Excess of 3 parking spaces provided (which reduces deep soil area). Insufficient disabled resident spaces- apply condition for accessible resident spaces in building A for each of the adaptable units and one disabled visitor parking space.</p> <p><u>Building B</u> 72 units (20x1 bed, 47x2 beds, 5x3 beds): DCP requires: resident = 75, including 5 accessible. visitor = 15. 95 spaces provided: 80 resident (including 6 disabled) spaces and 15 visitor (no disabled) spaces. Excess of 5 parking spaces provided (which reduces deep soil area). Apply condition for one disabled visitor parking space.</p> <p><u>Building C</u> 31 units (2x1 bed, 29x2 beds) DCP requires: Residents = 31, including 4 disabled spaces. Visitors = 7. 39 spaces provided: 32 resident (incl 4 disabled) and visitor 7 (no disabled). The proposal provides 1 more space than required. To achieve this quantity of parking space the basement extends to the boundary, eliminating potential for compliant deep soil.</p>	<p>Total figure complies for each building.</p> <p>Apply a condition to redesign basement to enable increase in deep soil area and a disabled car parking space to be provided for each adaptable unit and for one disabled visitor parking space in Building A.</p> <p>Apply a condition to redesign basement to enable increase in deep soil area and a disabled car parking space to be provided for each adaptable unit and for one disabled visitor parking space in Building B.</p> <p>Apply a condition to redesign basement to enable increase in deep soil area and a disabled car parking space to be provided for each adaptable unit and for one disabled visitor parking space in</p>

	Parking spaces in each building need to be redesigned and reallocated in order that visitor parking is closest to the entries, and secure entry is provided to resident parking spaces.	Building C. A condition is to be imposed to redesign and allocate visitor parking closest to entry and for the provision of a secured entry.
Bicycle parking ➤ 1 space per 3 dwellings	A - 22 required. 32 provided. B - 24 required. 44 provided. C - 11 required. 18 provided.	Yes
Garage dominance ➤ Maximum 2 garage doors per 20 m of lot frontage facing any one street frontage.	N/A	N/A
Garages and car parking dimensions ➤ Covered: minimum 3 m x 5.5 m ➤ Uncovered: min. 2.5 m x 5.2 m ➤ Aisle widths must comply with AS 2890.1	<u>Apply condition</u> for Australian Standards.	Yes subject to condition.
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	Satisfied	Yes
Access ➤ Direct frontage to street or public park	Pedestrian access is via proposed roads which will be constructed as part of the proposal.	Yes conditioned accordingly.
Amenity ➤ Must not adversely impact upon the amenity (i.e. overshadowing, privacy or visual impact) of existing or future adjoining residential development.	Adjoining sites are to the west and south will be overshadowed by the proposal however, building separation is provided to these boundaries as required by the SEPP65 ADG.	Yes
Adaptable Housing ➤ Min 10% of dwellings (where 10 or more proposed). ➤ Designed in accordance with the <i>Australian Adaptable Housing Standard (AS 4299-1995)</i> ➤ Preferably on ground floor or access via a lift, including access to basement. ➤ DA to be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the <i>Australian Adaptable Housing</i>	17 required. 17 adaptable units are proposed (8 in Building A, 5 in Building B and 4 in Building C consisting of a mix of 1, 2 and 3-bedroom units. A condition is recommended to ensure an accessible parking space is provided to each adaptable unit. Proposed Accessibility adaptable housing Requirement checklist, has been prepared by applicant. <u>Apply condition</u> for an access report by an accredited access consultant to verify the units' capability for adaptation as well as	Yes Apply condition for Access consultant report and certification.

Standard (AS 4299-1995).	accessibility of the whole site.	
Accessible parking <ul style="list-style-type: none"> ➤ Car parking and garages to comply with the requirements of AS for disabled parking spaces. 	Cannot be verified at this stage. <u>Subject to condition.</u>	Compliance subject to condition.
Landscape Plan <ul style="list-style-type: none"> ➤ Landscape plan to be submitted. 	Submitted. Plan is deficient with insufficient large and medium sized trees and insufficient deep soil. (10 trees are to be removed including 3 endemic remnant forest trees). No plans provided of rooftop COS areas. Conditions required specifying new plans that increase deep soil areas and tree planting and provide plans for the rooftops.	Yes landscape plan submitted. Condition imposed for the provision of large and medium sized trees for more deep soil zones.

CONTROLS FOR ALL RESIDENTIAL DEVELOPMENT

Site Responsive Design (Section 4.1)		
Control/Requirement	Proposal	Complies
4.1.1 Site analysis plan	Inadequate – basic site analysis not provided.	No but officer assessment undertaken.
4.1.2 Cut and fill <ul style="list-style-type: none"> ➤ Max. 500 mm cut/fill ➤ Validation Report for imported fill ➤ Where cut on the boundary, retaining walls must be integrated with its construction, otherwise minimum 450 mm from boundary ➤ Max. 600 mm high walls ➤ Max. 1200 mm combined wall height ➤ Min 0.5 m between each step 	<p>Sections exceed 500 mm cut and fill.</p> <p>SEE states that no fill is being imported to the site. Basement in Building C is adjacent to the site boundary.</p>	<p>No objection is raised to the variation as it is due to construction of basement carpark. N/A</p> <p>No objection is raised to the variation as it is due to construction of basement carpark.</p>
4.1.3 Sustainable building design <ul style="list-style-type: none"> ➤ 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 	<p>BASIX certificate provided.</p> <p>Some indigenous species proposed.</p> <p>Some species from the plant list.</p> <p>Due to the building layout, provision of outdoor drying facilities cannot be achieved.</p>	<p>Yes</p> <p>A condition has been recommended for the provision of mechanical dryers for the units.</p>

4.1.4 Salinity, sodicity and aggressivity ➤ To comply with Salinity Management Plan developed at subdivision phase	Subdivision does not form part of the proposal. Application includes a preliminary site investigation, which includes a brief general salinity assessment of the area. <u>Apply condition</u> for measures to protect buildings from salinity affects.	Apply salinity condition prior to Construction Certificate.
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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.	Private open space is accessible and gradient is suitable.	Yes
4.2.8 Garages, access and parking ➤ Driveways not to be within 1m of drainage facilities on gutter. ➤ Planting/walls adjacent to driveways must not block sight lines. ➤ Driveways to have soft landscaped areas on either side.	Roads to be constructed as part of the proposal. Buildings A and B planting strip 1m wide between driveway and adjacent property. No planting between driveway and ground floor units. Building C driveway is adjacent to site boundary and ground floor units with no planting.	No, this will be conditioned to provide landscape buffer.
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 to 10.00pm. ➤ Internal layout of residential buildings, window openings, location of courtyards and balconies, and building plant to be designed to minimise noise impacts ➤ Noise walls are not permitted. ➤ Development effected by rail or traffic noise is to comply with AS2107-2000 Acoustics: Recommended Design Sound Levels and Reverberation Times for Building Interiors. ➤ Development shall aim to comply with the criteria in Table 4-7.	Richmond Road is a State Road zoned SP2 which is currently being made dual carriageway at the intersection with Grange Avenue, 460metres from the site. The consultant acoustic assessment provided by the applicant predicts road traffic noise intrusion from Richmond Rd and grange Ave to the proposed development and makes recommendations for noise control measures to meet internal noise levels. <u>Apply condition</u> for development to comply with recommendations of the acoustic assessment and comply with Australian Standards for acoustics.	Yes condition imposed.

4.2.10 Fencing <ul style="list-style-type: none"> ➤ Front fencing maximum 1 m. ➤ Front fences not to impede sight lines. ➤ Side and rear fences maximum 1.8 m. ➤ Side fences not on a street frontage to be a maximum 1 m high to a point 2 m behind the primary building façade. ➤ Corner lots or lots with side boundary adjoining open space/ drainage, the front fencing style and height is to be continued to at least 4 m behind the building line. ➤ On boundaries adjoining open space/drainage, fencing to be of high quality material and finish. Design to permit casual surveillance with max. height 1 m or see-through materials for portion above 1 m. ➤ Pre-painted steel or timber paling or lapped/capped boundary fencing not permitted adjacent to open space or drainage land or on front boundaries. ➤ Fencing adjoining rear access ways to permit casual surveillance. 	<p>Plans indicate front masonry boundary fences are 1.2 m high, open with horizontal slats for the top 200 mm on street frontages. 1.6 m masonry fencing to private open space, open with horizontal slats for top 600 mm.</p> <p>Plans indicate side fences same as front fences. In building C the basement is on the western boundary and above ground.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p>
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**Compliance with BCC Growth Centre Precincts DCP 2010
Schedule 6 – Marsden Park Precinct (precinct specific controls)**

Section 3 – Referenced figures

Control	Comment
Figure 3.3 Flood Prone Land	N/A
Figure 3.4 Salinity	Site is adjacent to High Salinity Potential on Fig.3-4. Application provides a brief, general Salinity Assessment as part of preliminary Site Investigation by Australian Geotechnical. Apply condition for use of materials that are saline resistant in the construction.
Figure 3.5 Aboriginal heritage	Site not identified on Fig 3-5 as having Potential Aboriginal Heritage constraints. Aboriginal Heritage Due Diligence Assessment prepared for the site by Extent dated 19 th May 2016 concluded that the site had the potential to contain Aboriginal objects/sites, however levels of existing disturbance within the site indicate that potential for subsurface or significant finds is low. The assessment made several recommendations relating to development of the site, which have been incorporated as conditions of consent.
Figure 3.6 European Cultural Heritage	N/A
Figure 3.7 Bushfire prone land	N/A
Figure 3.8 Additional contamination investigation	N/A

Section 4 – General Precinct Controls

4.2 Street network and design	The proposed local roads 1, 2 and 3 are consistent with the indicative road layout in Fig 4-2, with 18 metre wide road and 10m wide pavements and 9m wide half roads and 5m wide pavements proposed, as required by Council engineers (PAM minutes).
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4.4 Riparian protection area.	N/A
6.3 Development along Richmond Rd.	The site is located within the Noise Level LAeq(9h) in dB(A) > 60 area of Fig 6-7 land along Richmond Rd and south Street affected by noise impacts. The recommendations of the Road Traffic Noise Impact Assessment for the proposed development prepared by Rodney Stevens Acoustics, dated 14 th April 2016, contained on pages 22-23 of the Assessment, are to be implemented for the acoustic and ventilation treatment of the development through conditions of consent.

11 Section 94 contributions Plan No 21 – Marsden Park

This Contributions Plan outlines Council's policy regarding the application of Section 94 (S.94) of the Environmental Planning and Assessment Act, 1979 in relation to the provision of local infrastructure and baseline facilities within the Marsden Park precinct. S.94 contributions are levied for amenities and services such as Water Cycle Management Facilities; Traffic & Transport Management Facilities; Open Space and Recreation Facilities; Community Facilities and; Local Conservation Zone Riverstone.

The S.94 contributions to be levied for this development application are listed in the proposed conditions of consent at **Attachment 7**.

12 State Infrastructure levy

Standard condition for State Infrastructure Levy is imposed and is payable prior to Construction Certificate.