

## Assessment against planning controls

### 1 Environmental Planning and Assessment Act 1979

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

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

Heads of Consideration 79C	Comment	Complies
<p>a. The provisions of :</p> <ul style="list-style-type: none"> <li>(i) Any environmental planning instrument (EPI)</li> <li>(iii) Any development control plan (DCP)</li> <li>(v) The regulations</li> </ul>	<p>The proposal is considered to be generally consistent with the relevant EPIs, including the SREP No. 20 – Hawkesbury-Nepean River, SEPP (State and Regional Development) 2011, (Infrastructure) 2007, 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, the Growth Centres SEPP 2006 and the Draft West Central District Plan.</p> <p>The proposed development seeks alternate techniques of achieving natural cross ventilation to 60% of the apartments as required by Part 4B Natural Ventilation of the ADG.</p> <p>The proposed development also provides 42 split level apartments which are below the new ground level, which is inconsistent with Part 4L Ground Level Apartments of the ADG.</p> <p>The proposed development is a permissible land use within the R3 Medium Density Residential zone and satisfies the zone objectives outlined under the Growth Centres SEPP. The proposal is consistent with the Area 20 Precinct Plan, with the exception of the development standard for building height. The applicant has submitted a request to vary this development standard pursuant to Clause 4.6 of the Growth Centres SEPP. The height control is varied by up to 3.05 m.</p> <p>The Growth Centre Precincts DCP applies to the site. The proposed development is compliant with the numerical controls established under the DCP, with the exception of the street setback for the Level 3 balconies.</p> <p>Refer to Section 8 of the Assessment Report for further details.</p>	Satisfactory
<p>b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality</p>	<p>It is considered that the likely impacts of the development, including traffic, parking and access, design, 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>	Yes

Heads of Consideration 79C	Comment	Complies
	In view of the above it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.	
c. The suitability of the site for the development	<p>The subject site is zoned R3 Medium Density Residential with a 12 m building height limit under the Growth Centres SEPP. Residential flat buildings and a neighbourhood shop are permissible on the site with development consent.</p> <p>The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis and responds positively to the land uses adjoining the site. The site is located within close proximity to the under construction Cudgegong Road and Rouse Hill railway stations and local centres. The proposal is consistent with the Area 20 Precinct Plan.</p>	Yes
d. Any submissions made in accordance with this Act, or the regulations	One comment was received, however this is not a formal objection to the application. The comment identifies that the proposal does not include an allowance for the wildlife and native birds. This comment has been addressed in Section 9 of the assessment report and is not considered to warrant refusal of the application.	Satisfactory
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides high quality housing stock and provides for housing diversity within the Area 20 Precinct.	Yes

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

A consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6 of SREP 20. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of the Growth Centres SEPP. The development complies with the development standards and controls established within the Growth Centres SEPP, to enable the orderly development of the site. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

## 3 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 \$95.1 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the SPP.

## 4 State Environmental Planning Policy (Infrastructure) 2007

The SEPP ensures that Roads and Maritime Services (RMS) is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP. The development was referred to RMS, who raised concern that the proposal does not provide adequate justification for the additional 60 residential car parking spaces and that consideration should be given to reducing the residential car parking to minimise the

cumulative traffic impact of the proposed development. RMS also requested performance modelling of the nearby intersections be conducted by the Applicant.

Council's Access and Traffic Management Section (ATMS) has reviewed the proposal in light of the comments raised by RMS and confirms that they do not support RMS' view on additional car parking spaces proposed within the development. ATMS advise that the traffic impact of the additional 60 car parking spaces on the local road network is not considered significant. ATMS support the provision of additional car parking spaces within the basement levels of this proposal as it will assist with reducing the demand for on-street car parking. On-site parking is also advantageous given the distance from the site to the railway station is at least 750 m for the future residents. Given ATMS supports the proposal, and this application does not affect a RMS owned road, the comments from RMS are not considered relevant to this assessment.

## **5 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004**

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

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

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

The application is supported by a Preliminary Site Investigation Report prepared by Coffey Geotechnics Pty Ltd, dated 15 June 2016. This report states that the site can be made suitable for the proposed residential redevelopment with respect to land contamination, subject to recommendations.

To ensure these works are undertaken prior to the release of a Construction Certificate on the site for the proposed residential flat buildings, suitable conditions are recommended to be imposed to address these matters and to ensure that the site is made suitable for residential development without any limitations in accordance with the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.

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

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.

Clause 30 of SEPP 65 requires a consent authority to take into consideration:

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

Blacktown City Council does not have a design review panel. However, the following table provides comments in relation to the 9 design quality principles and assessment against the

relevant design concepts and numerical guidelines of the ADG. The development satisfies the 9 design principles as discussed below:

<b>Principle 1: Context &amp; Neighbourhood Character</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p>	<p>The layout and design of the proposal responds to the site conditions and the desired future character of the immediate locality.</p> <p>The development will contribute to the quality and identity of the area. The proposed residential apartments and neighbourhood shop are compatible with the social, economic and environmental function of the Rouse Hill area.</p>
<b>Principle 2: Built Form &amp; Scale</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<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 4 (part 5) storey height is consistent with the desired future character of this locality.</p> <p>Articulation and building elements are satisfactory.</p> <p>The proposed development comprises 42 split level apartments which are below the new ground level, which is inconsistent with Part 4L Ground Level Apartments of the ADG. This approach is typically not supported however this is a site specific design response to site constraints which is applied to only a portion of the site. Our City Architect advises that the design of the units that are below ground in this development carefully consider solar access, orientation and apartment layout (i.e. two storey apartments) and will be acceptable. Also refer to Attachment 7 for our consideration of the lower level apartments and Attachment 8 for the Applicant's Design Report which addressed their approach for the design of the lower level apartments.</p>
<b>Principle 3: Density</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<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</p>	<p>The proposed residential development comprises 332 apartments which is a suitable density for the development of this site.</p> <p>The site is in suitable proximity to public transport and is serviced by infrastructure and community facilities.</p>

infrastructure, public transport, access to jobs, community facilities and the environment.	
<b>Principle 4: Sustainability</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The proposal demonstrates appropriate waste management during the demolition, construction and ongoing use phases.</p> <p>The proposal is supported by a BASIX Certificate. The commitments are incorporated into the design of the building. The proposal demonstrates satisfactory levels of sustainability and the efficient use of energy and water resources.</p>
<b>Principle 5: Landscape</b>	
<b>Control</b>	<b>Town Planning Comment</b>
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>The proposal provides appropriately sited landscaping elements which are of a high quality design and are capable of being sustained and maintained.</p> <p>The landscaping complements the presentation of the built form as viewed from the public domain and enhances the amenity of the private and common open space areas.</p>
<b>Principle 6: Amenity</b>	
<b>Control</b>	<b>Town Planning Comment</b>
Good design positively influences internal	The design of the proposal is considered to provide a

<p>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>suitable level of amenity through a carefully considered spatial arrangement and layout.</p> <p>In light of the future occupants within the site, as well as the surrounding properties, the proposal achieves a suitable level of internal amenity through providing appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.</p> <p>The proposed development comprises 42 split level apartments which are below the new ground level, which is inconsistent with Part 4L Ground Level Apartments of the ADG. This approach is typically not supported however this is a site specific design response to site constraints which is applied to only a portion of the site. Also refer to Attachment 7 for our consideration of the lower level apartments and Attachment 8 for the Applicant's Design Report which addressed their approach for the design of the lower level apartments.</p>
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### Principle 7: Safety

Control	Town Planning Comment
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The proposal is considered to be satisfactory in terms of future residential occupants overlooking communal spaces while maintaining internal privacy. Public and private spaces are clearly defined and suitable safety measures are integrated into the development.</p> <p>The proposal provides suitable casual surveillance of the public domain.</p>

### Principle 8: Housing Diversity & Social Interaction

Control	Town Planning Comment
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands.</p> <p>The proposal provides additional housing choice which is in close proximity to public transport and services, including services provided at Rouse Hill Town Centre and the future services which are anticipated at the future Cudgegong Road Local Centre to the west of the site.</p>



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

### Compliance with Apartment Design Guide (ADG)

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 assessment table identifies that the proposal is consistent with the relevant design concepts and numerical guidelines in the ADG, with the exception of:

- The alternate techniques proposed to be applied to achieve natural cross ventilation to 60% of the apartments as required by Part 4B Natural Ventilation of the ADG.
- The 42 split level apartments which are below the new ground level, which is inconsistent with Part 4L Ground Level Apartments of the ADG.

ADG Requirement	Proposal	Compliance
<b>Controls</b>		
<b><u>2F Building Separation</u></b> Up to four storeys/12m: - 12m btw habitable rooms / balconies - 9m btw habitable rooms / balconies & non-habitable rooms - 6m btw non-habitable rooms Five to eight storeys/up to 25m: - 18m between habitable rooms / balconies - 13m btw habitable rooms / balconies & non-habitable rooms - 9m btw non-habitable rooms Nine storeys and above/over 25m: - 24m btw habitable rooms / balconies - 18m btw habitable rooms / balconies & non-habitable rooms - 12m btw non-habitable rooms	<u>Up to 4 storeys:</u> 12m achieved between developments. Also refer to <b>3F Visual Privacy</b> below for consideration of separation with a development.	Yes
<b>Siting the Development</b>		
<b><u>3A Site Analysis</u></b> Satisfy the site analysis guidelines-App 1.	Site Analysis provided.	Yes

8



ADG Requirement	Proposal	Compliance
<p>Minimum dimension of 3m.</p> <p>Direct &amp; equitable access.</p> <p>If COS cannot be located on Ground Level, provide on the podium or roof.</p> <p>If it COS can't be achieved, provide on rooftop of a common room, provide larger balconies, or demonstrate proximity to public open space &amp; facilities.</p> <p>Range of activities (e.g. seating, BBQ, play area, gym or common room).</p> <p>Visual impacts minimised from ventilation, substations and detention tanks.</p> <p>Maximise safety.</p> <p>Public Open Space, where provided, is to be well connected and adjacent to street.</p>	<p>Minimum dimensions of 3m.</p> <p>Direct and accessible access is achieved.</p> <p>Rooftop COS provided.</p> <p>N/A</p> <p>A range of activities is provided.</p> <p>The COS is clear of services.</p> <p>The COS demonstrates a safe design.</p> <p>N/A</p>	
<p><b>3E Deep Soil Zones</b></p> <p>Minimum area = 7% of site area.</p> <p>Preferred area = 15%.</p> <p>If the site is between 650 to 1500 sqm then minimum dimensions of 3m.</p> <p>If over 1500 sqm then min dimensions of 6m.</p>	<p>Site area: 16,153.8 sqm</p> <p>Minimum 7% = 1,130.8 sqm</p> <p>Provided: 2,108.96 sqm or 13%.</p> <p>Minimum achieved.</p> <p>-</p> <p>Suitable dimensions of deep soil zone are provided.</p>	Yes
<p><b>3F Visual Privacy</b></p> <p>Building Separation: refer to <b>2F</b> above.</p> <p>Refer to Figure 3F.2 for separation distances between buildings on the same site depending on the type of room.</p> <p>Direct lines of sight should be avoided for windows and balconies across corners.</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>Also refer to 2F Building Separation above.</p> <p>The minimum separation distances are satisfied within the site.</p> <p>Where the separation distances between habitable rooms are not met, the Applicant has created a 'blank wall effect' including with narrow and opaque windows which in some cases are offset. This is consistent with the design guidance for Objective 3F-2 and 3F-6.</p> <p>All bedroom windows and balconies are designed and orientated to ensure that visual privacy is achieved for all occupants. This is consistent with Figure 3F.2, 3F.6, 3F.7, 3F.8 and 3F.9.</p> <p>Direct lines of sight are avoided.</p> <p>This is achieved through screening devices and walls.</p> <p>N/A</p>	Yes

<b><u>3G Pedestrian Access &amp; Entries</u></b> Connect to & activate the public domain. Easy to identify access. Internal pedestrian links to be direct.	Pedestrian access is direct to the street frontage and easily identifiable. Internal links are direct.	Yes
<b><u>3H Vehicle Access</u></b> Access points are safe and create quality streetscapes. The need for large vehicles to enter or turn around within the site should be avoided.	The driveway locations are suitable. The basements cater for on-site manoeuvring.	Yes
<b><u>3J Bicycle &amp; Car Parking</u></b> Sites within 800m of a railway station comply with Guide to Traffic Generating Developments. <b>&lt; 20 units</b> 1 space for each unit An additional 0.2 space for each 2br unit An additional 0.5 space per 3br unit 0.2 space for visitor parking <b>&gt;20 units</b> Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.4 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking) At least 1 loading dock. Conveniently located and sufficient numbers of bicycle & motorbike spaces.	This site is not within 800m to railway station. Refer to parking rates in the DCP. 1 waste loading area is proposed which is also proposed to service as a loading area for furniture & service trucks 136 bicycle parking spaces. 8 motorbike parking spaces.	Yes
<b>Designing the Building</b>		
<b><u>4A Solar &amp; Daylight Access</u></b> Living rooms & POS receive minimum 2 hours direct sunlight between 9am - 3pm in mid-winter > 70% of units. (Minimum 1 sqm of direct sunlight measures at 1m above floor level is achieved for at least 15 minutes). Maximum number with no sunlight access < 15%. Suitable design features for operable shading to allow adjustment & choice.	70% of apartments receive over 2 hours of sunlight in winter Less than 15% (51 apartments) Louvres are provided which allow for management of solar access.	Yes
<b><u>4B Naturally Ventilation</u></b> All habitable rooms naturally ventilated. Number of naturally cross ventilated units > 60%.	All habitable rooms are ventilated. 60% of units are cross ventilated (201/332 units), however refer to discussion below.	Yes, however this relies on plenum ducts and skylights to achieve ventilation.

<p>Depth of cross over apartments &lt; 18m.</p> <p>The area of unobstructed window openings should be equal to at least 5% of the floor area served.</p>	<p>Cross over apartments do not exceed 18m.</p> <p>The window areas are satisfactory.</p> <p>Comments:</p> <p>To achieve natural cross ventilation to at least 60% of the total 332 apartments:</p> <ul style="list-style-type: none"> <li>• 13 apartments on the Ground Level, Level 1 and Level 2 rely on the use of plenum ducts, being 4% of the apartments.</li> <li>• 42 apartments on Level 3 (the top level) rely on rooftop ventilating skylights, being 13 % of the apartments.</li> </ul> <p>Detailed consideration of this is provided at Section 8 of the Assessment Report and Attachment 12.</p>	
<p><b><u>4C Ceiling Heights</u></b></p> <p>2.7m for habitable 2.4m for non-habitable</p> <p>Service bulkheads are not to intrude into habitable spaces.</p>	<p>2.7m provided for habitable rooms.</p> <p>Condition recommended to be imposed to ensure service bulkheads are clear of habitable spaces, with the exception of kitchen areas.</p>	<p>Yes</p>
<p><b><u>4D Apartment Size &amp; Layout</u></b></p> <p>Studio &gt; 35 sqm 1 bed &gt; 50 sqm 2 bed &gt; 70 sqm 3 bed &gt; 90sqm + 5 sqm for each unit with more than 1 bathroom.</p> <p>Habitable Room Depths: limited to 2.5m x Ceiling Height (6.75m with 2.7m ceiling heights)</p> <p>Open Plan Layouts that include a living, dining room and kitchen – max 8m to a window.</p> <p>Bedroom sizes (excl wardrobe space): Master - 10sqm Other – 9 sqm</p> <p>Minimum dimensions – 3 m</p> <p>Living rooms/dining areas have a minimum width of: 3.6m - Studio/1 br 4m - 2br/ 3br</p> <p>Cross-over/cross-through: minimum 4m wide</p>	<p>- 50 sqm 75 sqm 95sqm Where second bathrooms are provided unit size exceed the minimum size by 5sqm.</p> <p>Room depths are up to 8m.</p> <p>Open plan layouts are provided. Kitchens are max 8m to a window.</p> <p>Master bedrooms are at least 10 sqm. Other bedrooms are 9 sqm.</p> <p>Minimum dimensions are achieved.</p> <p>Minimum living/dining room areas are achieved.</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

<b><u>4E Private Open Space &amp; Balconies</u></b>  Studio > 4 sqm 1 bed > 8 sqm & 2m depth 2 bed > 10 sqm & 2m depth 3 bed > 12 sqm & 2.4m depth  Ground level/ podium apartments > 15 sqm & 3m depth  Extension of the living space.  A/C units should be located on roofs, in basements, or fully integrated into the building design.	- 8 sqm & min. 2m depth-Complies 10 sqm & min. 2m depth-Complies 12 sqm & min. 2.4m depth-Complies  Min 15 sqm and 3m – Complies  POS is an extension of the living space  A/C units are not indicated. Condition to be imposed requiring A/C units to be integrated into the balcony design.	Yes
<b><u>4F Common Circulation &amp; Spaces</u></b> Maximum number of apartments off a circulation core on a single level – 8-12.  Buildings over 10 storeys - maximum of 40 units sharing a single lift.  Daylight & natural ventilation to all common circulation areas above ground level.  Corridors greater than 12m from the lift core to be articulated by more foyers, or wider areas / higher ceiling heights at apartment entry doors.  Maximise dual aspect apartments and cross over apartments.  Primary living room & bedroom windows are not to open directly onto common circulation spaces.  Direct and legible access.  Tight corners and spaces to be avoided.  Well lit at night.  For larger development – community rooms for owners meetings or resident use should be provided.	Yes - maximum 8.  N/A  Yes  N/A  Some dual aspect apartments are provided.  Achieved.  Achieved.  Achieved.  Achieved.  2 common rooms and 1 neighbourhood shop provide opportunities for recreation.	Yes
<b><u>4G Storage</u></b>  Studio > 4 m <sup>3</sup> 1 bed > 6 m <sup>3</sup> 2 bed > 8 m <sup>3</sup> 3 bed > 10 m <sup>3</sup> Min 50% within the apartment.	4 m <sup>3</sup> 6 m <sup>3</sup> 8 m <sup>3</sup> 10 m <sup>3</sup> Provided within the units and basement.	Yes
<b><u>4H Acoustic Privacy</u></b>  Window & door openings orientated away from noise sources.  Noise sources from garage doors, driveways, services, COS and circulation areas to be 3m from bedrooms.  Separate noisy & quiet spaces.  Provide double / acoustic glazing, acoustic seals, materials with low noise penetration.	Achieved.  Achieved.  Achieved.  Conditions to be imposed to ensure suitable acoustic measures are installed.	Yes

<p><b><u>4J Noise &amp; Pollution</u></b></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>The layout of the development considers potential noise and pollution impacts, and is satisfactory.</p>	<p>Yes</p>
<p><b>Configuration</b></p>		
<p><b><u>4K Apartment Mix</u></b></p> <p>Provide a variety of apartment types. Flexible apartment mix.</p>	<p>1 x studio apartment, 38 x 1 bedroom apartments, 274 x 2 bedroom apartments, 18 x 3 bedroom apartments and 1 x 4 bedroom apartment. This includes 69 split level apartments (65 x 2 bedrooms and 4 x 3 bedrooms).</p> <p>A suitable and responsive apartment mix is provided.</p>	<p>Yes</p>
<p><b><u>4L Ground Floor Apartments</u></b></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>A suitable level of street frontage activity is provided.</p> <p>Direct access is provided.</p> <p>Ground floor apartments achieve a suitable level of amenity and safety.</p> <p>This proposal includes lower levels for 42 split level apartments. The ADG does not provide consideration for this, and instead supports courtyards which are consistent with or above the adjoining public domain level.</p>	<p>No, variation sought regarding the lower apartments. Refer to Section 11 of the Assessment Report and Attachments 7 and 8.</p>
<p><b><u>4M Facades</u></b></p> <p>Front building facades are to provide visual interest whilst respecting the character of the local area.</p> <p>Building services are to be integrated into the overall façade.</p> <p>Provide design solutions which consider scale and proportion to the streetscape and human scale.</p>	<p>The front façades are architecturally treated to create visual interest and contributes to the desired future character of this area.</p> <p>Building services are integrated into the overall façade.</p> <p>Suitable design solutions are provided which relate to the streetscape.</p>	<p>Yes</p>
<p><b><u>4N Roof Design</u></b></p> <p>Roof treatments are to be integrated into the building design and positively respond to the street.</p>	<p>The roof is designed to be recessive and not prominent as viewed from the public domain.</p>	<p>Yes</p>
<p><b><u>4O Landscape Design Site Area</u></b></p> <p>&lt; 850 sqm - 1 medium tree per 50 sqm of deep soil zone.</p>	<p>The site area is 16,153.8 sqm.</p> <p>A mixture of shrubs and medium and large trees are proposed which are</p>	<p>Yes</p>

850 sqm to 1,500sqm - 1 large tree or 2 medium trees per 90 sqm of DSZ. >1,500 sqm - 1 large tree or 2 medium trees per 80 sqm of DSZ.	considered to suitably complement the site and built form.	
<b><u>4P Planting on Structures</u></b>  Refer to Table 5 for minimum soil standards.  Provide suitable plant selection.  Provide suitable irrigation and drainage systems and maintenance.  Enhance the quality and amenity of COS with green walls, green roof and planter boxes, etc.	Planting is provided within the deep soil areas within street setback areas (with the exception of some portions of the site along the northern boundary) and the internal courtyard areas.  The proposal comprises suitable plant selection which is considered to enhance the quality and amenity of the COS.	Yes
<b><u>4Q Universal Design</u></b> 10% adaptable housing. Flexible design solutions to accommodate the changing needs of occupants.	33 or 10% adaptable units are provided. The layout of the units comprises appropriate design solutions.	Yes
<b><u>4R Adaptive Reuse</u></b>  New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A	N/A
<b><u>4S Mixed Use</u></b>  Provide active street frontages and encourage pedestrian movement.  Residential entries separate and clearly defined.  Landscaped COS to be at podium or roof level.	This is achieved for the proposed neighbourhood shop.  Entries are separate.  Landscaping is provided along the street edge.	Yes
<b><u>4T Awnings &amp; Signage</u></b>  Awnings to be continuous and complement the existing street character.  Provide protection from sun and rain, wrapped around the secondary frontage.  Gutters & down pipes to be integrated and concealed.  Lighting under awnings is to be provided.  Signage is to be integrated and in scale with the building.  Legible and discrete way finding is to be provided.	None proposed.	N/A
<b>Performance</b>		
<b><u>4U Energy Efficiency</u></b>  The development is to incorporate passive solar design.  Heating & cooling infrastructure are to be centrally located (e.g. basement).	The development allows for the optimisation / management of heat storage in winter and heat transfer in summer.  Services are provided within the basement levels.	Yes



<b><u>4V Water Management &amp; Conservation</u></b> Rainwater collection & reuse. Drought tolerant plants. WSUD measures. Detention tanks should be located under paved areas, driveways or in basement car parks.	Rainwater collection will be used for irrigation. Suitable plants are proposed. WSUD measures are proposed. Rainwater tanks are proposed within the basement levels. Satisfactory.	Yes
<b><u>4W Waste Management</u></b> Waste storage should be discreetly located away from the front of the development or in the basement. Waste cupboard within each dwelling. Waste and recycling rooms are to be in convenient and accessible locations related to each vertical core.	Waste storage and collection is within the basement. Each dwelling has sufficient storage. Waste chutes are not proposed.	Yes
<b><u>4X Building Maintenance</u></b> The design is to provide protection from weathering. Enable ease of maintenance. The materials are to reduce ongoing maintenance costs.	The proposal demonstrates ease of maintenance.	Yes

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

Appendix 6 of the SEPP, Area 20 Precinct Plan, applies to the site. The table below provides a summary assessment of the development standards established within the Growth Centres SEPP and the proposal's compliance with these standards. The development complies with the development standards contained within the SEPP, with the exception of building height.

Compliance with SEPP (Sydney Region Growth Centres) 2006 General controls within main body of the SEPP		
Clause	Proposal	Complies
2 Aims of Policy		
(a) to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre and the Wilton Priority Growth Area,		The proposal is consistent with these aims.
(b) to enable the Minister from time to time to designate land in growth centres as ready for release for development,		
(c) to provide for comprehensive planning for growth centres,		
(d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity,		
(e) to provide controls for the sustainability of land in growth centres that has conservation value,		

(f)	to provide for the orderly and economic provision of infrastructure in and to growth centres,	
(g)	to provide development controls in order to protect the health of the waterways in growth centres,	
(h)	to protect and enhance land with natural and cultural heritage value,	
(i)	to provide land use and development controls that will contribute to the conservation of biodiversity.	

#### Part 4 Development controls – general

Cl. 18 Water recycling & conservation	Sydney Water's 'Growth Servicing Plan July 2014 to June 2019' indicates that developers are responsible for funding and delivering all reticulation works as part of the Section 73 compliance certificate process. This includes any recycled water reticulation works for schemes regulated by the Independent Pricing and Regulatory Tribunal (IPART). Recycled water will therefore be dealt with at the Section 73 certificate stage.	Yes
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#### Part 5 Development controls – flood prone and major creek land

#### Part 6 Development controls – vegetation

#### Part 7 Development controls – cultural heritage landscape area

Cl.19 Development on flood prone & major creeks land—additional heads of consideration	N/A the site is not flood prone.	N/A
Cl. 20 Development on and near certain land at Riverstone West	N/A the site is not on or near Riverstone West.	N/A
Cl. 21-24 Vegetation	<p>The site is nominated as containing Shale Plains Woodland.</p> <p>The site is also located on Biodiversity Certified land.</p> <p>Also refer to detailed comment below.</p>	Satisfactory
Cl. 25-26 Cultural heritage landscape area	<p>The site is not identified as containing potential Aboriginal or European heritage constraints.</p> <p>The DA is accompanied by a Due Diligence Aboriginal Heritage Assessment prepared by Artefact and dated November 2016.</p> <p>This report recommends that the proposed activity can proceed with caution, with no further Aboriginal archaeological investigation, assessment or mitigation measures.</p> <p>This report also recommends that if any Aboriginal objects are unearthed during works, that the activities cease and the Office of Environment and Heritage be advised.</p> <p>The recommendations of this report are to be conditioned accordingly.</p>	Yes

**Compliance with SEPP (Sydney Region Growth Centres) 2006  
Appendix 6 – Area 20 Precinct Plan 2011**

Clause	Proposal	Complies
<b>1.2 Aims of Precinct Plan</b>		
(a) to make development controls for land in the Area 20 Precinct within the North West Growth Centre that will ensure the creation of quality environments and good design outcomes, (b) to protect and enhance the environmentally sensitive natural areas in, and the cultural heritage of, the Precinct, (c) to provide for recreational opportunities within the Precinct, (d) to provide for multifunctional and innovative development in the Precinct that encourages employment and economic growth, (e) to promote housing choice and affordability in the Precinct, (f) to provide for the sustainable development of the Precinct, (g) to promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Precinct.		The proposal is consistent with the Aims of the Precinct Plan.
<b>Part 2 Permitted or prohibited development</b>		
<b>1 Objectives of zone</b> <ul style="list-style-type: none"> <li>To provide for the housing needs of the community within a medium density residential environment.</li> <li>To provide a variety of housing types within a medium density residential environment.</li> <li>To enable other land uses that provide facilities or services to meet the day to day needs of residents.</li> <li>To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.</li> </ul>		The proposal is consistent with the objections of the zone.
<b>2.1 Zoning &amp; Land Use Tables</b> ➤ R3 Medium Density Residential zone	<u>RFBs:</u> RFBs are permissible with consent in this R3 Medium Density Residential zone.  <u>Neighbourhood Shop:</u> Refer to clause 5.4 below.	Yes
<b>2.6 Subdivision</b>	Subdivision is proposed to create new roads.	Yes
<b>2.7 Demolition</b>	Demolition is proposed.	Yes
<b>Part 4 Principal development standards</b>		
<b>4.1AB Cl. (9a) - Min. lot size for RFB in R3 zone</b> ➤ Min. 2,000 sqm	The site area is 21,280 sqm. Complies.	Yes
<b>4.1B Residential Density</b> ➤ Min. 25ph	The proposal is for 332 apartments. The residential density requires 53 apartments. Complies.	Yes

<b>4.3 Height of Buildings</b> ➤ Max. 12m	The proposal complies with the building height with the exception of some portions of the roof parapet, rooftop privacy screening and lift overruns (to provide access to the rooftop communal open space area) which exceed the height limit by up to 3.05 m, being 25%.	Variation sought. Refer to Section 8 of the Assessment Report.
<b>4.4 Floor space ratio</b> (NB. calculations to be in accordance with 4.5) ➤ Max. 1.75:1	Total site area: 21,280 sqm (including roads) Proposed GFA: 29,850.4 sqm Proposed FSR: 1.403:1. Complies.	Yes
<b>4.6 Exceptions to development standard</b> ➤ Request must be in writing	The applicant has submitted a clause 4.6 in support of a variation to height which is provided at Attachment 10. Council's consideration of the clause 4.6 request is provided at Section 8 of the Assessment Report and at Attachments 9 and 11.	The clause 4.6 is satisfactory in this instance.

#### Part 5 Miscellaneous provisions

<b>5.4 Controls relating to miscellaneous permissible uses</b> (7) <b>Neighbourhood shops</b> If development for the purposes of a neighbourhood shop is permitted under this Precinct Plan, the retail gross floor area must not exceed 100 square metres.	The proposal includes a neighbourhood shop at the Ground Floor Level of Block D (Unit EG07) with an area of 99.3 sqm.  This neighbourhood shop is permissible with consent in the R3 Medium Density Residential zone.  Neighbourhood shops are defined as: <i>"retail premises used for the purposes of selling small daily convenience goods such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises."</i>	Yes
<b>5.6 Architectural roof features</b>	The Applicant does not seek to apply this clause.  However, it is our preference that the plant and equipment which exceeds the maximum permitted building height is wholly contained within an architectural roof feature. This will be required as a condition of consent.	Satisfactory, subject to a condition of consent.
<b>5.9 Preservation of trees or vegetation</b>	The proposal is for the removal of all existing trees and vegetation.	Yes

#### Part 6 Additional local provisions

<b>6.1 Public utility infrastructure</b>	The Applicant states that the site is adequately serviced with connections for sewer, water, stormwater and electricity from Terry Road and Rouse Road.  The application was referred to Sydney Water and the following comments were provided:	Yes
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	<p>Water:</p> <ul style="list-style-type: none"> <li>The proposed development will be serviced by extensions from the drinking and recycled water mains that have been provided from the neighbouring developments.</li> <li>Detailed requirements will be provided at the Section 73 Phase.</li> <li>The accredited WSC/Designer will need to ensure that the submitted design is sized and configured according to the Water Supply Code of Australia WSA 03-2011-3.1 (Sydney Water Edition - 2012). Evidence of Code compliance should be attached with the design.</li> </ul> <p>Wastewater</p> <ul style="list-style-type: none"> <li>The Developer is to design and construct a wastewater main (connecting to the 600mm main constructed west of the development) which will provide a point of connection at least 1 m inside all the property boundaries.</li> <li>An accredited Hydraulic Designer will be engaged by the developer to ensure that the proposed wastewater infrastructure for this development will be sized &amp; configured according to the Sewerage Code of Australia WSA 02-2002-2.2 (Sydney Water Edition 1 -Version 3). Evidence of Code compliance should be attached with the design.</li> </ul> <p>The provision of services will also be conditioned appropriately.</p>	
<b>6.4 &amp; 6.5 Native vegetation</b>	<p>The site is nominated as containing Shale Plains Woodland. It is noted that the site has been allocated biodiversity certification which enables the approval for the clearance of trees without the need for the 7 part test.</p> <p>The Arboricultural Impact Assessment prepared by Treetalk Arboricultural Consulting dated June 2016 concludes that many trees are in poor to fair condition and therefore these trees have a short Useful Life Expectancy and retention is not appropriate. Due to the changes to growing conditions and the demolition processes many trees in fair to good health must be removed, as they will no longer remain stable. Although some trees at the front of the site were considered for retention, ultimately the necessary constraints required, none could be managed. Also, trees near proposed roadways around the site (i.e. the majority of the trees) cannot be retained due to these works.</p> <p>No trees can be adequately protected all trees on the site are proposed for removal.</p>	Yes

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

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

Compliance with BCC Growth Centre Precincts DCP 2016		
Part 2.0 – Precinct Planning Outcomes (from main body of DCP)		
Element/Control	Proposal	Complies
<b>2.2 The Indicative Layout Plan</b>	The proposal is consistent with the ILP.	Yes
➤ DA is to be generally in accordance with ILP	No objection is raised by Council's Traffic, Engineering and Waste sections.	
<b>2.3 Subdivision site analysis</b>		
The following clauses must be addressed:		
<b>2.3.1 Flooding and water cycle management</b>	N/A	N/A
<b>2.3.2 Salinity and soil management</b>	<p>The site is identified as moderate and high salinity potential.</p> <p>The proposal is accompanied by a Preliminary Geotechnical Assessment prepared by Coffey and dated June 2016 which concludes:</p> <p>"Based on a review of the available information, our experience on similar projects and other projects in nearby locations and the preliminary investigation, the development is considered feasible from a geotechnical perspective. Intrusive geotechnical site investigations should be carried out following DA approval to assess the subsurface conditions, assist in developing a more thorough geotechnical site model and support detailed design works."</p> <p>Accordingly, suitable conditions of consent are to be imposed requiring the above recommendations to be undertaken.</p>	Yes
<b>2.3.3 Aboriginal and European heritage</b>	<p>Aboriginal or European heritage constraints. The DA is accompanied by a Due Diligence Aboriginal Heritage Assessment prepared by Artefact and dated November 2016.</p> <p>This report recommends that the proposed activity can proceed with caution, with no further Aboriginal archaeological investigation, assessment or mitigation measures.</p> <p>This report also recommends that if any Aboriginal objects are unearthed during works, that the activities cease and the Office of Environment and Heritage be advised.</p> <p>The recommendations of this report are to be conditioned accordingly.</p>	Yes, subject to conditions of consent.
<b>2.3.4 Native vegetation and ecology</b>	<p>The site is not in a riparian area and does not adjoin E2 zoned land.</p> <p>Furthermore, the site is not identified on the North West Growth Centre Native Vegetation Protection</p>	Yes, subject to conditions of consent.
➤ Native trees/vegetation to be retained where possible.		



<ul style="list-style-type: none"> <li>➤ Is the site identified on the <b>Riparian Protection Area</b> figure. If so, native vegetation to be managed in accordance with <b>Appendix B</b> of the DCP.</li> <li>➤ Does the site adjoin land zoned E2.</li> <li>➤ A landscape plan is to be submitted with the DA. Trees to be selected from <b>Appendix D</b> of the DCP.</li> </ul>	<p>Map. Pursuant to the Biodiversity Certificate Order the subject site is not identified as 'native vegetation protection area' on the SEPP North West Growth Centre Vegetation Map. Development can therefore occur without the need for any further assessment of flora and fauna under the Threatened Species Conservation Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999.</p> <p>Appropriate conditions are to be imposed re the planting of appropriate street trees.</p>	
<p><b>2.3.5 Bushfire hazard management</b></p> <ul style="list-style-type: none"> <li>➤ Development is to be consistent with Planning for Bushfire Protection 2006</li> </ul>	<p>N/A the site is not identified as bushfire affected or within a buffer zone.</p>	<p>N/A</p>
<p><b>2.3.6 Site contamination</b></p> <ul style="list-style-type: none"> <li>➤ All subdivision DA's to be accompanied by a Stage 1 Preliminary Site Investigation.</li> <li>➤ Where required a Stage 2 investigation is to be carried out.</li> </ul>	<p>The application is accompanied by a Preliminary Site Investigation prepared by Coffey dated June 2016 which identifies that the site can be made suitable for the proposed residential redevelopment with respect to land contamination, subject to the following:</p> <ul style="list-style-type: none"> <li>• "Inspection of the soil surface in the area of former sheds / buildings in the south-western portion of site for the presence of asbestos containing materials, building rubble or staining after removal of vegetation.</li> <li>• Localised targeted assessment, and if present, removal of contaminated soils in the south-western portion of the site. The targeted assessment should include sampling in the vicinity of the vehicle inspection ramps.</li> <li>• Implementation of an unexpected finds protocol during earthworks and site excavation. If during the excavation work, material is encountered which appears to be potentially contaminated or suspicious, excavation works should cease until inspection is carried out by a competent environmental consultant. In the context of the above, potentially contaminated or suspicious material would include stained or odorous soil, fibrous material, asbestos sheeting, drums, metal or plastic chemical containers or brightly coloured material, etc."</li> </ul> <p>Subject to the recommendations of the report being imposed as conditions of consent, there is no constraint to the proposed development, and the site will be suitable for residential use.</p>	<p>Yes, subject to conditions of consent.</p>
<p><b>2.3.7 Odour assessment and control</b></p> <ul style="list-style-type: none"> <li>➤ Is the site adjacent to odour generating activities and is a buffer or additional supporting information required.</li> </ul>	<p>The site is not adjacent to odour generating activities.</p> <p>The proposed residential development is generally in keeping with the zoning objectives of the SEPP, and is not considered to be adversely affected by the risk of odour.</p>	<p>Yes</p>

**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
<b>Site coverage</b> ➤ Max. 50%	7,859 sqm or 49.2%	Yes
<b>Landscaped area</b> ➤ Min. 30% of site area	4,823 sqm or 30%	Yes
<b>Communal open space</b> ➤ 15% of site area	4,040 sqm or 25%	Yes
<b>Principal private open space (PPOS)</b> ➤ Min. 10m <sup>2</sup> per dwelling ➤ Min. dimension of 2.5m	Yes - minimum area of 10sqm or greater. Yes - minimum dimensions of 2.5m are satisfied.	Yes
<b>Front setback</b> ➤ Min. 6m ➤ Balconies and other articulation may encroach into setback to a maximum of 4.5m from the boundary for the first 3 storeys, and for a maximum of 50% of the façade length.	The proposal satisfies the 6 m setback with an allowance for balconies to encroach to a maximum of 4.5 m. However, this encroachment is also proposed for Level 3, which is not strictly permitted. For the purpose of this proposal, we do not regard the lower levels as a 'storey' given they are below the level of the public domain (being the lower level of 27 split level apartments along the northern boundary of the site). The encroachment of the Level 3 balconies into the 6 m building setback is considered suitable in this instance as the balconies are the primary form of façade articulation in what is an otherwise simple building design. The retention of the balcony encroachment for Level 3 is considered to 'complete' the presentation of the building.	<b>Variation proposed</b> – refer to the Assessment Report for further consideration. The proposed variation is considered reasonable in this instance.
<b>Corner lots secondary setback</b> ➤ Min. 6m	N/A Refer to front setback control above.	N/A
<b>Side setback</b> ➤ Buildings up to 3 storeys: min. 3m ➤ Buildings above 3 storeys: min. 6m	N/A Refer to front setback control above.	N/A
<b>Rear setback</b> ➤ Min. 6m	N/A Refer to front setback control above.	N/A
<b>Zero lot line</b> ➤ Not permitted	N/A	N/A
<b>Habitable room/balcony separation distance for buildings 3 storeys and above</b> ➤ Min. 12m	The development achieves the minimum 12m separation to all adjoining sites.	Yes
<b>Car parking spaces</b> Residential: ➤ 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	Required: 411 spaces. Provided: 467 spaces (comprising 401 residential and 66 visitor spaces). 25 of the resident spaces are tandem spaces, which are appropriate if allocated to the 18 x 3+ bedroom apartments). 33 accessible spaces are provided.	Yes

<b>Non-residential</b> ➤ Convenience Store: Clause 4.4.4 At least 3 car parking spaces are required to be provided on site in addition to parking required for the dwelling (if applicable). The design of the building and parking areas is to provide suitable access for deliveries.	<u>Convenience Store</u> 3 spaces are required. 4 are provided.	
<b>Bicycle parking</b> ➤ 1 space per 3 dwellings	110 required. 136 provided.	Yes
<b>Garage dominance</b> ➤ Max. 2 garage doors per 20m of lot frontage facing any one street frontage.	Driveway entrances are satisfactory.	Yes
<b>Garages and car parking dimensions</b> ➤ Covered: min. 3m x 5.5m ➤ Uncovered: min. 2.5m x 5.2m ➤ Aisle widths must comply with AS 2890.1	Yes.  Compliance with the relevant AS also to be conditioned.	Yes
<b>Additional controls for certain dwelling types (Section 4.3 )</b> (Sub section 4.3.5 Controls for residential flat buildings)		
<b>Element/Control</b>	<b>Proposal</b>	<b>Complies</b>
<b>Street frontage</b> ➤ Minimum 30m	Achieved	Yes
<b>Access</b> ➤ Direct frontage to street or public park	Direct access is provided to all streets.	Yes
<b>Amenity</b> ➤ Must not adversely impact upon the amenity (i.e. overshadowing, privacy or visual impact) of existing or future adjoining residential development.	The proposal provides suitable building separation, orientation and floor plan layout to afford suitable privacy to the future residents of this development and neighbouring properties.  The level of solar access afforded to the future development to the south is as expected for this form and scale of development. The design provides consideration of maximising access to sunlight to the neighbouring sites. Satisfactory.	Yes
<b>SEPP 65</b> All RFBs are to be consistent with the guidelines and principles outlined in SEPP No. 65.	Refer to SEPP 65 & ADG assessment above.  Refer to Table 4-10 assessment above.	Noted.
<b>Adaptable Housing</b> ➤ Min 10% of dwellings (where 10 or more proposed). ➤ Designed in accordance with the Australian <i>Adaptable Housing Standard</i> (AS 4299-1995) ➤ Preferably on ground floor or access via a lift, including access to basement. ➤ DA to be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by	33 adaptable dwellings are indicated on the plans, being 10%.  An Access Report was submitted with the proposal. Satisfactory.  Suitable access is provided at ground level and via lifts.	Yes  Also to be conditioned accordingly.

the occupant, to comply with the <i>Australian Adaptable Housing Standard (AS 4299-1995)</i> .		
<b>Accessible parking</b> ➤ Car parking and garages to comply with the requirements of AS for disabled parking spaces.	Accessible parking is suitably provided.	Yes
<b>Landscape Plan</b> ➤ Landscape plan to be submitted.	Provided.	Yes

## CONTROLS FOR ALL RESIDENTIAL DEVELOPMENT

Site Responsive Design (Section 4.1)		
Control/Requirement	Proposal	Complies
<b>4.1.1 Site analysis plan</b>	Provided.	Yes
<b>4.1.2 Cut and fill</b> ➤ Max. 500mm cut/fill ➤ Validation Report for imported fill ➤ Where cut on the boundary, retaining walls must be integrated with its construction, otherwise minimum 450mm from boundary ➤ Max. 600mm high walls ➤ Max. 1200mm combined wall height ➤ Min 0.5m between each step	The development is designed to follow the slope of the site. Balanced cut and fill is achieved.	Yes
<b>4.1.3 Sustainable building design</b> ➤ BASIX Certificate ➤ Indigenous species to make up more than 50% of plant mix on landscape plan ➤ Plant species to be selected from Appendix D ➤ Outdoor clothes lines & drying areas required	BASIX Certificate provided and the plans are stamped.  Suitable plant species are proposed.  Satisfactory.  Each unit has mechanical drying facilities and the ability to dry clothes on the balconies.	Yes
<b>4.1.4 Salinity, sodicity &amp; aggressivity</b> ➤ To comply with Salinity Management Plan developed at subdivision phase	Recommendations from the Preliminary Geotechnical Assessment prepared by Coffey and dated June 2016 to be conditioned.	Yes
Dwelling design controls (Section 4.2)		
Control/Requirement	Proposal	Complies
<b>4.2.1 Summary of Key Controls</b>	N/A – tables do not relate to RFB's	N/A
<b>4.2.2 Streetscape &amp; design</b>	N/A – no specific controls for RFB's	N/A
<b>4.2.3 Front setbacks</b>	N/A - no specific controls for RFB's	N/A
<b>4.2.4 Side and rear setbacks</b>	N/A - no specific controls for RFB's	N/A
<b>4.2.5 Height, massing and siting</b>	N/A - no specific controls for RFB's	N/A
<b>4.2.6 Landscaped area</b>	N/A - no specific controls for RFB's	N/A
<b>4.2.7 Private open space</b> ➤ Principle POS to be accessible from the main living area and have a maximum gradient of 1:10.	PPOS is directly accessible from main living area with suitable access.	Yes
<b>4.2.8 Garages, access &amp; parking</b> ➤ Driveways not to be within 1m of drainage facilities on gutter. ➤ Planting/walls adjacent to driveways must not block sight lines. ➤ Driveways to have soft landscaped areas on either side.	Driveway is clear of drainage on gutters.  Suitable sight lines are achieved.  Yes, overall landscaping is provided along the street boundaries.	Yes
<b>4.2.9 Visual and acoustic privacy</b>		Yes, condition

<ul style="list-style-type: none"> <li>➤ Acoustic report required if adjacent to railway line or major road, or impacted upon by nearby industrial/commercial area.</li> <li>➤ No equipment or plant to generate noise level &gt; 5dBA measured during the hours 7.00am to 10.00pm.</li> <li>➤ Internal layout of residential buildings, window openings, location of courtyards and balconies, and building plant to be designed to minimise noise impacts</li> <li>➤ Noise walls are not permitted.</li> <li>➤ Development effected by rail or traffic noise is to comply with AS2107-2000 Acoustics: Recommended Design Sound Levels and Reverberation Times for Building Interiors.</li> <li>➤ Development shall aim to comply with the criteria in Table 4-7.</li> </ul>	<p>N/A</p> <p>Capable of being satisfied.</p> <p>A suitable layout is proposed.</p> <p>N/A</p> <p>N/A</p> <p>Capable of being satisfied.</p>	<p>recommended to be imposed to meet maximum levels of noise emission.</p>
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Table 4-7: Noise criteria for residential premises impacted by traffic noise

	Sleeping areas	Living areas
<b>Naturally ventilated/ windows open to 5% of the floor area (Mechanical ventilation or air conditioning systems not operating)</b>	<p>LAeq 15 hours (day): 40dBA</p> <p>LAeq 9 hour (night): 35dBA</p>	<p>LAeq 15 hours (day): 45dBA</p> <p>LAeq 9 hour (night): 40dBA</p>
<b>Doors and windows shut (Mechanical ventilation or air conditioning systems are operating)</b>	<p>LAeq 15 hours (day): 43dBA</p> <p>LAeq 9 hour (night): 38dBA</p>	<p>LAeq 15 hours (day): 46dBA</p> <p>LAeq 9 hour (night): 43dBA</p>

**Notes:**

*These levels correspond to the combined measured level of external sources and the ventilation system operating normally.*

*Where a naturally ventilated/windows open condition cannot be achieved, it is necessary to incorporate mechanical ventilation compliant with AS1668 and the Building Code of Australia.*

*LAeq 1 hour noise levels shall be determined by taking as the second highest LAeq 1 hour over the day and night period for each day and arithmetically averaging the results over a week for each period (5 or 7 day week, whichever is highest)*

<b>4.2.10 Fencing</b> <ul style="list-style-type: none"> <li>➤ Front fencing max. 1m.</li> <li>➤ Front fences not to impede sight lines.</li> <li>➤ Side and rear fences max. 1.8m.</li> <li>➤ Side fences not on a street frontage to be a max. 1m high to a point 2m behind the primary building façade.</li> <li>➤ Corner lots or lots with side boundary adjoining open space/ drainage, the front fencing style and height is to be continued to at least 4m behind the building line.</li> <li>➤ On boundaries adjoining open space/drainage, fencing to be of high quality material and finish. Design to permit casual surveillance with max. height 1m or see-through materials for portion above 1m.</li> <li>➤ Pre-painted steel or timber paling or</li> </ul>	<p>Front fencing is appropriate.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>Noted</p>	<p>Yes</p>
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26



clustering of that type of development, or non-residential uses in general, in the area;		
<ul style="list-style-type: none"> <li>an undesirable effect on the amenity of the surrounding area will be created;</li> </ul>	Satisfactory	
<ul style="list-style-type: none"> <li>the proposed use will draw patronage from areas outside of the surrounding neighbourhood, and the extent to which that patronage might impact on the amenity of residents through factors such as traffic generation, noise or the overall scale of the non-residential use;</li> </ul>	Minimal non-local residents / patrons expected. Satisfactory.	
<ul style="list-style-type: none"> <li>a noise nuisance will be created;</li> </ul>	Satisfactory – capable of being managed.	
<ul style="list-style-type: none"> <li>the development will generate traffic out of keeping with the locality;</li> </ul>	Anticipated traffic is in keeping with the locality.	
<ul style="list-style-type: none"> <li>adequate facilities are provided for the purposes of parking, loading and deliveries;</li> </ul>	Satisfactory	
<ul style="list-style-type: none"> <li>adequate provision is made for access by disabled persons.</li> </ul>	Satisfactory	
9. Non-residential development in residential zones should be similar in bulk, scale, height and siting to the surrounding buildings.	Satisfactory	Yes
10. Finishes, materials, paving and landscaping are to be consistent with those of surrounding residential development.	Satisfactory	Yes
<b>4.4.4 Neighbourhood Shops</b>		
<b>Objectives</b>		Yes
a. To ensure the appropriate provision of retail uses to serve the needs of the local community.	Satisfactory	
b. To minimise the impacts of retail activities on surrounding residential areas.	Satisfactory	
c. To ensure that retail activities in residential areas do not detract from the function or viability of nearby centres.	Satisfactory	
d. To ensure the appropriate location of neighbourhood shops	Satisfactory	
<b>Controls</b>		
3. The minimum site area for neighbourhood shops is 500 square metres.	N/A	N/A
4. For neighbourhood shops, the controls relating to lots with frontages greater than 10 metres in the following clauses of this DCP	N/A	N/A

apply: <ul style="list-style-type: none"> <li>• <b>Clause 0</b> Streetscape and architectural design,</li> <li>• <b>Clause 4.2.3</b> Front setbacks,</li> <li>• <b>Clause 4.2.4</b> Side and rear setbacks,</li> <li>• <b>Clause 4.2.5</b> Dwelling height, massing and siting, and</li> <li>• <b>Clause 4.2.8</b> Garages, site access and parking.</li> </ul>		
5. Shops fronts are to encourage active and interactive street frontages that are sympathetic to the streetscape with similar materials to adjoining buildings to be used.	This is achieved.	Yes
6. Any area of land between the front property boundary and the building alignment, exclusive of approved driveways and parking areas, is to be landscaped to the satisfaction of Council.	Satisfactory	Yes
7. Address and entry points for any residential use on the same allotment of land are to be separate from the retail use access points and be readily identifiable.	Satisfactory	Yes
8. Design of the building frontage, front and side setbacks are to include safe and convenient pedestrian facilities such as weather protection, shade, seating and landscaping.	Satisfactory	Yes
9. On corner sites, shop fronts are to wrap around the corner and zero setbacks are permitted.	N/A	N/A
10. Entrances are to be visible from the street and well lit.	Satisfactory	Yes
11. The site should not gain direct access to: <ul style="list-style-type: none"> <li>• A road with clearway or other parking restrictions; or</li> <li>• A restricted access road (sub-arterial or arterial).</li> </ul>	Satisfactory	Yes
12. Any proposed development should not to create a traffic hazard. However, corner sites are preferred in terms of reducing potential for impacts on neighbouring properties.	Satisfactory	Yes
13. At least 3 car parking spaces are required to be provided on site in addition to parking required for the dwelling (if applicable). The design of the building and parking areas is to provide suitable access for deliveries.	Provided. See discussion above.	Yes
14. Bicycle parking must be provided in a location that is secure and	Provided in the basement.	Yes


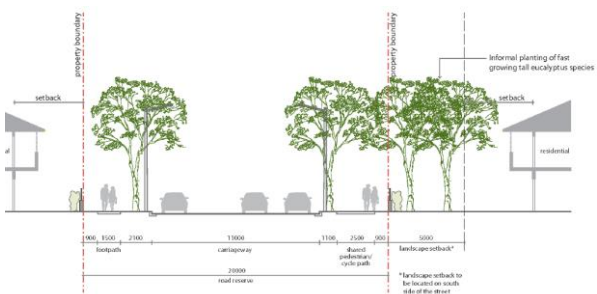
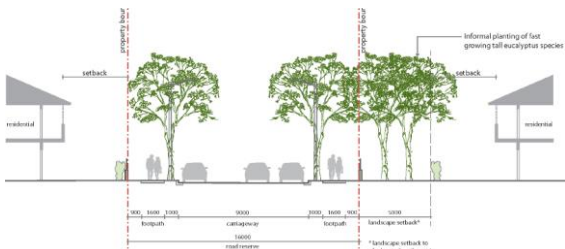
accessible with weather protection for employees.		
15. Car parking must be clearly signposted to indicate its availability from the street.	Satisfactory	Yes
16. Plant and equipment (particularly cooling or heating plant), is to be located so as to not cause noise annoyance to neighbours.	Satisfactory, and also recommended to be managed via conditions of consent.	Yes
17. Waste storage areas must be designed to minimise visual impact and should be screened and properly positioned so as to not to attract pests and cause odour problems for neighbours.	Satisfactory, provided within the basement levels.	Yes
18. All goods storage is to be internal.	Satisfactory.	Yes

### Compliance with BCC Growth Centre Precincts DCP 2016

#### Schedule 4 – Area 20 (precinct specific controls)

#### Section 2 – Relevant figures

Control	Comment
<b>Figure 2.1 Precinct Indicative Layout Plan</b>	The proposal is consistent with the ILP.
<b>Figure 2.2 Aboriginal Cultural Heritage Sites</b>	<p>The DA is accompanied by a Due Diligence Aboriginal Heritage Assessment prepared by Artefact and dated November 2016. This report recommends that the proposed activity can proceed with caution, with no further Aboriginal archaeological investigation, assessment or mitigation measures.</p> <p>This report also recommends that if any Aboriginal objects are unearthed during works, that the activities cease and the Office of Environment and Heritage be advised.</p> <p>The recommendations of this report are to be conditioned accordingly.</p>
<b>Figure 2.3 Second Ponds Creek - Flood Prone Land &amp; Riparian Corridor</b>	N/A the site is clear of flood prone land and the riparian corridor.
<b>Figure 2.4 Salinity Potential</b>	<p>The site is identified as moderate and high salinity potential.</p> <p>The proposal is accompanied by a Preliminary Geotechnical Assessment prepared by Coffey and dated June 2016 which concludes:</p> <p>“Based on a review of the available information, our experience on similar projects and other projects in nearby locations and the preliminary investigation, the development is considered feasible from a geotechnical perspective. Intrusive geotechnical site investigations should be carried out following DA approval to assess the subsurface conditions, assist in developing a more thorough geotechnical site model and support detailed design works.”</p> <p>Accordingly, suitable conditions of consent are to be imposed requiring the above recommendations to be undertaken.</p>
<b>Figure 3.1 Precinct Road Hierarchy</b>	<p>The proposal is consistent with the precinct road hierarchy.</p> <p>Terry Road is a Collector Road.</p> <p>The new north-south road along the eastern boundary is a major local street.</p> <p>The new east-west roads along the northern and southern</p>

	boundaries are 'other local streets.'
<b>Figure 3.2 Public Transport Network</b>	Terry Road is a bus route. The proposal is consistent with the public transport network.
<b>Figure 3.2 Pedestrian and Cycle Network</b>	<p>The proposal is consistent with the pedestrian and cycle network. Secondary shared routes are required along the eastern and western boundaries.</p> 
<b>Figure 3.4 Additional Public Domain &amp; Landscaping Provisions</b>	The proposal is consistent with these provisions.
<b>Figure 3.5 Section B – Landscape Buffer to Collector Road</b>	<p>The 5m landscape setback is required to the south side of the collector road (Terry Road). This does not affect the subject site. The proposal is consistent with these provisions.</p> 
<b>Figure 3.6 Section C – Landscape Buffer to Local Road</b>	<p>The 5m landscape setback is required to the east side of local roads. This does not affect the subject site. The proposal is consistent with these provisions.</p> 

## 10 Draft Central City District Plan

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

### Liveability

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