

Assessment against planning controls

1. Environmental Planning and Assessment Act 1979

The development satisfies the matters for consideration under Section 4.15 of the Act as detailed below.

Heads of Consideration s4.15	Comment	Complies
a. The provisions of: (i) Any environmental planning instrument (EPI)	The proposal is considered to be consistent with the relevant EPIs, including SREP No. 20 – Hawkesbury- Nepean River, SEPP (State and Regional Development) 2011, SEPP (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 Central City District Plan 2018.	Satisfactory
	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.	Satisfactory
	The proposal is consistent with the Alex Avenue Precinct Plan, with the exception of the height of buildings development standard. The maximum permitted building height is 16 metres. The proposal is for a building height ranging from 9.15 metres to 17.5 metres. The maximum breach to this development standard is 1.5 metres. The Applicant has submitted a request to vary this development standard under Clause 4.6 of the Growth Centres SEPP.	No, but acceptable in the circumstances for minor encroachments and rooftop structures.
	The proposal is also inconsistent with the Alex Avenue Precinct Indicative Layout Plan. However, the departure from this control has been considered in a separate development application for subdivision, and has been approved.	No, but acceptable in the circumstances and supported and now approved in a separate application for subdivision.
	All buildings comply with the building separation design criteria of the Apartment Design Guide, with the exception of a minor variation in some instances to the balconies on level 5 to facilitate access for cleaning the façade and windows.	No, but acceptable in the circumstances as the design objectives are achieved.
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	Following lodgement of this application in December 2016, a draft amendment to the Growth Centres SEPP 2006 was exhibited by the Department of Planning and Environment in May 2017, referred to as the ‘North West Draft Exhibition Package.’ This exhibition was undertaken to coincide with the release of the Land Use and Infrastructure Implementation Plan (the purpose of which is to guide new infrastructure investment, make sure new developments don't impact on the operation of the new Western Sydney Airport, identify locations for new homes and jobs close to transport, and coordinate services in the area).	No, but this application was lodged in 2016 and this is neither certain nor imminent.

Heads of Consideration s4.15	Comment	Complies
	<p>A key outcome sought by the Department of Planning and Environment (DPE) is the establishment of minimum and maximum densities for all residential areas that have been rezoned under the SEPP (i.e. density bands). Currently the planning controls nominate only a minimum density. This proposal will have a significant influence on the ultimate development capacity (i.e. yield) of the precincts.</p> <p>The DPE is proceeding with finalising the density bands applicable to some of the precincts in the North West Growth Area in the Blacktown local government area, excluding the precincts of Alex Avenue which applies to this site, Schofields and Marsden Park, following exhibition in 2017 and the receipt of many objections. The timing of adoption is uncertain at this stage, as is the content of any amendments. There is no guarantee the exhibited controls will be adopted.</p> <p>This site is within the Alex Avenue Precinct, and the maximum density bands demonstrated in the exhibition package is 100 dwellings per hectare, which equates to a maximum of 878 dwellings on this site. The proposal is for 1,381 dwellings, being an additional 503 dwellings above that anticipated in the exhibition package. Although the proposal is inconsistent with the maximum dwelling density exhibited in May 2017 following lodgement of the DA in 2016, there is no certainty or imminence to these amendments coming into effect, and therefore this is not a matter for consideration in this application.</p>	
(iii) Any development control plan (DCP)	The Growth Centres DCP applies to the site. The proposed development is compliant with the numerical controls established under the DCP, with the exception of a minor variation to building setbacks to the secondary street frontages and side and rear boundaries for portions of the development. Refer to further discussion at Section 7 of the Assessment Report.	No, but variation is supported in this instance.
(iiia) Planning agreement	N/A	N/A
(iv) The regulations	The DA is compliant.	Yes
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	<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> <p>In view of the above, it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.</p>	Yes
c. The suitability of the site for the development	<p>The subject site is zoned R3 Medium Density Residential with a 16 metre building height limit under the Growth Centres SEPP. Residential flat buildings 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</p>	Yes

Heads of Consideration s4.15	Comment	Complies
	<p>site analysis and responds positively to the different types of land uses adjoining the site.</p> <p>The site is located within close proximity to Schofields Railway Station and future Local Centre.</p> <p>The proposal is generally consistent with the Alex Avenue Precinct Plan Indicative Layout Plan, except for the approved variation.</p>	
d. Any submissions made in accordance with this Act, or the Regulations	<p>The application was exhibited for comment for a period of 14 days. 9 individual submissions were received in opposition to the proposed development.</p> <p>In response, the Applicant submitted amended plans which included reducing the number of storeys from 5 storeys to part 3 / part 4 for Building A; and increasing the building separation and outlook to the adjoining properties to the east of Building A.</p> <p>The amended plans were notified to all property owners and occupiers within the locality and the submitters between 11 October 2017 and 25 October 2017.</p> <p>6 further individual submissions, 1 petition with 7 signatures and 6 pro forma letter submissions were received raising concern.</p> <p>These concerns are addressed in Section 8 of the assessment report and are not considered to warrant refusal of the application.</p>	Satisfactory
e. The public interest	<p>It is considered that no adverse matters relating to the public interest arise from the proposal. The site is zoned for residential flat buildings and the proposal provides high quality housing stock and provides for housing diversity within the Alex Avenue Precinct.</p>	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 generally complies with the development standards and controls established within the Growth Centres SEPP, to enable the orderly development of the site. There are variations to the development standards and controls with respect to building height. However, the proposed development has demonstrated consistency with the relevant objectives and represents a site responsive development. 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 (being the CIV applicable for applications lodged but not determined prior to 1 March 2018 under clause 23 transitional provisions of this SEPP).

As the DA has a CIV of \$373.3 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 found the development acceptable.

The proposed development was also referred to Endeavour Energy, due to the proximity of this proposed residential development to the existing substation adjoining the northern boundary of the site. The proposal is accompanied by an Electromagnetic Fields Report prepared by EMC Technologies dated 29 May 2017. This report considers the impact of electromagnetic fields on the proposed development. Field measurements were undertaken at 26 locations surrounding the substation. The results show that the magnetic flux density onsite was not in excess of the general public limit for continuous (24 hour) exposure.

The Electromagnetic Fields Report was forwarded to Endeavour Energy for consideration. Endeavour Energy advised that the proposal is acceptable, subject to conditions of consent.

The proposal is accompanied by an Acoustic Assessment prepared by Acoustic Logic and dated 18 December 2017. This report considers the impact of noise on the proposed development from Schofields Road, potential noise from the future railway line to the west, noise emission of mechanical plant and noise from the substation adjoining development.

The anticipated sources of noise include:

- Traffic noise from Schofields Road on this site.
- Traffic noise from Railway Terrace on this site.
- Train noise from the railway line within proximity of the site to the west.
- Woolworths shopping centre to the south
- Noise emission criteria of mechanical plant to surrounding properties.
- The potential impact of the existing electrical substation centrally located along the northern portion of the site between proposed Buildings C and N.

The Acoustic Assessment states that the internal noise levels will primarily be as a result of noise transfer through the windows and doors as these are relatively light building elements that offer less resistance to the transmission of sound. Noise transfer through the masonry elements will not be significant and need not be considered further. Therefore the following acoustic mitigation measures are recommended:

- Aluminium framed / sliding glass doors and windows are to have glazing and acoustic seal treatments to living and bedroom windows to all facades, with particular sound proofing to living and bedroom windows which are north facing to Schofields Road and the substation, and western facing to Railway Terrace and the future railway line.
- Apartments fronting Schofields Road to the north are required to have access to mechanical ventilation or fresh air through a façade which does not front Schofields Road to achieve internal noise amenity goals within living rooms and bedrooms. Any ventilation system is to be acoustically designed to ensure they do not exceed Council criteria for noise emission to nearby properties.
- Detailed review of all external mechanical plant is to be undertaken at construction certificate stage to confirm if acoustic treatments are required to control plant noise emission, such as location, noise screens, enclosures, silencers and lined ducting.

The Acoustic Assessment also considers the potential impact of intermittent and overall vibration from the future rail line and annoyance for future occupants during day and night periods. The assessment concludes that the proposal complies with the relevant noise criteria.

The Acoustic Assessment concludes that the implementation of noise mitigation measures will ensure that the relevant Australian Standards and NSW Environment Protection Authority (EPA) Industrial Noise Policy are satisfied and that a suitable level of amenity is maintained.

Our Environmental Health Officer has reviewed this report and advises that the proposal is acceptable, subject to conditions of consent requiring the implementation of these noise mitigation measures.

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

BASIX certificates have been lodged as part of the DA. The BASIX certificates indicate 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 certificates.

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 accompanied by a Preliminary and Detailed Site Investigation prepared by Trace Environmental and dated 27 May 2015 which identified there was no evidence of potential contamination at the site. Based on the testing that was undertaken the report concludes the following:

- The site was cleared and developed for residential land use and potentially utilised for farming/agricultural purposes sometime before the 1950s. Various buildings and sheds have been built and removed from the site in the past. The results of this preliminary site investigation indicated potential sources of subsurface impacts resulting from historical land uses from historical filling, agricultural activities/livestock rearing and industrial storage related uses. Therefore, a limited Detailed Site Investigation was undertaken.
- The site land use is currently low density residential.
- It is proposed to redevelop the site for a medium/high density residential land use.
- A total of 14 primary shallow soil samples were collected from seven test pits advanced to depths of 0.5 to 1.8 mbgl at the site and submitted for laboratory analysis. The shallow soil samples were analysed for a variety of contaminants of potential concern to determine if historical site uses had impacted the subsurface at the site.
- The results of the soil assessment showed no contaminants of potential concern at concentrations above National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, as amended 2013, residential Health Screening Levels A/B and/or Human Investigation Levels B which indicates there is no evidence of potential contamination at the site from current or historic land uses.
- The site is located in a low sensitivity environmental setting based on the preliminary conceptual site model and nearby land uses.
- The site is not located in an area of known acid sulphate soils.

The report confirms that the site is therefore considered suitable for the proposed high/medium density residential development.

The report has been reviewed by our Environmental Health Officer who advised that the site can be made suitable for residential use. Conditions of consent are recommended to be imposed to ensure that if any contaminated soil is found on site it is disposed of appropriately. If a Remediation Action Plan be required, it will need to be prepared and approved by Council's

Environmental Health Officer, then implemented and supported by a final validation statement prior to any Occupation Certificate being issued. The final validation statement must be prepared by a qualified geoscientist 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 28 of SEPP 65 requires a consent authority to take into consideration:

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

We do not have a design review panel. However, the tables below provide comments on our assessment of the 9 design principles and the numerical guidelines of the Apartment Design Guide.

7.1. Design quality principles

The development satisfies the 9 design principles.

Principle	Control	Town Planning comment
1. Context and neighbourhood character	<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p>	<p>The site is located within a Greenfields context, within the Alex Avenue Precinct of the North West Growth Centre. The Schofields Railway Station and Local Centre are to the south-west of the site. A new school is to be constructed to the east of the site.</p> <p>The layout and design of the proposal responds well to the context of the site and is satisfactory with regard to the development standards and controls.</p> <p>The buildings have been architecturally designed and are considered compatible with the social, economic and environmental identity of this Precinct.</p>
2. Built form and scale	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of</p>	<p>The built form, height and scale of the proposed development have been resolved by a thorough evaluation of the site's surrounding context, topography and environmental characteristics, with an emphasis on amenity for future residents.</p> <p>This includes reducing the number of storeys for Building A from 5 storeys to part 3 and part 4 storeys. Building A is a stand-alone residential flat building located on the eastern side of the site</p>

Principle	Control	Town Planning comment
	streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	<p>which adjoins newly constructed dwellings. Providing a 3-4 storey building element immediately adjoining dwelling houses enables the scale of these developments to transition in a gradual manner.</p> <p>The height of the buildings step with the sloping topography of the site and variations to the maximum permitted height control is offset by parts of buildings that are well below the height control.</p> <p>A range of different materials and aesthetics have been applied to buildings across the site to provide further visual interest and to break up the bulk and scale of the built form.</p>
3. Density	<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>The proposal is for 1,381 apartments, being 157 dwellings per hectare.</p> <p>Each apartment has been designed to achieve a suitable level of amenity for residents. The proposed density and resulting population increase is consistent with that currently envisaged by the Growth Centre Precincts for this site.</p> <p>The proposed amended subdivision (MOD-17-00045 to DA-13-01712) which is being finalised for approval has established appropriate superlots for this form of residential development that will:</p> <ul style="list-style-type: none"> - Provide new public roads of sufficient capacity to provide street parking opportunities. - Cater for the access points to basements of this proposed development for parking and waste collection. - Caters for the setting aside of land for that portion of the site zoned SP2 Infrastructure Drainage and Classified Road and Local Road and surrounding developments which will benefit from the utilisation of this local road network. <p>The proposed residential flat building development is within walking distance of public transport and the Schofields Railway Station and Local Centre.</p>
4. Sustainability	Good design combines positive environmental, social and economic outcomes.	The proposal is supported by BASIX Certificates. The commitments are incorporated into the design of the

Principle	Control	Town Planning comment
	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.	buildings. The proposal demonstrates satisfactory levels of sustainability, waste management and efficient use of energy and water resources.
5. Landscape	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>A landscape plan has been submitted with the proposal, which incorporates a variety of planting that contributes to the amenity of the development. Deep soil zones have been provided throughout the development, to ensure sufficient planting can be achieved, some of which are co-located with the internal courtyard communal open space areas.</p> <p>The design has a myriad of landscaped areas through-site connections and open spaces to provide residents of each building with easy access and a variety of different environments for recreation, relaxation and entertaining.</p> <p>The development will also have access to the proposed shared pedestrian cycle links along the creek corridor and the sports fields located within the precinct.</p>
6. Amenity	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident 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 design of the proposal provides an acceptable level of amenity through a carefully considered spatial arrangement and layout.</p> <p>The proposal achieves a suitable level of internal amenity through providing appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.</p> <p>The proposal is designed with suitable consideration to receive solar access to habitable rooms, private open space and communal open space areas. This is considered to be appropriate given the adjoining site to the north is also capable of redevelopment and will overshadow parts of this site.</p>

Principle	Control	Town Planning comment
7. Safety	<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The proposal is 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> <p>It is noted that communal open space area is located at the public domain ground level and at rooftop to enable the communal open space to maximise opportunity for solar access and increase useability.</p>
8. Housing diversity and social interaction	<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing 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 Schofields Local Centre.</p> <p>The proposal provides housing diversity with an appropriate mix of one bedroom (19%), two bedroom (70%) and three bedroom (11%) apartments.</p>
9. Aesthetics	<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The proposed development is considered 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>The façades are made up of a combination of face brick and rendered/painted finishes. A series of finishes will be applied to give each building its own identity. The design of the buildings includes physical breaks in the facades and deep recesses to provide visual relief and interest so the buildings do not consist of flat facades.</p> <p>The contemporary design assists in setting a suitable appearance for the transitioning character of this locality and creates a desirable streetscape.</p>

7.2. Compliance with 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 a minor departure to building separation.

ADG requirement		Proposal	Compliance
Controls			
2E Building Depth	<p>Use a range of appropriate maximum apartment depths of 12 metres to 18 metres from glass line to glass line.</p> <p>Provide apartment layouts which meet natural ventilation and sunlight requirements.</p> <p>Wider building depth can be considered for east-west facing apartments.</p> <p>Greater depths may require significant building articulation and increased perimeter wall length.</p> <p>Narrow building depth can be considered for north-south facing apartments to reduce the number of south facing apartments.</p>	<p>The proposed building depths exceed 18 metres, however demonstrate adequate daylight and natural ventilation, good orientation, articulation, layouts, room and apartment depths.</p> <p>Overall, the proposal provides good amenity to the apartments and satisfy this control.</p>	<p>Minor variation sought, acceptable as the ADG considerations are achieved.</p>
2F Building Separation	<p>Up to 4 storeys/12 metres:</p> <ul style="list-style-type: none"> - 12 metres between habitable rooms/balconies - 9 metres between habitable rooms/balconies and non-habitable rooms - 6 metres between non-habitable rooms <p>5 to 8 storeys/up to 25 metres:</p> <ul style="list-style-type: none"> - 18 metres between habitable rooms/balconies - 13 metres between habitable rooms/balconies and non-habitable rooms - 9 metres between non-habitable rooms 	<p>All buildings comply with the building separation design criteria.</p> <p>All buildings comply with the building separation design criteria, with the exception of a minor variation in some instances to the balconies on level 5 to facilitate access for cleaning the façade and windows.</p>	<p>Yes</p> <p>Minor variation sought, acceptable as the design objectives are achieved.</p>
	<p>Nine storeys and above/over 25 metres:</p> <ul style="list-style-type: none"> - 24 metres between habitable rooms/balconies - 18 metres between habitable rooms/balconies and non-habitable rooms - 12 metres between non-habitable rooms 	N/A	N/A
Siting the Development			
3A Site analysis	Satisfy the site analysis guidelines - Appendix 1.	Site analysis provided.	Yes

ADG requirement		Proposal	Compliance
3B Orientation	<p>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%.</p> <p>4 hours of solar access should be retained to solar collectors on neighbouring buildings.</p>	<p>There are no existing properties that are affected by the proposed development. To the east of Building A, new dwellings have been constructed.</p> <p>The shadow diagrams demonstrate that the dwellings will maintain in excess of 3 hours solar access in midwinter.</p> <p>There are no solar collectors affected by the proposed development.</p>	Yes
3C Public domain interface	<p>Ground level courtyards to have direct access, if appropriate.</p> <p>Ground level courtyards to be above street level for visual privacy.</p> <p>Balconies and windows to overlook the public domain.</p> <p>Front fences to be visually permeable with maximum 1 metre height, and limited length.</p> <p>Entries to be legible.</p> <p>Raised terraces to be softened by landscaping.</p> <p>Mail boxes to be located in lobbies, perpendicular to the street or within the front fence.</p> <p>Basement carpark vents not to be visually prominent.</p> <p>Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement car parks or out of view.</p> <p>Ramping for accessibility to be minimised.</p> <p>Durable, graffiti resistant and easily cleanable materials should be used.</p> <p>On sloping sites, protrusion of car parking should be minimised.</p>	<p>Ground level access is provided to some ground level units where the finished ground levels permit.</p> <p>Ground level courtyards are a suitable level.</p> <p>Balconies and windows provide casual surveillance of the public domain.</p> <p>Open metal fencing is proposed</p> <p>Entry is legible.</p> <p>Raised areas are suitably landscaped.</p> <p>Mailboxes are to be located to satisfy the recommendations of the Police and Australia Post.</p> <p>Basement carpark vents are not visually prominent.</p> <p>Substations to be screened and appropriately treated. Service rooms are within the basement.</p> <p>Ramping is suitable.</p> <p>Suitable and durable materials are proposed.</p> <p>Car parking is suitably designed to be within the building footprint.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
3D Communal and public open space	Communal open space (COS) >25% of the site.	<p>Site area: 62,672 m²</p> <p>Required 25 % = 15,668 m²</p> <p>Provided 26.7 % = 16,780 m²</p> <p>Complaint communal open space is also provided to each of the proposed lots:</p> <p>Lot 1 = 898 m² (30 %)</p> <p>Lot 2 = 2,492 m² (25 %)</p>	Yes

ADG requirement		Proposal	Compliance
	<p>Direct sunlight to >50% of COS for 2 hours between 9 am and 3 pm.</p> <p>Minimum dimension of 3 metres.</p> <p>Direct and equitable access.</p> <p>If COS cannot be located on Ground Level, provide on the podium or roof.</p> <p>If it COS can't be achieved, provide on rooftop of a common room, provide larger balconies, or demonstrate proximity to public open space and facilities.</p> <p>Range of activities (e.g. seating, BBQ, play area, gym or common room).</p> <p>Visual impacts minimised from ventilation, substations and detention tanks.</p> <p>Maximise safety.</p> <p>Public Open Space, where provided, is to be well connected and adjacent to street.</p>	<p>Lot 3 = 3,483 m² (26 %) Lot 4 = 2,724 m² (26 %) Lot 5 = 1,399 m² (26 %) Lot 6 = 5,784 m² (28 %)</p> <p>Direct sunlight is achieved to 50 % of the communal open space.</p> <p>Minimum dimension of 3 metres is achieved.</p> <p>Direct and accessible access is achieved to all areas of COS.</p> <p>COS is provided at ground level and rooftop level.</p> <p>Rooftop communal open space is provided and each building contains a communal room.</p> <p>Common open space to be embellished with seating, BBQ areas and children's play areas.</p> <p>The COS is clear of services.</p> <p>The COS demonstrates a safe design.</p> <p>Achieved.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3E Deep soil zones</p>	<p>Minimum area = 7% of site area. Preferred area = 15%.</p> <p>If the site is between 650 to 1,500 m² then minimum dimensions of 3 metres.</p> <p>If over 1,500 m² then minimum dimensions of 6 metres.</p>	<p>13,093 m² of deep soil zone provided, equivalent to 21 % of site area.</p> <p>Suitable dimensions of deep soil zone are provided.</p> <p>The proposal has deep soil areas which is co-located with COS area.</p>	<p>Yes</p>
<p>3F Visual privacy</p>	<p>Building Separation: refer to 2F above. Separation distances between buildings on the same site depending on the type of room as to reflect Figure 3F.2.</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>All buildings comply with the building separation design criteria with the exception of a minor variation in some instances to the balconies on level 5 to facilitate access for cleaning the façade and windows.</p> <p>Direct lines of sight are avoided.</p> <p>Appropriate separation is achieved.</p>	<p>Variation sought, acceptable as the design objectives are achieved.</p> <p>Yes</p> <p>Yes</p>

ADG requirement		Proposal	Compliance
	Note: When adjacent to a lower density residential zone an additional 3 metre rear side setback is required.	<p>It is noted that the adjoining site to the east of Building A is also zoned R3 Medium Density Residential, therefore this control does not technically apply.</p> <p>However, this adjoining site to the east has recently been developed for low density residential development in the form of individual Torrens title residential lots and dwelling houses. In response, the Applicant amended the design to orientate this part 3/part 4 storey residential flat building away from these adjoining dwellings and provide an increased separation distance of 6 metres to 15 metres.</p>	Satisfactory
3G Pedestrian access and entries	<p>Connect to and activate the public domain.</p> <p>Easy to identify access.</p> <p>Internal pedestrian links to be direct.</p>	<p>Pedestrian access to the street frontage is legible and direct.</p> <p>Access is easily identified.</p> <p>Internal links are provided through the site and are direct.</p>	Yes
3H Vehicle access	<p>Access points are safe and create quality streetscapes.</p> <p>The need for large vehicles to enter or turn around within the site should be avoided.</p>	<p>Vehicular and pedestrian access is provided separately and safely.</p>	Yes
3J Bicycle and car parking	<p>Sites within 800 metres of a railway station comply with <i>Guide to Traffic Generating Developments</i>.</p> <p>< 20 units 1 space for each unit An additional 0.2 space for each 2br unit An additional 0.5 space per 3br unit 0.2 space for visitor parking</p> <p>>20 units Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.4 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking)</p>	<p>The site is within 800 metres from Schofields Railway Station.</p> <p>N/A</p> <p>1,514.9 parking spaces are require as follows: • Residents – 1,239 • Visitors – 276 1,735 parking spaces are proposed as follows: • Residents – 1,456 • Visitors – 279 • Service bays - 18 • Car wash bays – not indicated but will be required as a condition of consent. The 'loss' of on-street parking due to the approved subdivision</p>	<p>Yes</p> <p>N/A</p> <p>Yes</p> <p>To be conditioned</p>

ADG requirement		Proposal	Compliance
	Conveniently located and sufficient numbers of bicycle and motorbike spaces.	plan is offset by a surplus of the above 220 basement parking spaces (being a surplus of 220 spaces comprising 217 additional residential spaces and 3 additional visitor spaces). 460 bicycle parking spaces are required. 462 bicycle spaces are proposed. 28 motorbike spaces are provided, being 1 motorbike space per 50 apartments.	Yes Yes
Designing the building			
4A Solar and daylight access	Living rooms and private open space receive minimum 2 hours direct sunlight between 9 am – 3 pm in mid-winter > 70% of units (Minimum 1 m ² of direct sunlight measures at 1 metre 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 and choice.	71 % 11 % Projecting balcony elements and screening devices assist with managing solar access.	Yes
4B Naturally ventilation	All habitable rooms naturally ventilated. Number of naturally cross ventilated units > 60%. Depth of cross over apartments < 18 m. The area of unobstructed window openings should be equal to at least 5% of the floor area served.	All habitable rooms naturally ventilated. 60 % Yes. The window areas are satisfactory.	Yes
4C Ceiling heights	2.7 metres for habitable 2.4 metres for non-habitable Service bulkheads are not to intrude into habitable spaces.	2.7 m provided for habitable rooms. 2.4 m provided for non-habitable.	Yes
4D Apartment size and layout	Studio > 35 m ² 1 bed > 50 m ² 2 bed > 70 m ² 3 bed > 90 m ² + 5 m ² for each unit with more than 1 bathroom. Habitable Room Depths: limited to 2.5 metres x ceiling height (6.75 metres with 2.7 metre ceiling heights) Open Plan Layouts that include a living,	Achieved. Achieved. Achieved. Achieved. Where second bathrooms are provided, unit size exceeds the minimum size of 5 m ² . Satisfactory room depths. Open plan layouts are provided.	Yes

ADG requirement		Proposal	Compliance
	<p>dining room and kitchen – maximum 8 metres to a window.</p> <p>Bedroom sizes (excl wardrobe space): Master – 10 m² Other – 9 m²</p> <p>Minimum dimensions – 3 metres</p> <p>Living rooms/dining areas have a minimum width of: 3.6 metres – Studio or 1 bedroom 4 metres – 2 or 3 bedroom</p> <p>Cross-over/cross-through: minimum 4 metres wide</p>	<p>Kitchens are less than 8 metres to a window.</p> <p>Bedroom and living room sizes and dimensions meet requirements.</p> <p>Achieved.</p> <p>Achieved.</p>	
<p>4E</p> <p>Private open space and balconies</p>	<p>Studio > 4 m²</p> <p>1 bed > 8 m² and 2 metres depth</p> <p>2 bed > 10 m² and 2 metres depth</p> <p>3 bed > 12 m² and 2.4 metres depth</p> <p>Ground level/ podium apartments > 15 m² and 3 metres depth</p> <p>Extension of the living space.</p> <p>Air conditioning units should be located on roofs, in basements, or fully integrated into the building design.</p>	<p>Balcony dimensions compliant for the equivalent apartment size.</p> <p>Min 15 m² and 3 metres.</p> <p>Private open space is an extension of the living space.</p>	<p>Yes</p>
<p>4F</p> <p>Common circulation and spaces</p>	<p>Maximum number of apartments off a circulation core on a single level – 8-12.</p> <p>Buildings over 10 storeys - maximum of 40 units sharing a single lift.</p> <p>Daylight and natural ventilation to all</p>	<p>Up to 12 apartments per core with the exception of:</p> <ul style="list-style-type: none"> Buildings B1, N1 & Q1 which have 13 apartments per core. Windows have been provided in close proximity to the lifts to provide natural light and ventilation. Buildings S1 and S2 which have 18 apartments per core. A condition of consent is recommend to be imposed requiring the cores of Buildings S1 and S2 to be split to reduce the number of dwellings per core / corridor to 7 and 11 apartments and ensure the corridor lengths are not excessive. <p>N/A</p> <p>Yes</p>	<p>Variation sought, acceptable as design objectives are achieved, subject to conditions.</p> <p>N/A</p> <p>Yes</p>

ADG requirement	Proposal	Compliance
<p>common circulation areas above ground level.</p> <p>Corridors greater than 12 metres from the lift core to be articulated by more foyers, or wider areas/higher ceiling heights at apartment entry doors.</p> <p>Maximise dual aspect apartments and cross over apartments.</p> <p>Primary living room and bedroom windows are not to open directly onto common circulation spaces.</p> <p>Direct and legible access by minimising corridor length.</p> <p>Tight corners and spaces to be avoided.</p> <p>Well lit at night.</p> <p>For larger developments – community rooms for owners meetings or resident use should be provided.</p>	<p>Achieved.</p> <p>Dual aspect apartments are provided.</p> <p>Windows do not open onto common circulation areas.</p> <p>Achieved, subject to conditions to split the core of Buildings S1 and S2 as discussed above.</p> <p>Achieved.</p> <p>Achieved.</p> <p>One communal room is provided per lot.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes, subject to conditions</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4G Storage</p> <p>Studio > 4 m³</p> <p>1 bed > 6 m³</p> <p>2 bed > 8 m³</p> <p>3 bed > 10 m³</p> <p>Min 50% within the apartment.</p>	<p>Minimum storage areas provided, with a minimum 50 % provided in apartment. Storage spaces also provided within basement.</p>	<p>Yes</p>
<p>4H Acoustic privacy</p> <p>Window and door openings orientated away from noise sources.</p> <p>Noise sources from garage doors, driveways, services, communal open space and circulation areas to be 3 metres from bedrooms.</p> <p>Separate noisy and quiet spaces.</p> <p>Provide double/acoustic glazing, acoustic seals, materials with low noise penetration.</p>	<p>Achieved.</p> <p>Achieved.</p> <p>Achieved.</p> <p>Suitable acoustic measures to be installed.</p>	<p>Yes</p>
<p>4J Noise and pollution</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</p>	<p>The layout of the development considers potential noise and pollution impacts, and is satisfactory.</p>	<p>Yes</p>

ADG requirement		Proposal	Compliance
	insulation (e.g. solid balcony balustrades, external screens or soffits).		
Configuration			
4K Apartment mix	Provide a variety of apartment types. Flexible apartment mix.	The proposal is for 1,381 apartments comprising 264 x 1 bed (19 %), 967 x 2 beds (70 %) and 150 x 3 beds (11 %). A suitable and responsive apartment mix is provided.	Yes
4L Ground floor apartments	Maximise street frontage activity. Direct street access to ground floor apartments. Ground floor apartments to deliver amenity and safety for residents.	The ground level apartments achieve an overall high level of amenity and safety, and are satisfactory.	Yes
4M Facades	Front building facades are to provide visual interest whilst respecting the character of the local area. Building services are to be integrated into the overall façade. Provide design solutions which consider scale and proportion to the streetscape and human scale.	The front façades are architecturally treated to create visual interest and contribute to the desired future character of this area. Plant and equipment are catered for at the basement levels.	Yes
4N Roof design	Roof treatments are to be integrated into the building design and positively respond to the street.	The roof is designed to be recessive and not visible from the public domain.	Yes
4O Landscape design - site area	< 850 m ² - 1 medium tree per 50 m ² of deep soil zone. 850 m ² to 1,500 m ² - 1 large tree or 2 medium trees per 90 m ² of DSZ. >1,500 m ² - 1 large tree or 2 medium trees per 80 m ² of deep soil zone.	The total developable site area is 62,620 m ² . Deep soil zone of 9,393 m ² is required (15 %). Deep soil zone of 13,093 m ² is proposed (21 %). The proposed landscaping species are suitable.	Yes
4P Planting on structures	Provide sufficient soil volume, depth and area. Provide suitable plant selection. Provide suitable irrigation and drainage systems and maintenance. Enhance the quality and amenity of communal open space with green walls, green roof and planter boxes, etc.	Planting is provided within the setbacks and central courtyards, some of which is above the basement structures. The proposal comprises suitable plant selection which is considered to enhance the quality and amenity of the communal open space. Feature trees provided within the communal open space areas have been provided with sufficient soil depth.	Yes
4Q Universal design	10% adaptable housing. Flexible design solutions to accommodate the changing needs of	The proposal has a total of 138 apartments, 10 % of which are capable of adaptation.	Yes

ADG requirement		Proposal	Compliance
	occupants.	Apartment unit layouts are included in the Access Report prepared by Access.	
4R Adaptive reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A	N/A
4S Mixed use	Provide active street frontages and encourage pedestrian movement. Residential entries separate and clearly defined. Landscaped communal open space to be at podium or roof level.	N/A	N/A
4T Awnings and signage	Awnings to be continuous and complement the existing street character. Provide protection from sun and rain, wrapped around the secondary frontage. Gutters and down pipes to be integrated and concealed. Lighting under awnings is to be provided. Signage is to be integrated and in scale with the building. Legible and discrete way finding is to be provided.	N/A	N/A
Performance			
4U Energy efficiency	The development is to incorporate passive solar design. Heating and cooling infrastructure are to be centrally located (e.g. basement).	The development allows for the optimisation / management of heat storage in winter and heat transfer in summer. No details of services, however plant rooms are provided within the basement. A BASIX Certificate outlining energy efficiency commitments has also been provided with the development.	Yes
4V Water management and conservation	Rainwater collection and reuse. Drought tolerant plants. Water sensitive urban design measures. Detention tanks should be located under paved areas, driveways or in basement car parks.	All stormwater runoff from the on-lot buildings and hard-standing areas will be directed into tanks within the basement with proprietary treatment products within to treat the water. Drought tolerant plants - the identified species accords with the recommendations of	Yes

ADG requirement		Proposal	Compliance
		Council. On-site detention is not proposed nor required for this development.	
4W Waste management	<p>Waste storage should be discreetly located away from the front of the development or in the basement.</p> <p>Waste cupboard within each dwelling</p> <p>Waste and recycling rooms are to be in convenient and accessible locations related to each vertical core.</p>	<p>The proposal is accompanied by a comprehensive waste management plan.</p> <ul style="list-style-type: none"> - Garbage and Recycling bins are located in the waste room in the basement of each building. - Garbage is collected three times each week. - Recycling is collected weekly. - Residential waste and recycling will be collected by a private contractor. <p>The proposed waste arrangement is satisfactory, including providing a 4.5 metre basement clearance for waste truck travel paths.</p>	Yes
4X Building maintenance	<p>The design is to provide protection from weathering.</p> <p>Enable ease of maintenance.</p> <p>The materials are to reduce ongoing maintenance costs.</p>	The proposal demonstrates ease of maintenance.	Yes

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

Appendix 4 of the SEPP, Alex Avenue 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.

General controls within main body of the SEPP

SEPP requirement	Complies
2 Aims of Policy	
<p>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</p> <p>b) to enable the Minister from time to time to designate land in growth centres as ready for release for development</p> <p>c) to provide for comprehensive planning for growth centres</p> <p>d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity</p> <p>e) to provide controls for the sustainability of land in growth centres that has</p>	The proposal is consistent with these aims.

SEPP requirement		Complies
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 and conservation	Sydney Water's <i>Growth Servicing Plan July 2014 to June 2019</i> 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, subject to conditions.
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 and major creeks land—additional heads of consideration	<p>The site is identified as flood prone and subject to flood risk at the north-eastern corner of the site and the southern portions of the site which are zoned SP2 Drainage Infrastructure. The scope of the works the subject of this application, being the residential flat buildings, is clear of the flood affected parts of the site and surrounds.</p> <p>The flood affected areas of the site are identified as containing Eastern Creek. This application was referred to NSW Department of Primary Industries – Water and General Terms of Approval have been provided.</p> <p>This application has been assessed by Council's Engineers and is supported, subject to conditions of consent. The proposal demonstrates that the proposed excavation and works will enable safe occupation of the land.</p>	Yes, subject to conditions and General Terms of Approval.
Cl. 20 Development on and near certain land at Riverstone West	N/A the site is not in or near Riverstone West.	N/A.
Cl. 21-24 Vegetation	N/A This clause does not apply to land in this Precinct.	N/A
Cl. 25-26 Cultural heritage landscape area	<p>N/A This clause does not apply to land in this Precinct.</p> <p>Standard conditions of consent are recommended to be imposed requiring that if any Aboriginal objects are unearthed during works, that the activities cease and the Office of</p>	Yes, subject to recommended conditions.

SEPP requirement	Complies
Environment and Heritage be advised.	

8.1. Controls within Appendix 4 – Alex Avenue and Riverstone Precinct Plan 2010 of the Growth Centres SEPP

SEPP requirement	Complies
1.2 Aims of Precinct Plan	
<ul style="list-style-type: none"> (a) to make development controls for land in the Alex Avenue and Riverstone Precincts 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 and the cultural heritage of those Precincts, (c) to provide for recreational opportunities within those Precincts, (d) to provide for multifunctional and innovative development in those Precincts that encourages employment and economic growth, (e) to promote housing choice and affordability in those Precincts, (f) to provide for the sustainable development of those Precincts, (g) to promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Alex Avenue and Riverstone Precincts, (h) to provide transport infrastructure to meet the needs of the community, (i) to provide for the orderly development of the Riverstone Scheduled Lands. 	The proposal is consistent with the Aims of the Precinct Plan.

Part 2 Permitted or prohibited development

Objectives of R3 medium density zone	<ul style="list-style-type: none"> a) To provide for the housing needs of the community within a medium density residential environment. b) To provide a variety of housing types within a medium density residential environment. c) To enable other land uses that provide facilities or services to meet the day to day needs of residents. d) To support the well being of the community, by enabling educational, recreational, community, and other activities where compatible with the amenity of a medium density residential environment. 	The proposal is consistent with the objectives of the zone.
Objectives of SP2 drainage infrastructure zone	<ul style="list-style-type: none"> a) To provide for infrastructure and related uses. b) To prevent development that is not compatible with or that may detract from the provision of infrastructure. 	The proposal is consistent with the objectives of the zone.
2.1 Zoning and Land use tables	<p>Residential flat buildings are a permissible form of development with consent in the R3 Medium Density Residential zone.</p> <p>The proposed works, including drainage, earthworks, environmental protection works, flood mitigation works, roads, water recycling facilities and waterbodies (artificial) are a permissible form of development with consent in the SP2 Drainage Infrastructure zone.</p>	The proposal is consistent with the objectives of the zone.

SEPP requirement		Complies
2.6 Subdivision	Subdivision of this site was approved in DA-13-01712 and proposed to be amended in MOD-17-00045. The proposed amended subdivision plans are at attachment 4 . Modification application MOD-17-00045 is currently being finalised for approval.	Yes
2.6A Demolition	Demolition is approved in DA-13-01712.	Yes
Part 4 Principal development standards		
4.1AB Cl. (9a) - Min. lot size for RFB in R3 zone	1,000 m ² Lot sizes range from 2,947 m ² to 13,368 m ² .	Yes
4.1B Residential density	40 dwellings per hectare The proposal is for 1,381 apartments, which equates to approximately 157 dwellings per hectare, achieving the minimum recommended residential density.	Yes
4.3 Height of buildings	<p>Maximum 16 metres</p> <p>The proposed development has a maximum height of 17.5 metres, measured from the existing ground level to the highest point of the lift overrun of Building R. The proposal also has minor encroachments for lift overruns and part of the roof.</p> <p>The proposed overall building height and extent of variation for each building is as follows:</p> <p>Building A – 13.7 metres (complies) Building B – 17 metres (6.25 %) Building C – 17.25 metres (7.8 %) Building D – 16 metres (complies) Building E – 16 metres (complies) Building F – 16.5 metres (3.1 %) Building G – 16.7 metres (4.37 %) Building H – 17 metres (6.25 %) Building J – 15.5 metres (complies) Building K – 16.4 metres (2.5 %) Building L – 16.5 metres (3.1 %) Building M – 16.15 metres (0.9 %) Building N – 16.45 metres (2.8 %) Building P – 16.3 metres (1.8 %) Building Q – 15.65 metres (complies) Building R – 17.5 metres (9.3 %) Building S – 17.3 metres (8.1 %)</p> <p>The buildings have been designed to respond to the topography of the site and have been stepped with the majority of each building (88.5 % of the building footprint) compliant with the 16 metre height limit.</p>	<p>No.</p> <p>The Applicant seeks to vary this development control. Refer to Section 7 of Assessment Report and attachments 7 and 8.</p>

SEPP requirement		Complies
	<p>Due to the stepping of the buildings and the predominant compliance with the height control, the perceivable height of the buildings is reduced.</p> <p>A range of different materials and aesthetics have been applied to buildings across the site to provide further visual interest and to break up the bulk and scale of the built form.</p>	
4.4 Floor space ratio (calculations to be in line with clause 4.5)	<p>Maximum 1.75:1</p> <p>The proposed development has a gross floor area (GFA) of 118,758 m² which results in a floor space ratio (FSR) of 1.35:1 across the R3 medium density zoning of the land and complies with this development standard.</p>	Yes
4.6 Exceptions to development standard	<p>Request must be in writing</p> <p>The applicant has submitted a clause 4.6 statement in support of a variation to height which is provided at attachment 8. Council's consideration of the request is at Section 7 of the Assessment Report and attachment 9.</p>	<p>The clause 4.6 request is satisfactory in the circumstances of the case.</p>
Part 5 Miscellaneous provisions		
5.1 Relevant acquisition authority	<p>Council is the acquisition authority for the portions of the site zoned SP2 Drainage Infrastructure. The works the subject of this application are clear of the acquisition area, which is approved as a residue lot 107 in the development application for subdivision for this site (MOD-17-00045 to DA-13-01712) which is currently being finalised for approval.</p>	Yes
5.6 Architectural roof features	<p>The Applicant does not seek to apply this clause.</p>	N/A
5.9 Preservation of trees or vegetation	<p>The removal of all trees was approved in DA-13-01712. Due to the extent of works required to achieve the appropriate road and stormwater levels, the retention and protection of trees on the site is difficult.</p>	<p>Yes. Conditions to be imposed to retain and protect the existing vegetation in the SP2 Infrastructure zoned land.</p>
5.10 Heritage conservation	<p>The site and surrounds are not identified as containing heritage items or as a heritage conservation area.</p>	N/A
Part 6 Additional local provisions		
6.1 Public utility infrastructure	<p>The Applicant states that the site is capable of being adequately serviced with connections for public utility infrastructure. The application was referred to Endeavour Energy and no objection was raised subject to conditions.</p>	Yes

SEPP requirement		Complies
	Conditions will be imposed requiring public utility infrastructure to be provided.	
6.4 and 6.5 Native vegetation	The south-eastern portion of the site is identified as existing native vegetation and native vegetation retention area. No works are proposed in these affected areas, therefore, clearing of native vegetation does not occur as a result of this proposal.	Yes

9. Central City District Plan 2018

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 *Central City District Plan* has been undertaken.

Outlined below is where the Development Application is consistent with the overarching planning priorities of the *Central City District Plan*:

Liveability

- Improving housing choice
- Improving housing diversity and affordability
- Improving access to jobs and services
- Creating great places
- Contributing to the provision of services to meet communities' changing needs.

10. Blacktown City Council Growth Centre Precincts Development Control Plan 2018 (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.

10.1. Part 2.0 – Precinct Planning Outcomes (from main body of DCP)

DCP requirement		Proposal	Complies
2.2 Indicative layout plan	DA is to be generally in accordance with Indicative Layout Plan.	The proposal varies from the road Indicative Layout Plan. A variation to the Indicative Layout Plan was originally approved in DA-13-01712 for subdivision of the site, demolition of existing structures and earthworks. Further amendments are proposed in MOD-17-00045 to DA-13-01712, which is being finalised for approval. No objection is raised by Council's Access and Transport Management, engineering and waste sections.	Yes
2.3 Subdivision site analysis	The following clauses must be addressed:		
2.3.1 Flooding and water cycle	No residential allotments are to be located at a level lower than the 1% Annual Exceedance Probability (AEP) flood level plus a freeboard of 500 mm (i.e. within the 'flood	N/A. The site is not flood affected. The proposed civil plans demonstrate the effective integration of levels with the adjoining residential subdivisions,	Yes

DCP requirement	management	Proposal	Complies
	<p>planning area').</p> <p>Stormwater is to be managed primarily through the street network in accordance with Council's Water Sensitive Urban Design Development Control Plan.</p> <p>Roads are generally to be located above the 1% AEP level.</p>	<p>including associated road levels.</p>	
<p>2.3.2</p> <p>Salinity and soil management</p>	<p>Land within areas of potential salinity and soil aggressivity risk figure, must be accompanied by a salinity report. A qualified person is to certify the project upon completion of the works.</p> <p>The Salinity Management Plan is to be in accordance with Appendix C of the DCP. All works are to comply with the plan.</p>	<p>Portions of the site have a higher level of salinity risk potential according to the DCP.</p> <p>The application is accompanied by a Geotechnical Report prepared by Asset Geotechnical and dated 30 May 2015 which states that the soils are predominantly non-saline, with moderate saline soils found at the south-eastern corner of the site and along the southern boundary.</p> <p>Therefore, a Salinity Management Plan is required. This will be imposed as a condition.</p>	<p>Yes, subject to conditions.</p>
<p>2.3.3</p> <p>Aboriginal and European heritage</p>	<p>Are there any areas of Aboriginal heritage value within or adjoining the site, and is the site identified on the European cultural heritage sites figure? If so, a report is required from a qualified consultant.</p>	<p>The site is identified as subject to potential Aboriginal heritage constraints.</p> <p>This was considered in the subdivision application for the site (DA-13-01712).</p> <p>An Aboriginal Heritage Impact Permit (AHIP) was issued pursuant to section 90C(4) of the <i>National Parks and Wildlife Act 1974</i> on 11 September 2014. A condition of consent will also be imposed requiring the Applicant to comply with the requirements of the AHIP.</p>	<p>Yes, subject to conditions.</p>
<p>2.3.4</p> <p>Native vegetation and ecology</p>	<p>Native trees/vegetation to be retained where possible.</p> <p>Is the site identified on the Riparian Protection Area figure. If so, native vegetation to be managed in accordance with Appendix B of the DCP.</p> <p>Does the site adjoin land zoned E2?</p> <p>A landscape plan is to be submitted with the DA. Trees to be selected from Appendix D of the DCP.</p>	<p>All trees within the allotments are proposed to be removed to facilitate the development.</p> <p>N/A The site is not identified on the Riparian Protection Area figure.</p> <p>The site does not adjoin land zoned E2 Environmental Conservation.</p> <p>The proposed landscape concept plans reflect the natural bushland and creek corridor to the south of the site, while providing an urban edge to the character of open spaces within the centre part of the site.</p> <p>The landscape concept plans include a myriad of landscaped areas incorporating through-site connections and open spaces to provide residents of each building with easy access and a variety of</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>Yes</p>

DCP requirement		Proposal	Complies
		<p>different environments for recreation, relaxation and entertaining.</p> <p>Furthermore, the location of the proposed works is not identified on the North West Growth Centre Native Vegetation Protection Map. Under 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 <i>Threatened Species Conservation Act 1995</i> and the <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>Appropriate conditions are to be imposed regarding the planting of appropriate native species and street trees.</p>	
2.3.5 Bushfire hazard management	Development is to be consistent with Planning for Bushfire Protection 2006.	<p>The north-eastern and southern portions of the site are identified as bushfire prone land, being Bushfire Category 1 and Bushfire Zone Buffer 1.</p> <p>NSW Rural Fire Service have provided General Terms of Approval.</p>	Yes, subject to conditions.
2.3.6 Site contamination	<p>All subdivision DAs to be accompanied by a Stage 1 Preliminary Site Investigation.</p> <p>Where required a Stage 2 investigation is to be carried out.</p>	<p>The application is accompanied by a Preliminary and Detailed Site Investigation report prepared by Trace Environmental dated 27 May 2015. Based on the testing that was undertaken the report concluded that there was no evidence of potential contamination on site.</p> <p>These reports were reviewed by our Environmental Health Officer who advised that subject to the implementation of these recommendations, the site can be made suitable for residential use.</p>	Yes, subject to conditions.
2.3.7 Odour assessment and control	Is the site adjacent to odour generating activities and is a buffer or additional supporting information required.	<p>The site is not adjacent to odour generating activities.</p> <p>The proposed residential development is in keeping with the zoning objectives of the SEPP, and is not considered to be adversely affected by the risk of odour.</p>	Yes

10.2. Part 4.0 – Development in the Residential Zones (from main body of DCP)

10.2.1. Specific residential flat building controls

DCP requirement		Proposal	Complies
Key controls for residential flat buildings (Table 4-10)			
Site coverage	Max. 50%	43 % site coverage is proposed, excluding the roads from calculations (refer drawings SK 1609-16-04 - Lot 1 to Lot 6).	Yes
Landscaped area	Min. 30% of site area	33 % landscaped area is proposed (refer drawing SK 1609-16-02 - Lot 1 to Lot 6)	Yes
Communal open space	15% of site area	26.7 % communal open space is proposed (refer drawing SK 1609-16-01-Lot 1 to Lot 6). Complaint communal open space is also provided to each of the proposed lots: Lot 1 = 898 m ² (30 %) Lot 2 = 2,492 m ² (25 %) Lot 3 = 3,483 m ² (26 %) Lot 4 = 2,724 m ² (26 %) Lot 5 = 1,399 m ² (26 %) Lot 6 = 5,784 m ² (28 %)	Yes
Principal private open space (PPOS)	Minimum 10 m ² per dwelling Minimum dimension of 2.5 metres	Private open spaces of the development comply with SEPP 65 and the ADG, which takes precedence over this control.	N/A Refer to ADG
Front setback	Minimum 6 metres Balconies and other articulation may encroach into setback to a maximum of 4.5 metres from the boundary for the first 3 levels, and for a maximum of 50% of the façade length.	The proposal complies with this control. Minor elements and balconies encroach into the setback to a maximum of 4.5 metres from the boundary as permitted by the control.	Yes.
Corner lots secondary setback	Minimum 6 metres	6 metres to the walls of all habitable rooms. Some private balconies and architectural elements have a setback of only 4.5 metres.	No, minor encroachments which are supported in this instance.
Side setback	Up to 3 storeys: minimum 3 metres Above 3 storeys: minimum 6 metres	6 metres to the walls of all habitable rooms. Some private balconies and architectural elements have a setback of only 4.5 metres.	No, minor encroachments which are supported in this instance.
Rear setback	Minimum 6 metres	This control relates to the rear setback of Building A to the east, Building C to Schofields Rd, Building	No, minor encroachments

DCP requirement		Proposal	Complies
		N to the substation and Building S to the SP2 Infrastructure zone. Building A, N and S proposes a setback of 6 metres. Building C has a setback of 4.5 metres to 6 metres. Private balconies have a setback of only 4.5 metres.	which are supported in this instance.
Zero lot line	Not permitted	N/A	N/A
Habitable room/ balcony separation	Distance for buildings 3 storeys and above is a minimum of 12 metres.	The proposal satisfies the building separation requirements of SEPP 65 and the ADG which takes precedence over this control.	N/A Refer to ADG.
Car parking • Residential	1 space per dwelling, plus 0.5 spaces per 3 or more bed dwelling.	The proposal satisfies the parking requirements of SEPP 65 and the ADG which takes precedence over this control.	N/A Refer to ADG.
	May be in a 'stack parking' configuration.	Stacked parking is not proposed.	N/A
Bicycle parking	1 space per 3 dwellings	A minimum of 460 bicycle parking spaces are required. 462 bicycle parking spaces are proposed.	Yes
Garage dominance	Max. 2 garage doors per 20 metre of lot frontage facing any one street frontage.	Driveway entrances are satisfactory.	Yes
Garages and car parking dimensions	Covered: minimum 3 x 5.5 metres Uncovered: minimum 2.5 x 5.2 metres Aisle widths must comply with AS 2890.1	All car parking spaces and aisle widths within the basement car parking levels will comply with the minimum dimensions under AS2890.1.	Yes
Additional controls for certain dwelling types (section 4.3) (Sub section 4.3.5 Controls for residential flat buildings)			
Street frontage	Minimum 30 metres	Complies.	Yes
Access	Direct frontage to street or public park	All residential flat buildings present to the public domain.	Yes
Amenity	Must not adversely impact upon the amenity (i.e. overshadowing, privacy or visual impact) of existing or future adjoining residential development.	The proposal does not impact on the ability of adjoining sites to achieve a suitable level of amenity.	Yes
SEPP 65	All RFBs are to be consistent with the guidelines and principles outlined in SEPP No. 65.	Refer to SEPP 65 and ADG Assessment above. Refer to Table 4–10 assessments above at Section 10.2.1. above.	Noted.
Adaptable housing	Min 10% of dwellings (where 10 or more proposed). Designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995)	10 % of apartments are capable of adaptation.	Yes

DCP requirement		Proposal	Complies
	<p>Preferably on ground floor or access via a lift, including access to basement.</p> <p>DA to be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).</p>		
Accessible parking	Car parking and garages to comply with the requirements of AS for disabled parking spaces.	The proposal provides car parking spaces and accessibility in accordance with the relevant Australian Standards.	Yes

10.2.2. Controls for all residential development

DCP requirement		Proposal	Complies
Site Responsive Design (Section 4.1)			
4.1.1 Site analysis	Site Analysis Plan to be provided.	Provided.	Yes
4.1.2 Cut and fill	<p>Maximum 500 mm cut/fill.</p> <p>Validation Report for imported fill.</p> <p>Where cut on the boundary, retaining walls must be integrated with its construction, otherwise minimum 450 mm from boundary.</p> <p>Maximum 600 mm high walls.</p> <p>Maximum 1,200 mm combined wall height.</p> <p>Minimum 0.5 metres between each step.</p>	<p>The proposed cut and fill on the site would exceed 500 mm to accommodate the gradual fall of the land without an excessive amount of stepping.</p> <p>The proposal follows the slope of the site and results in minimal cut and fill. The finished levels will suitably integrate with the existing / approved / anticipated finished levels of the new public roads and adjoining sites.</p>	Yes
4.1.3 Sustainable building design	<p>BASIX Certificate.</p> <p>Indigenous species to make up more than 50% of plant mix on landscape plan</p> <p>Plant species to be selected from Appendix D</p> <p>Outdoor clothes lines and drying areas required</p>	<p>BASIX reports have been prepared and submitted with the application.</p> <p>Suitable plant species are proposed.</p> <p>Each unit has mechanical drying facilities.</p>	Yes
4.1.4 Salinity, sodicity and aggressivity	To comply with Salinity Management Plan developed at subdivision phase	The site is identified as having a higher salinity risk. The portion of the site identified as having a very higher potential is located in the south-eastern corner and along the southern boundary. Refer to discussion above regarding Section 2.3.2.	Yes

DCP requirement		Proposal	Complies
Dwelling design controls (Section 4.2)			
4.2.1 Summary of key controls	N/A – tables do not relate to RFBs	N/A	
4.2.2 Streetscape and design	N/A – tables do not relate to RFBs	N/A	
4.2.3 Front setbacks	N/A – tables do not relate to RFBs	N/A	
4.2.4 Side and rear setbacks	N/A – tables do not relate to RFBs	N/A	
4.2.5 Height, massing and siting	N/A – tables do not relate to RFBs	N/A	
4.2.6 Landscaped area	N/A – tables do not relate to RFBs	N/A	
4.2.7 Private open space	Principal POS to be accessible from the main living area and have a maximum gradient of 1:10.	Principal private open space is directly accessible from the main living area with suitable access.	Yes
4.2.8 Garages, access and parking	Driveways not to be within 1 metre of drainage facilities on gutter. Planting/walls adjacent to driveways must not block sight lines. Driveways to have soft landscaped areas on either side.	The driveway is clear of drainage on gutters. Suitable sight lines are achieved. Yes, overall landscaping is provided along the street boundaries.	Yes
4.2.9 Visual and acoustic privacy	Acoustic report required if adjacent to railway line or major road, or impacted upon by nearby industrial/commercial area. No equipment or plant to generate noise level > 5dBA measured during the hours 7 am to 10 pm. 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	The application is accompanied by an Acoustic Assessment prepared by Acoustic Logic dated 18 December 2017 which considers the impact of the adjacent substation and provides recommendations for acoustic attenuation. Capable of being satisfied. The application is accompanied by an Acoustic Assessment prepared by Acoustic Logic dated 18 December 2017 which provides recommendations for acoustic attenuation. N/A See above	Yes Yes, subject to conditions requiring certification of acoustic assessment recommendations. N/A Yes

DCP requirement	Proposal	Complies
<p>AS2107-2000 Acoustics: Recommended Design Sound Levels and Reverberation Times for Building Interiors.</p> <p>Development shall aim to comply with the criteria in Table 4-7 below.</p>	Capable of being satisfied.	Yes, subject to conditions.

Table 4-7: Noise criteria for residential premises impacted by traffic noise

	Sleeping areas	Living areas
Naturally ventilated/ windows open to 5% of the floor area (Mechanical ventilation or air conditioning systems not operating)	<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>
Doors and windows shut (Mechanical ventilation or air conditioning systems are operating)	<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)

DCP requirement	Proposal	Complies
<p>4.2.10 Fencing</p> <p>Front fencing maximum 1 metre. Front fences not to impede sight lines.</p> <p>Side and rear fences maximum 1.8 metres.</p> <p>Side fences not on a street frontage to be a maximum 1 metre high to a point 2 metres behind the primary building façade.</p> <p>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 metres behind the building line.</p> <p>On boundaries adjoining open space/drainage, fencing to be of high quality material and finish. Design to permit casual surveillance with maximum height 1 metre or see-through materials for portion above 1 metre.</p> <p>Pre-painted steel or timber paling or lapped/capped boundary fencing not permitted adjacent to open space or drainage land or on front boundaries.</p> <p>Fencing adjoining rear access ways to permit casual surveillance.</p>	<p>The front fencing proposed is appropriate, forming part of the landscape design response. The fencing is open style palisade fencing.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	Yes

10.3. Schedule 1 – Alex Avenue (precinct Specific Controls)

Control	Comment
Figure 2.1 – Precinct Indicative Layout Plan	<p>The proposal varies from the Indicative Layout Plan, and was originally approved in the DA for subdivision: DA-13-01712. Further amendments are proposed in MOD-17-00045 to DA-13-01712, which is being finalised for approval.</p> <p>No objection is raised by Council's Access and Transport Management, Engineering and Waste sections.</p>
Figure 2.2 Key elements of the water cycle management and ecology strategy	The proposal is consistent with this strategy.
Figure 2.3 - Flood Prone Land	<p>The north eastern corner and southern portions of the original site are identified as containing Eastern Creek.</p> <p>This application has been assessed by our Engineers and NSW Department of Industry – Lands and Water and is supported, subject to conditions and General Terms of Approval.</p>
Figure 2.4 - Areas of potential salinity and soil aggressivity risk	<p>The site is identified as higher salinity risk.</p> <p>The recommendations of the salinity assessment reports will be imposed by conditions of consent, as discussed above.</p>
Figure 2.5 Aboriginal Cultural Heritage Sites	<p>The site is identified as a property with potential Aboriginal Heritage constraints.</p> <p>An AHIP has been obtained, and the recommendations of the AHIP report dated 11 September 2014 will be imposed by conditions of consent, as discussed above.</p>
Figure 2.6 Bushfire risk and Asset Protection Zone requirements	<p>The site is identified as subject to bushfire risk.</p> <p>This application was referred to NSW Rural Fire Service, and their General Terms of Approval will be imposed by conditions of consent, as discussed above.</p>
Figure 2.7 Residential structure	The proposal is consistent with the medium to high density residential structure nominated for this site.
Figure 2.8 Precinct road hierarchy	The proposal is consistent with the Precinct road hierarchy.