

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

1 Environmental Planning and Assessment Act 1979

1.1 Section 4.15 'Heads of Consideration'

Heads of Consideration	Comment	Complies
a. The provisions of: (i) Any environmental planning instrument (EPI)	The proposal is considered to be consistent with the relevant EPIs, including 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 Riverstone Precinct Plan, with the exception of the height of buildings development standard. The maximum permitted building height is 16 m. The proposal is for building heights ranging from below the permitted 16 m to a maximum of 22.52 m as measured from the ground levels created by the new roads. The maximum breach to this development standard is 6.52 m. 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 offset encroachments and rooftop structures.
	The proposal is inconsistent with the Riverstone Precinct Indicative Layout Plan. However, the Applicant has demonstrated that the departure from the ILP will not affect any adjoining properties in respect of their redevelopment potential and the surrounding traffic network. The change to the ILP will increase the developable land component across the site and this has been addressed in this report. Refer to further discussion at attachment 4.	No, but acceptable in the circumstances and should be supported.
	All buildings comply with the building separation design criteria of the Apartment Design Guide, with the exception of a minor variation to the number of apartments off a circulation core in Buildings A and B.	No, but acceptable in the circumstances as the design guidance in the ADG is achieved.

Heads of Consideration	Comment	Complies
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	<p>In May 2017, after lodgement of this application in December 2016, the Department of Planning and Environment (DPE) exhibited a draft amendment to the Growth Centres SEPP 2006, referred to as the 'North West Draft Exhibition Package.' This exhibition coincided 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 do not 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).</p> <p>A key outcome sought by the Department 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>Following exhibition in mid 2017 and the receipt of many objections, the DPE is still considering this matter and no final decision has been made. 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 and made law.</p> <p>This site is within the Riverstone Precinct and the maximum density bands demonstrated in the Exhibition Package is 25 to 35 dwellings per hectare, which equates to a maximum of 143 dwellings on this site. The proposal is for 690 dwellings, being an additional 547 dwellings above that anticipated in the Exhibition Package. Although the proposal is inconsistent with the maximum dwelling density exhibited, 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> <p>Further, the Sydney Planning Panel has dealt with other DAs in the North West Growth Area that also do not comply with the exhibited (but not applicable) density bands. To be consistent, this DA should be dealt with in a similar way.</p>	No, but this application was lodged in 2016 and the amendment is neither certain nor imminent.
(iii) Any development control plan (DCP)	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 a minor variation to building setbacks to the secondary street frontages and above the third floor for portions of the development. Refer to further discussion at Section 7 of the Assessment Report.	No, but variation is supported in this instance.
(iii a) Any Planning Agreement	N/A	N/A
(iv) The Regulation	The DA is compliant with Clause 92 with regard to demolition.	Yes

Heads of Consideration	Comment	Complies
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	<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 m building height limit under the Growth Centres SEPP. Residential flat buildings are permissible on the site with development consent. The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis. The site is located within easy walking distance of Schofields Railway Station and the Local Centre under development.</p> <p>The proposal seeks to vary the public road layout under the Riverstone Precinct Plan. Refer to attachment 4 for further details of the amendments to the Indicative Layout Plan.</p>	<p>Yes</p> <p>No, but acceptable in the circumstances and supported.</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. We received 2 individual submissions and 6 pro forma letters in opposition to the proposed development.</p> <p>The Applicant has submitted a detailed response to each of the concerns raised, which is provided at attachment 9. The Applicant also submitted amended plans that include design improvements as requested by our City Architect; detailed in Section 10 of the Assessment Report.</p> <p>The submissions raised concern with the ability of the proposed road access to service the development, inadequate provision of public transport, and the impact on the local school and existing amenities. Concern was also raised with regard to loss of amenity to local residents, development which differs from the current land use, the size of the development, and dust nuisance as a result of earthworks and construction.</p> <p>Concern was raised regarding the ability of the dwelling houses to the east of Junction Road to continue enjoying the use of their land, due to privacy impacts and the increased traffic and people passing by, provision of a green space area to act as a buffer to neighbouring dwellings to the east, and lack infrastructure to service this large influx of residents.</p>	We do not consider that the objections warrant refusal of the application.

Heads of Consideration	Comment	Complies
	<p>6 pro forma letters were received objecting to the proposed dwelling density, height of buildings, number of storeys, crowding and amenity, traffic, environmental impact due to the destruction of native trees and habitat, communal open space and access to sunlight, BCA compliance, adaptable housing unevenly distributed throughout the buildings, inappropriate apartment mix, no outdoor drying areas, monoculture of higher density dwellings, capacity of local amenities, risk of the Sydney property price bubble impacting on the commercial viability of developments, and significant change to the character of the local area.</p> <p>In response, the Applicant submitted a detailed response to each of the concerns raised and submitted amended plans which also included design improvements as requested by our City Architect, who is now satisfied that these show an improved and acceptable development. This has been achieved by improvements to the selection of external materials, greater articulation of the building facades and the interface of the basement and driveway near the northern boundary.</p> <p>These concerns are addressed in attachment 9 and are not considered to warrant refusal of the application.</p>	
e. The public interest	The site is zoned for residential flat buildings and the proposal provides high quality housing stock and housing diversity within the Riverstone Precinct. The overriding public interest is considered satisfied.	Yes

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

Summary comment	Complies
<p>The Sydney Central City Planning Panel (SCCPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million (being the CIV applicable for applications lodged but not determined prior to 1 March 2018 under Clause 23 transitional provisions of this SEPP).</p> <p>As this DA has a CIV of \$181.4 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the Panel.</p>	Yes

3 State Environmental Planning Policy (Infrastructure) 2007

Summary comment	Complies
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.	Yes

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

Summary comment	Complies
<p>The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP, including BASIX certification.</p> <p>A BASIX Certificate was submitted with the Development Application in line with the provisions of this SEPP. The BASIX Certificate demonstrates that the proposal complies with the relevant sustainability targets and will implement those measures required by the certificate. This will be conditioned in any consent granted.</p>	Yes

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

Summary comment	Complies
<p>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.</p> <p>The application is accompanied by a Preliminary Site Investigation prepared by Trace Environmental dated July 2015. The report confirms that there is no evidence of potential contamination at the site and the site is suitable for the proposed high/medium density residential development.</p> <p>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 to be located on site it is disposed of appropriately and supported by a final validation statement prior to any Occupation Certificate being issued. The final validation statement must be prepared by an EPA recognised geoscientist without any limitations in accordance with the <i>National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999</i> as amended 2013.</p>	Satisfactory

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

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

6.1 Design quality principles

Principle	Control	Comment
6.1.1 Design quality principles The development satisfies the 9 design quality principles.		
1. Context and neighbourhood character	<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p>	<p>The site is located in a greenfields context, within the Riverstone Precinct of the North West Growth Area. The surrounding locality proposes increased residential density as well as the creation of SP2 drainage land.</p> <p>Schofields Railway Station and Local Centre are to the south and south-west of the site. A new school is to be constructed to the south of Schofields Road, in the Alex Avenue Precinct.</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 streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</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 amendments to the building designs to reduce bulk and scale through:</p> <ul style="list-style-type: none"> increased separation to achieve compliant ADG separation distances between proposed buildings and adjoining residential lots amended facade designs to provide 'breaks' across all buildings to minimise building lengths ground floor units have been re-designed with extra stepping in the buildings to maximise direct access at ground level incorporation of a communal room in each lot located adjacent to communal open space provision of tiered landscaping to minimise visibility of basements above ground level provision of increased deep soil zones to provide plantings that will suitably soften the built form in the future.

Principle	Control	Comment
		<p>The height of the buildings steps with the sloping topography of the site and variations to the maximum permitted height control are offset by parts of buildings that are well below the height control.</p> <p>The building façade design, combined with 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. 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 690 apartments, being 168 dwellings per hectare. 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 gazetted Growth Centre Precinct controls for this site.</p> <p>The proposed subdivision is generally (but not fully) consistent with the Riverstone Precinct ILP and seeks to provide residential development and new lots 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. <p>Bus services are available on Advance Street to the north of the site.</p>
4. Sustainability	<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The proposal is supported by BASIX Certificates. The commitments are incorporated into the design of the buildings. The proposal demonstrates satisfactory levels of sustainability, waste management and efficient use of energy and water resources.</p>

Principle	Control	Comment
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, and have been increased in parts, 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 comprises landscaped through-site connections and open spaces to provide residents with easy access to 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 well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The design of the proposal 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 appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.</p> <p>A high level of residential amenity will be achieved within the future development:</p> <ul style="list-style-type: none"> • 61% of units will achieve cross-ventilation • 70% of units will achieve a minimum of 2 hours of sunlight on 21 June • a maximum of 15% of units not receiving sunlight on 21 June. <p>The proposal is designed with suitable consideration for solar access to habitable rooms, private open space and communal open space areas. This is considered to be appropriate given the adjoining land to the north is also capable of redevelopment and will overshadow parts of this site.</p>

Principle	Control	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 areas are located at the public domain ground level and at rooftop level, 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 the vicinity of public transport and the Schofields Local Centre.</p> <p>The proposal provides housing diversity with an appropriate mix of 1 bedroom (20%), 2 bedroom (70%) and 3 bedroom (10%) 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 which reflect the use, internal design and structure of the buildings.</p> <p>The facades have been designed to include 'designed' breaks to reduce the length of each building which, when combined with face brick and rendered/painted finishes and aluminium privacy elements, ensure well-designed buildings.</p>

Principle	Control	Comment
		<p>A series of finishes will be applied to give each building its own identity. The design of the buildings includes physical breaks 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>

6.2 Compliance with Apartment Design Guide (ADG)

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

It is compliant with all other matters under the ADG.

Designing the Building – Amenity

4F Common Circulation and Spaces	<p>The maximum number of apartments off a circulation core on a single level is 8 to 12.</p> <p>Where this is not possible, a high level of amenity for common lobbies, corridors and apartments should be demonstrated, including:</p> <ul style="list-style-type: none"> • sunlight and natural cross ventilation in apartments • access to ample daylight and natural ventilation in common circulation spaces • common areas for seating and gathering • generous corridors with greater than minimum ceiling heights • other innovative design solutions that provide high levels of amenity. 	<p>All levels satisfy this requirement, with the exception of Buildings A and B which have up to 13 apartments off a circulation core. In response, appropriate amenity is provided to these apartments and corridor by providing windows in close proximity to the lifts to provide natural light and ventilation. The lifts are located in the mid-section of the corridor to minimise their apparent length.</p>	<p>Minor variation sought, but acceptable as the proposal satisfies the design guidance in the ADG.</p>
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7 Central City District Plan 2018

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

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

Summary comment

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

It is compliant with all other matters under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

8.1 General development standards

Development standard		Complies																											
Controls within Appendix 4 – Alex Avenue and Riverstone Precinct Plan 2010 of the SEPP Part 4 Principal development standards																													
Cl. 4.3 Height of buildings Maximum 16 m	<p>The proposed development has a maximum height of 22.52 m, as measured from the ground levels created by the new roads to the highest point of the lift overruns.</p> <p>The proposal has encroachments for lift overruns, rooftop open space access, and part of the roof and habitable spaces, with some components of the development being offset above and below the height plane.</p> <p>The proposed overall building height and extent of variation for each building is as follows:</p> <table> <tr> <th>Building</th> <th>Height (m)</th> <th>Variation (%)</th> </tr> <tr> <td>A</td> <td>17.89 m</td> <td>12%</td> </tr> <tr> <td>B</td> <td>18.37 m</td> <td>15%</td> </tr> <tr> <td>C</td> <td>19.79 m</td> <td>24%</td> </tr> <tr> <td>D</td> <td>22.52 m *</td> <td>41%</td> </tr> <tr> <td>E</td> <td>19.35 m</td> <td>21%</td> </tr> <tr> <td>F</td> <td>19.30 m</td> <td>21%</td> </tr> <tr> <td>G</td> <td>20.58 m *</td> <td>29%</td> </tr> <tr> <td>H</td> <td>18.83 m</td> <td>18%</td> </tr> </table> <p>Note: * The height for Buildings D and G are measured to the lift overrun structures that service the communal roof terrace. The heights to the rooflines only are 19 m for Building D (variation of 3 m or 19%) and 18.05 m for Building G (variation of 2.05 m or 13%).</p> <p>Components of the development are offset above and below the height plane, as shown in Figures 2 and 3 in attachment 4.</p> <p>Due to the stepping of the buildings, fall of the land 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>	Building	Height (m)	Variation (%)	A	17.89 m	12%	B	18.37 m	15%	C	19.79 m	24%	D	22.52 m *	41%	E	19.35 m	21%	F	19.30 m	21%	G	20.58 m *	29%	H	18.83 m	18%	No. The Applicant seeks to vary this development control. Refer to Section 7 of Assessment Report and attachments 7 and 8.
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H	18.83 m	18%																											

Development standard		Complies
Cl. 4.6 Exceptions to development standard Request must be in writing	The Applicant has submitted a Clause 4.6 statement in support of a variation to height, which is provided at attachment 8. The building heights referenced by the Applicant are measured from the existing ground level in strict accordance with the Growth Centres SEPP. Our consideration of the request is at Section 7 of the Assessment Report and attachment 8. The building heights that we reference are measured from the ground levels created by the new roads.	The Clause 4.6 request is satisfactory in the circumstances of the case.
5.9 Preservation of trees or vegetation	The proposal seeks to remove all trees and vegetation on the site. 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 not possible. The proposal includes replacement trees and landscaping throughout, including new street trees, which is considered satisfactory to contribute to the amenity of the area.	Satisfactory, given replacement trees are provided.

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

Summary comment

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

It is compliant with all other matters under the Blacktown City Council Growth Centre Precincts Development Control Plan 2016 (Growth Centre DCP).

9.1 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 pattern in the Indicative Layout Plan. This variation is considered appropriate. No objection is raised by Council's Access and Transport Management, Engineering and Waste Sections.	Variation proposed. Refer to Section 7 of Assessment Report for further details.
2.3.4 Native vegetation and ecology	Native trees/vegetation to be retained where possible.	The proposal seeks to remove all trees and vegetation. 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 not possible. The proposal includes replacement trees and landscaping throughout, including new street trees, which is considered satisfactory to contribute to the amenity of the area.	Yes, subject to conditions.

DCP requirement		Proposal	Complies
	A landscape plan is to be submitted with the DA. Trees to be selected from Appendix D of the DCP.	<p>The proposed landscape concept plans will provide a significant number of new evergreen trees, along all new street frontages.</p> <p>The landscape concept seeks to provide a variety of landscaped areas that will compliment the proposed built form.</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.</p> <p>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. Appropriate conditions are to be imposed regarding the planting of appropriate endemic species to suit the environmental conditions.</p>	Yes, subject to conditions.

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

9.2.1 Specific residential flat building controls

DCP requirement		Proposal	Complies
Key controls for residential flat buildings (Table 4-10)			
Front setback	Minimum 6 m to the building line. Private balconies and architectural design features are permitted to encroach into the street setback area by up to 1.5 m, for the first 3 levels.	<p>6 m to the walls of all habitable rooms.</p> <p>Some private balconies and architectural elements have a setback of only 4.5 m for all levels.</p> <p>Refer to attachment 4 and Section 7 of the Assessment Report for further details.</p>	No, minor encroachments which are supported in this instance because they provide design features which enhance the character of the buildings, in particular when viewed from Junction Road.
Corner lots secondary setback	Minimum 6 m	<p>6 m to the walls of all habitable rooms.</p> <p>Some private balconies and architectural elements have a</p>	No, minor encroachments for Buildings B, C, E, F and H which are supported in

DCP requirement		Proposal	Complies
		setback of only 4.5 m. Refer to attachment 4 and Section 7 of the Assessment Report for further details.	this instance.