

Assessment against planning controls

1 Environmental Planning and Assessment Act 1979

a. Section 79C 'Heads of Consideration'

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

Heads of Consideration 79C	Comment	Complies
a. The provisions of : (i) Any environmental planning instrument (EPI)	<p>The provisions of the relevant EPIs relating to the proposed development are summarised below. The proposal is considered to be consistent with the relevant planning instruments.</p> <p>1. The proposed development is a permissible land use within the R4 High Density Residential zone and satisfies the zone objectives outlined in Blacktown Local Environmental Plan 2015.</p> <p>The development does not comply with the maximum building height of 20m established within BLEP2015. The rooftop lift, stairs and COS pergola and fencing exceed the height up to 22.65m, with the maximum roof height at 19.25m. A clause 4.6 variation has been submitted by the applicant that addresses the requirements of subclauses 4.6(3) and (4) and is considered satisfactory to allow the variation to the height of building development standard considering the encroachment into the building height plane is restricted to the lift overrun which does not constitute floor space.</p> <p>The application proposes to remove 3 existing trees that are not considered to be significant and the application will provide additional trees on site.</p> <p>The application has been considered in relation to the requirements of clause 7.7 Design Excellence by the City Architect and is satisfactory.</p> <p>The application has been considered in relation to the requirements of clause 7.9 Development with frontage to certain roads in Zone SP2 and is considered satisfactory. RMS was notified of the application and has no objection to the application.</p> <p>2. Consideration must also be given to the provisions of SEPP No.65 – Design Quality of Residential Apartment Development and the</p>	Yes

Heads of Consideration 79C	Comment	Complies
<p>(ii) Any draft environmental planning Instrument</p> <p>(iii) Any development control plan (DCP)</p>	<p>Apartment Design Guide. A detailed assessment is included below. The amended proposal complies with the majority of the numerical requirements of the SEPP. Therefore, the application is recommended for approval subject to conditions.</p> <p>3. A BASIX certificate has been provided under SEPP (BASIX) 2004 confirming that the proposal will comply with the water, thermal comfort and energy efficiency requirements of the policy.</p> <p>4. Under SEPP No 55- Remediation of Land, a Preliminary Site Investigation has been undertaken of the site that currently contains 4 dwelling houses. The excavated site will be suitable for high density residential use, subject to the implementation of the procedures recommended by the investigation prior to commencement of development. Conditions of consent are proposed to this effect.</p> <p>5. Newton Road is a Regional Road and major collector route, hence Clause 102 of SEPP (Infrastructure) 2007 must be considered in relation to noise levels for the development. An Acoustic Assessment has been prepared for the proposal with recommendations to meet the requirements of the SEPP, Department of Planning Guidelines and Blacktown DCP2015. Conditions of consent are proposed for the implementation of these recommendations.</p>	
	<p>SEPP (infrastructure) 2007 Clause 104 Traffic generating development requires the consent authority to notify and consider any submission from Roads and Maritime Services (RMS) regarding any residential development of 75 or more dwellings with access located within 90 metres of a classified road. The Council has notified RMS, which has no comments on the proposal.</p>	N/A
	<p>There are no relevant draft environmental Planning Instruments relevant to the consideration of the proposed development.</p>	Yes
	<p>Blacktown Development Control Plan 2015 applies to the site. The proposed development is generally compliant with the applicable numerical controls established under the DCP. The variations are discussed in Attachment 4 and are</p>	N/A

Heads of Consideration 79C	Comment	Complies
(iv) The regulations	considered acceptable. There are no Regulations to be considered.	
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	An assessment of the key issues relating to the proposed development is provided under Section 8 of the Report. It is considered that the likely impacts of the development, including traffic, noise, parking and access, bulk and scale, stormwater, waste management and the like, have been satisfactorily addressed. It is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.	Yes
c. The suitability of the site for the development	The subject site is zoned R4 High Density Residential with a 20 m building height limit. Residential flat buildings are permissible on the site with development consent. The site is suited to the form of development proposed. The design solution is generally adequate and responds to the existing and desired future character of residential development surrounding the site. The site is therefore considered suitable for the proposed development.	Yes
d. Any submissions made in accordance with this Act, or the regulations	No submissions have been received regarding the amended proposal.	N/A
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. Conditions of consent are required to ensure that the development achieves an acceptable standard to maintain the public interest. The proposal provides additional housing stock close to public transport, retail and commercial services.	Yes

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

The Sydney Planning Panel (SPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million. As the DA has a CIV of \$23,582,739, Council is responsible for the assessment of the DA and determination of the application is to be made by the SPP.

3 State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development and Apartment Design Guide.

State Environmental Planning Policy No. 65 (SEPP No. 65) – *Design Quality of Residential Flat Development* applies to the assessment of DAs for residential flat buildings of 3 or more storeys in height and containing at least 4 dwellings. The State Government's *Apartment Design Guide* (ADG) also applies.

As part of the submission requirements, the DA must provide an explanation of the design in terms of the 'design quality principles' set out in Part 2 of SEPP No 65. In determining a DA, a consent authority must take into consideration the design quality of the residential flat development when evaluated in accordance with the design quality principles.

A design verification statement dated 27th October 2016 has been submitted for the application by Richard Huxley, Managing Director and Principal Architect, Bureau of Architecture, Architects Registration Number 5711. The Statement addresses the 9 Design Quality Principles prescribed by SEPP 65. Council's assessing officer's comments in relation to the submission is outlined below.

Principle 1: Context & Neighbourhood Character	
Control	Town Planning Comment
<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p>	<p>The site is zoned R4 High Density Residential under Blacktown Local Environmental Plan (BLEP) 2015. It is located at the interface of a Low Density Residential R2 zone situated immediately to the south on Newton Road. Existing development in the locality is predominantly single and 2 storey dwelling houses of different age, design and construction. To the north is a 2 storey multi dwelling housing development adjoining the site.</p> <p>The proposal is in keeping with the desired future character for the area of high density residential development.</p> <p>The site is highly accessible to the Blacktown CBD services and facilities and public transport bus and train interchange. The proposal consists of predominantly 1 and 2 bedroom units and has made provisions for adaptable and liveable units.</p>
Principle 2: Built Form & Scale	
Control	Town Planning Comment
<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the</p>	<p>The proposal generally achieves the scale of the desired future character for the neighbourhood and street, set by the BLEP2015 and Blacktown Development Control Plan (BDCP) 2015. Appropriate setbacks from neighbouring properties to the north and east are provided. The proposal has incorporated articulation and indentation to the façade to minimise its visual bulk to the 2 street frontages (to the west and south) A variety of materials and finishes are proposed to further reduce the height and bulk impact on the existing surrounding developments which is mainly single dwellings.</p>

character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	The overall building height, setbacks, floor to ceiling height are generally consistent with the planning controls, although height exceeds the BLEP2015 controls due to lift overruns and the use of the rooftop for communal open space, including a pergola. While there is no control for site cover the proposal covers 52.4% of the site. The amended proposal has increased the deep soil provision to 8.5% which complies with the ADG requirements. The revised unit layout has also improved cross ventilation and solar access to each unit with 61% of the units achieved cross ventilation and 100% of the units achieved natural ventilation. 61 units (72%) of the units receive more than 2 hours of sunlight
Principle 3: Density	
Control	Town Planning Comment
<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>There is no floor space ratio control for the site under BLEP2015. The proposal is appropriate for the site and its context considering its proximity to the transport interchange and the Blacktown CBD retail, business and community facilities. The proposal seeks to maximise the amount of development potential of the site.</p>
Principle 4: Sustainability	
Control	Town Planning Comment
<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 applicant has given consideration to sustainability. Solar access (72%), cross ventilation (61%) and deep soil (8.5%) provision are compliant.</p> <p>A BASIX Certificate is submitted nominating appropriate commitments for thermal comfort, water and energy efficiency.</p> <p>A waste management plan is submitted providing information for the re-use and recycling of materials generated during demolition and construction and ongoing management.</p> <p>The amended proposal shows a total of 238 sq.m. of deep soil is proposed on the southern side of the site fronting Newton Road. This is equivalent to 8.5% of the site area. This exceeds the 7% requirement of the ADG.</p>

	<p>A revised landscape plan is also submitted with the amended proposal showing a revised landscape planting regime and facilities to be provided on the communal rooftop terrace.</p> <p>The internal layout of the units has been redesigned to enhance solar access and ventilation in order to achieve compliance with the ADG.</p>
Principle 5: Landscape	
Control	Town Planning Comment
<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>Three trees that are not considered to be significant are proposed to be removed. A landscape plan was submitted with the DA and the proposed planting includes a combination of trees, shrubs and groundcover.</p> <p>The amended proposal shows a site cover of 52.4%, 8.5% (238 sq.m.) deep soil and 24.2% (680 sq.m.) of landscaped area. The deep soil provision meets the ADG's minimum 7% standard and the 6m minimum dimension requirement. A communal rooftop terrace is proposed to ensure COS is afforded with good solar access.</p> <p>Planter boxes on the perimeter of the proposed building delineate private properties from the public domain. The placement of landscape planting is considered appropriate, as it will maintain privacy without compromising opportunities for surveillance or providing entrapment spots.</p> <p>The proposed rooftop garden is accessible to all the occupants of the building via lifts and stairs. The boundary landscaping of shrubs on the rooftop garden will assist to ensure the visual privacy of the residents and the neighbouring properties by reducing view lines.</p>
Principle 6: Amenity	
Control	Town Planning Comment
<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p>	<p>To enhance residential amenity, the applicant has raised the floor to ceiling height as follows:</p> <p>Ground floor - 3300mm Levels 1-5 - 3050mm to 3200mm</p> <p>The applicant has also provided information</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>demonstrating the room width, depth and dimensions are compliant with the ADG (refer to Drawing No. A400 to A429). The master bedroom ranges from 10 sqm. to 16 sqm and the second bedroom ranges from 9.3 sqm to 14.8sq.m. All the bedrooms have a minimum length of 3m. The room depth ranges from 5.3m to 8m and is complies with the ADG.</p> <p>Communal open space and private open space are provided to meet the recreation needs of the residents. A suitable level of visual privacy is possible with the use of screens and planting.</p> <p>The site layout and facilities are accessible with 9 adaptable units (10% of the proposed units) proposed in accordance with the objective of promoting accessibility.</p> <p>17 liveable units (20% of the proposed units), of which 5 are adaptable, are proposed.</p>
Principle 7: Safety	
Control	Town Planning Comment
<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private space is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The proposal has considered CPTED principles, providing casual surveillance from balconies and windows to the public domain. The use of landscaping and access control delineates private properties from the public domain. The applicant has provided a CPTED Plan and the Police comments have been considered in the Report.</p>
Principle 8: Housing Diversity & Social Interaction	
Control	Town Planning Comment
<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p>	<p>The amended proposal consists of 39 x 1-bedroom (46%) and 46 x 2-bedroom (54%) apartments. The applicant has provided a market commentary prepared by a real estate agent in support of the unit mix.</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 applicant has made provisions for adaptable dwellings and liveable units that are capable of being fitted out to accommodate a range of lifestyle needs as per the ADG's requirements.</p> <p>The rooftop communal open space will provide various types of active and passive recreation features to suit a broad range of people and promote social interaction.</p>
Principle 9: Aesthetics	
Control	Town Planning Comment
<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>A variety of building elements and materials are proposed. Building articulation and indentation is provided to relieve the visual bulk.</p> <p>Lighter building colours are proposed. Landscaping including a combination of trees and shrubs will further reduce the impact of the building facades on the streetscape.</p>

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

ADG Requirement	Proposal	Compliance
Controls		
<u>2F Building Separation</u>		
<p>Up to four storeys/12m:</p> <ul style="list-style-type: none"> - 12m between habitable rooms / balconies - 9m between habitable rooms / balconies & non-habitable rooms - 6m between non-habitable rooms 	<p>For first 4 storeys (Ground floor, Level to Level 3):</p> <ul style="list-style-type: none"> - 6m setback for rooms and balconies to the adjacent properties to the east and north (where there is an existing townhouse development). - Ground level courtyards setback 4-5m. - 6m to the east and north. 	<p>Yes</p> <p>No</p> <p>Yes</p>

ADG Requirement	Proposal	Compliance
<p>Five to eight storeys/up to 25m:</p> <ul style="list-style-type: none"> - 18m between habitable rooms / balconies - 13m btw habitable rooms / balconies & non-habitable rooms - 9m btw non-habitable rooms 	<p>For levels 4 and 5:</p> <ul style="list-style-type: none"> - 9m setback rooms and balconies to the property boundaries to the east and north 	Yes
Siting the Development		
<p>3A Site Analysis</p> <p>Satisfy the site analysis guidelines-App 1.</p>	<p>Site Analysis can be found in the SEE, architectural drawings and survey.</p>	Yes
<p>3B Orientation</p> <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>Notwithstanding shadowing occurs to the southern side of Newton Road, the dwelling houses opposite the site to the south, still receive 3 hours of sunlight and is therefore acceptable. Some shadowing occurs in the afternoon to the dwelling house and yard located to the east (that is zoned R4), the affected dwelling still receives 3 hours of sunlight in the morning, which is acceptable.</p> <p>There are no solar panels on neighbouring buildings.</p>	Yes
<p>3C Public Domain Interface</p> <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 max 1m height, and limited length.</p> <p>Entries to be legible.</p>	<p>Direct street access is proposed for ground floor units fronting Carinya Street and two of the units on the eastern elevation.</p> <p>Elevated courtyards are provided.</p> <p>Balconies and windows overlook the public domain.</p> <p>The proposed variable height (1.2m – 1.8m) masonry front fence with border landscaping is considered appropriate.</p> <p>1 building entrance on Newton Road. Pedestrian access is proposed to the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>

ADG Requirement	Proposal	Compliance
<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 car park vents not to be visually prominent. 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 & easily cleanable materials should be used.</p> <p>On sloping sites, protrusion of car parking should be minimised.</p>	<p>southeast and adjacent to the bin storage/collection room off Carinya Street.</p> <p>Landscaping is provided.</p> <p>Mailboxes are provided at the Newton Street entrance.</p> <p>Vents not shown on plans. Apply condition.</p> <p>Other services are located within the building in basement and ground floor.</p> <p>Ramping is minimised except for the entry in Newton Road.</p> <p>The external materials and finishes are considered satisfactory.</p> <p>The site is relatively flat dropping 2.48 metres over 73 metres (1/29.4) from the southeastern corner to the northwestern corner.</p>	<p>Yes</p> <p>Yes</p> <p>Unclear, apply condition.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p><u>3D Communal & Public Open Space</u></p> <p>COS >25% of the site.</p> <p>Direct sunlight to >50% of COS for 2 hours between 9am and 3pm.</p>	<p>Site area: 2,816.m² Required 25% = 704m² Plans indicate the following</p> <p>Ground floor – 580 sq.m. Complying balconies/terraces, ground floor courtyards – 820 sq.m. Rooftop terrace – 910 sq.m. Total = 2300 sq.m.</p> <p>The total provision is compliant.</p> <p>The rooftop terrace receives more than 2 hours of sunlight, which will be retained following any future redevelopment of sites to the east and north. Rooftop pergolas and small trees will provide some shade. The ground level space in the north will initially receive some solar access, however this would be reduced with a redevelopment of the property to the north. The COS located on the southern side on Newton Rd will receive little solar access.</p>	<p>Yes</p> <p>Yes</p>
<p>Minimum dimension of 3m.</p>	<p>Exceeds 3m.</p>	<p>Yes</p>

ADG Requirement	Proposal	Compliance
Direct & equitable access.	Equitable access to ground level and roof COS via lifts and ramped pathways.	Yes
If COS cannot be located on Ground Level, provide on the podium or roof, provide a common room, provide larger balconies, or demonstrate proximity to public open space & facilities. Range of activities (e.g. seating, BBQ, play area, gym or common room).	Facilities indicated on plans: - ground level: landscaped and turfed areas to the north and south, clothes drying yard, landscaped areas, , seating. - rooftop: plants, a community garden, seating, tables and chairs, bbqs, table tennis tables.	Yes Yes
Visual impacts minimised from ventilation, substations and detention tanks.	An underground OSD tank is located on southern boundary and clear of the deep soil zones. The proposed landscaping and street trees will minimise the visual impact. A substation is proposed on the western boundary adjoining the bin storage/collection area. Apply condition to ensure all mechanical equipment will be concealed.	Yes Apply condition.
Maximise safety.	CPTED Report provided. Ground level COS areas have passive surveillance from balconies, windows and entrance pathways. Rooftop is open without hidden spaces.	Yes
Public Open Space, where provided, is to be well connected and adjacent to street.	N/A	N/A
<u>3E Deep Soil Zones</u> Minimum area = 7% of site area Preferred area = 15% of site area If the site is between 650 to 1500 sqm then minimum dimensions of 3m. If over 1500 sqm then min dimensions of 6m.	A total of 238 sqm (8.5% of the site area) deep soil area is provided on Newton Road frontage. The deep soil zone has a minimum dimension of 6m.	Yes
<u>3F Visual Privacy</u> Building Separation: refer to 2F above. Direct lines of sight should be avoided for windows and balconies across corners.	No direct line of sight . Ground level courtyards are set back 5m-8m from the boundaries. Planter boxes are proposed to protect the privacy of the occupants of the units.	Yes. No but the planter boxes and fin walls are acceptable.

ADG Requirement	Proposal	Compliance
<p>Appropriate design solutions should be in place to separate POS and habitable windows to common areas.</p> <p>Note: When adjacent to a lower density residential zone an additional 3m rear side setback is required.</p>	<p>Fin walls are proposed to the courtyard adjacent to the building entry to minimise overlook into the habitable rooms of the ground floor units and thereby protecting the privacy and amenity of the occupants of the units.</p> <p>Ground floor - Level 3: Rooms are 6m and balconies 5m from western Carinya St frontage. Rooms are 9m and balconies 8m from southern Newton Road frontage.</p> <p>Levels 4 and 5: Rooms are 9m and balconies 8m from Newton Road.</p> <p>N/A. adjacent to R4 properties. R2 land is across Newton Road.</p>	<p>No but acceptable as the 1m balcony encroachment is permitted by Blacktown DCP and balcony privacy screens provided to the street.</p>
<p><u>3G Pedestrian Access & Entries</u> Connect to & activate the public domain.</p> <p>Easy to identify access.</p> <p>Internal pedestrian links to be direct.</p>	<p>Main pedestrian access is off Newton Road with private ground floor entries to some ground floor units and pedestrian access to the basement in Carinya Street and Newton Road.</p> <p>Access clearly identified.</p>	<p>Yes</p>
<p><u>3H Vehicle Access</u> Access points are safe and create quality streetscapes.</p>	<p>Landscaping on the northern side of the proposed vehicular access in Carinya St reduces the visual impact.</p>	<p>Yes</p>
<p><u>3J Bicycle & Car Parking</u> Sites within 800m of a railway station comply with Guide to Traffic Generating Developments.</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</p>	<p>This site is within 800m of the Blacktown Railway Station therefore the ADG applies.</p> <p>The proposal consisting of 39x1-bedroom and 46x2-bedroom is required to provide a total of 65 resident spaces and 17 visitor spaces at a rate of: 0.6 x 39 = 23.4 resident spaces 0.9 x 46 = 41.4 resident spaces 85/5 = 17 visitor spaces Total 82 spaces required.</p>	<p>The applicant has submitted justification for the additional car parking provision. This is discussed in Attachment 4.</p>

ADG Requirement	Proposal	Compliance
unit. 1 space per 5 units (visitor parking)	The provision of 112 spaces (17 visitor spaces and 95 residential spaces, (including 9 accessible spaces), exceeds the requirement.	Yes
At least 1 loading dock.	Heavy rigid vehicles loading area provided off Newton Road for waste and other large vehicles.	Yes
Conveniently located and sufficient numbers of bicycle & motorbike spaces.	2 motor bicycle and 18 bicycle parking spaces are proposed in Basement 2.	Yes
Designing the Building		
<u>4A Solar & Daylight Access</u> Living rooms & POS receive minimum 2 hours direct sunlight between 9am - 3pm in mid-winter > 70% of units. Maximum number with no sunlight access < 15%. = 7 units Suitable design features for operable shading to allow adjustment & choice.	61 units, 72% of dwellings receive min 2 hours sunlight to living rooms and POS. 12 units have no sunlight (14%) Apply condition for the provision of operable shading screens .	Yes . Yes Apply condition
<u>4B Naturally Ventilation</u> All habitable rooms naturally ventilated. Number of naturally cross ventilated units > 60%. Depth of cross over apartments < 18m. The area of unobstructed window openings should be equal to at least 5% of the floor area served.	100% of the units are naturally ventilated. 61 % of the units are cross ventilated. Apartments are not greater 18m deep. The window areas are satisfactory.	No Yes Yes
<u>4C Ceiling Heights</u> 2.7m for habitable 2.4m for non-habitable Service bulkheads are not to intrude into habitable spaces.	Ground floor – 3.3m Level 1 to Level 5 - 3.05m to 3.2m .	Yes
<u>4D Apartment Size & Layout</u> 1 bed > 50 sqm 2 bed > 70 sqm 3 bed > 90sqm	All 1bedroom \geq 50sqm All 2 bedroom \geq 70sqm	Yes

ADG Requirement	Proposal	Compliance
+ 5 sqm for each unit with more than 1 bathroom.	Units with 2 bathrooms are at least 5sqm over the standard.	Yes
Max. Habitable Room Depths: 2.5m x Ceiling Height (2.7m) = 6.75m	Satisfactory	Yes
Open Plan Layouts that include a living, dining room and kitchen – max 8m to a window.	Satisfactory	Yes
Bedroom sizes (excl wardrobe space): Master - 10sqm Other – 9 sqm Minimum dimensions – 3 m	Satisfactory	Yes
Living rooms/dining areas have a minimum width of: 3.6m - Studio/1 br 4m - 2br/ 3br	10 sqm to 16 sqm 9.3 sqm to 14.8sqm 3m.	Yes Yes Yes
Cross-over/cross-through: 4m wide	3.6m – 5.5m 4m – 4.5m	Yes Yes
	4m	Yes
<u>4E Private Open Space & Balconies</u>		
Studio > 4msq 1 bed > 8 sqm & 2m depth 2 bed > 10 sqm & 2m depth 3 bed > 12msqm Ground level/ podium apartments > 15 sqm & 3m depth	Satisfactory	Yes
Extension of the living space.	All have 15sqm and greater than 3m deep.	Yes
A/C units should be located on roofs, in basements, or fully integrated into the building design.	Private open space/balconies are directly accessible from the living space.	Yes
	Air conditioning units located in plant room on rooftop.	Yes
<u>4F Common Circulation & Spaces</u>		
Maximum number of apartments off a circulation core on a single level – 8 up to a maximum of 12.	7 units off the circulation core	Yes
Buildings over 10 storeys -	N/A	N/A

ADG Requirement	Proposal	Compliance
<p>maximum of 40 units sharing a single lift.</p> <p>Daylight & natural ventilation to all common circulation areas above ground level.</p> <p>Corridors greater than 12m 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 & bedroom windows are not to open directly onto common circulation spaces.</p> <p>Direct and legible access.</p> <p>Tight corners and spaces to be avoided.</p> <p>Well lit at night.</p> <p>For larger development – community rooms for owners meetings of resident use should be provided.</p>	<p>No daylight or natural ventilation provided to common circulation areas.</p> <p>The corridors are less than 12metres</p> <p>Dual aspect units are provided at the 4 corners.</p> <p>Windows do not open onto common circulation areas.</p> <p>Satisfactory</p> <p>Satisfactory</p> <p>Apply condition to comply with submitted CPTED plan and Police recommendations.</p> <p>N/A</p>	<p>No but artificial lighting will be provided.</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Apply condition</p> <p>N/A</p>
<p>4G Storage</p> <p>Studio>4m² 1 bed > 6 m³ 2 bed > 8 m³ 3 bed > 10m³</p> <p>Min 50% within the apartment.</p>	<p>storage is provided in the basement car parking levels and within the units and that at least 50% storage space is within the apartment.</p>	<p>Yes</p>
<p>4H Acoustic Privacy</p> <p>Window & door openings orientated away from noise sources.</p> <p>Noise sources from garage doors, driveways, services, COS and circulation areas to</p>	<p>Acceptable.</p> <p>Some bedroom windows within 3m of vehicular access ramp and waste storage/collection room.</p>	<p>Yes</p> <p>No but no objection is raised</p>

ADG Requirement	Proposal	Compliance
<p>be 3m from bedrooms.</p> <p>Separate noisy & quiet spaces.</p> <p>Provide double / acoustic glazing, acoustic seals, materials with low noise penetration.</p>	<p>Acceptable.</p> <p>An Acoustic Report has been submitted to with the DA. The recommendations of the report will be conditioned accordingly.</p>	<p>considering the impact will be restricted to waste collection time and rush hours</p> <p>Yes Apply condition</p>
<p><u>4J Noise & Pollution</u></p> <p>In noisy or hostile environments, the impacts of external noise and pollution are to be minimised through the careful siting and layout of buildings.</p> <p>To mitigate noise transmission:</p> <ul style="list-style-type: none"> • Limit the number and size of openings facing the noise sources. • Use double or acoustic glazing, acoustic louvres or enclosed balconies (winter gardens). • Use materials with mass and/or sound insulation (e.g. solid balcony balustrades, external screens or soffits). 	<p>As stated above, the recommendations of the acoustic report will be conditioned.</p>	<p>Yes</p>
Configuration		
<p><u>4K Apartment Mix</u></p> <p>Provide a variety of apartment types.</p> <p>Flexible apartment mix.</p>	<p>The proposal consists of 39x1 (46%) and 46x2 (54%) bedroom apartments.</p>	<p>Yes</p>
<p><u>4L Ground Floor Apartments</u></p> <p>Maximise street frontage activity where ground floor apartments are located.</p> <p>Design ground floor apartments to deliver amenity and safety for residents.</p>	<p>Some units fronting Carinya Street and on the eastern elevation have direct street access through courtyards.</p> <p>Amenity and safety of ground floor units is maintained through appropriate placement of living area and private open space and provision of landscape screen planting.</p>	<p>Yes</p> <p>Yes</p>
<p><u>4M Facades</u></p>	<p>The front façade consists of different</p>	<p>Yes</p>

ADG Requirement	Proposal	Compliance
<p>Front building facades are to provide visual interest whilst respecting the character of the local area.</p> <p>Provide design solutions that consider scale and proportion to the streetscape and human scale.</p> <p>Building services are to be integrated into the overall façade.</p>	<p>building materials and features, articulation and modulation to create visual interest, consistent with the desired future character of the area being redeveloped for higher density housing.</p> <p>Building services including air conditioning units are located on the rooftop</p>	Yes
<p>4N Roof Design</p> <p>Roof treatments are to be integrated into the building design and positively respond to the street.</p>	<p>The lift overrun, stairs and pergola are centrally located on the roof which will be screened by the landscape planting in boundary planter boxes.</p>	Yes.
<p>4O Landscape Design Site Area</p> <p>< 850 sqm - 1 medium tree per 50 sqm of deep soil zone.</p> <p>850 sqm to 1,500sqm - 1 large tree or 2 medium trees per 90 sqm of DSZ.</p> <p>>1,500 sqm - 1 large tree or 2 medium trees per 80 sqm of DSZ.</p>	<p>The proposed landscape planting consists of a mixture of native and exotic trees, shrubs and ground cover.</p>	Yes
<p>4P Planting on Structures</p> <p>Refer to Table 5 for minimum soil standards. Enhance the quality and amenity of COS with green walls, green roof and planter boxes, etc.</p> <p>Provide suitable plant selection.</p> <p>Provide suitable irrigation and drainage systems and maintenance.</p>	<p>Landscaping planting is proposed in 600mm-1m high planter boxes above the basement carpark and on the roof.</p> <p>Front setbacks are landscaped with native and exotic trees shrubs and groundcovers, except for basement access and truck turning areas. Side setbacks are landscaped with species appropriate for the location.</p> <p>Irrigation and OSD systems proposed.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>4Q Universal Design</p> <p>20% incorporating universal design features.</p> <p>Flexible design solutions to accommodate the changing</p>	<p>17 liveable units required.</p> <p>9 adaptable/liveable units and 9 liveable units are identified on plans.</p>	Yes

ADG Requirement	Proposal	Compliance
needs of occupants.		
<u>4R Adaptive Reuse</u> New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A	N/A
<u>4S Mixed Use</u> Provide active street frontages and encourage pedestrian movement. Residential entries separate and clearly defined. Landscaped COS to be at podium or roof level.	N/A	N/A
<u>4T Awnings & Signage</u> Awnings to be continuous and complement the existing street character. Provide protection from sun and rain, wrapped around the secondary frontage. Gutters & down pipes to be integrated and concealed. Lighting under awnings is to be provided. Signage is to be integrated and in scale with the building. Legible and discrete way finding is to be provided.	N/A N/A.	N/A N/A
Performance		
<u>4U Energy Efficiency</u> The development is to incorporate passive solar design. Heating & cooling infrastructure are to be centrally located (e.g. basement).	A BASIX Certificate is submitted with the DA nominating appropriate thermal comfort and energy efficiency commitments.	Yes
<u>4V Water Management & Conservation</u> Rainwater collection & reuse. Drought tolerant plants. WSUD measures Detention tanks should be located under paved areas, driveways or in basement car	BASIX water commitments provided, including rainwater collection and reuse for landscape irrigation. The site is identified in Section 94 Contributions Plan No. 19 Blacktown Growth Precinct and a contribution is payable for stormwater management. A stormwater management plan has been prepared for the site.	Yes

ADG Requirement	Proposal	Compliance
parks.	The proposed landscape species are considered appropriate. Detention tanks are located within western setback landscaped area.	
4W Waste Management Waste storage should be discreetly located away from the front of the development or in the basement. Waste cupboard within each dwelling. Waste and recycling rooms are to be in convenient and accessible locations related to each vertical core.	One of the amendments relates to the relocation of the waste collection room from the southeast in Newton Road frontage to the northwest in Carinya Street. The waste collection room integrates with the design of the building. There will be minimal visual impact when viewed from the public domain. A chute system on each level, accessible to all units, is proposed. It is connected to the waste storage room in Basement Level 1. Waste will be transferred to the waste collection room on collection day via the hoist. Each dwelling will be provided with waste cupboard.	Yes
4X Building Maintenance The design is to provide protection from weathering. Enable ease of maintenance. The materials are to reduce ongoing maintenance costs.	The proposed external finishes and materials, paint rendered concrete, glass, aluminium and powder coated metal enable ease of maintenance.	Yes

4 State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007, identifies matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and provides for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing. Division 17, Subdivision 2 Development in or adjacent to road corridors and road reservations, clauses 102 and 104 may apply to this site.

Newton Road is zoned SP2 (Local Road) under BLEP2015. Blacktown DCP 2015 states such roads are sub-arterial roads that will carry regional traffic as well as local traffic. Clause 102 of the SEPP requires the consent authority to consider the impact on residential development from road noise or vibration, and take into consideration the NSW Department of Planning's Development near Rail Corridors and Busy Roads (Interim Guideline).

An Acoustic Assessment undertaken for the proposal by Acoustic Logic concludes that, provided the treatments set out in Section 5 of the Report are employed, internal noise levels shall comply with the requirements of Blacktown DCP 2015, NSW Department of Planning's Development Near Rail Corridors and Busy Roads (Interim Guideline), SEPP (Infrastructure) 2007 and Australian Standard AS2107-2000. Conditions of consent are proposed to ensure that the recommendations of the Report are implemented.

Clause 104 of the SEPP - Traffic Generating Development requires the consent authority to notify and consider any submission from the Roads and Maritime Service (RMS) regarding any residential development of 75 or more dwellings with access located within 90 metres of

a classified road. The site is within 90 metres of Balmoral Road which is an arterial road along the western side of Blacktown CBD. The Council has notified RMS, which has no comments on the proposal.

5 State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 – Remediation of Land aims to *‘provide a State wide planning approach to the remediation of contaminated land’*. Where contamination is, or may be, present, the SEPP requires a proponent to investigate the site and provide the consent authority with the information to carry out its planning functions.

A Preliminary Site Investigation of the site (which contains 4 dwelling houses) by EI Australia determined that the site is suitable for the proposed high density residential use, subject to the implementation of the conclusions and recommendations of the Report, prior to the commencement of development. Conditions of consent are proposed to this effect.

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

A BASIX Certificate was lodged as part of the Development Application for the proposed residential flat building. The BASIX Certificate identifies that the building achieves the required water, thermal comfort and energy scores required.

7 Blacktown Local Environmental Plan 2015

The site is zoned R4 High Density Residential under BLEP2015. Residential Flat Buildings are permissible within the R4 zone with consent. The proposal is consistent with the objectives of the R4 zone.

Under BLEP2015 clause 4.3 Height of Buildings, the site has a maximum height development standard of 20 metres. The proposal’s rooftop lifts, stairs and open space features exceed this height limit by up to 3 metres. The applicant has submitted a clause 4.6 submission requesting a variation to the height of buildings development standard for the proposal with the maximum height of 22.65m to the top of the lift overrun to the west and a maximum roof height of 19.25m. It should be noted that the variation needs to be to 22.65m for the western lift/stairs.

The applicant stated that elements that are above the height limit are concentrated in the centre of the building and therefore have little potential impact in terms of streetscape or overshadowing. The pergola and roof top vegetation will ameliorate the otherwise bland lift overrun. The application addresses the requirements of subclauses 4.6(3) and (4) and is considered satisfactory to allow the variation to the height of building development standard in this circumstance.

The table below provides a summary of the development’s compliance with the provisions of BLEP2015.

Blacktown Local Environmental Plan 2015			
Development Standard	Requirement	Proposal	Compliance
2.7 Demolition requires development consent	The demolition of a building may only be carried out with development consent.	The proposal includes demolition of existing buildings on site.	Yes
Zoning R4 Objectives:	<ul style="list-style-type: none"> To provide for the housing needs of the community within a high density residential 	6 storey residential development with 1 and 2 bedroom units.	Yes

	environment. <ul style="list-style-type: none"> To provide a variety of housing types within a high density residential environment. To permit residential flat buildings in locations close to public transport hubs and centres. 	Residential flat building The site is in close proximity to Blacktown rail and bus interchange	Yes Yes
Permissible Uses:	Residential flat buildings.	Residential flat building	Yes
PRINCIPAL DEVELOPMENT STANDARDS			
4.3 Height of buildings	Maximum building height is 20m.	Maximum height = 22.65m The rooftop lift, stairs and COS pergola and fencing exceed the height. Max roof height is 19.25m. Clause 4.6 variation submitted.	No. Clause 4.6 variation submitted with DA.
4.4 Floor space ratio	N/A		N/A
4.6 Exceptions to development standards	Exception to height of buildings development standard of 20m requested.	A clause 4.6 submission for a variation to the height of buildings development standard has been submitted by the applicant. The submission requests that an exception to this development standard be granted so as to permit a maximum height of 22.65m to the top of the lift overrun and a maximum roof height of 19.25m. It should be noted that the variation needs to be to 22.65m for the western lift/stairs. The elements that are above the height limit are concentrated in the centre of the building and therefore have little potential impact in terms of streetscape or overshadowing. The pergola and roof top vegetation assist to ameliorate the otherwise bland lift overrun.	Yes Satisfactory

		The clause 4.6 variation submission addresses the requirements of subclauses 4.6(3) and (4) and is considered satisfactory to allow the variation to the height of building development standard in this circumstance.	
MISCELLANEOUS PROVISIONS			
5.9 Preservation of trees or vegetation	The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.	3 trees that are not significant are located within the site at the centre and near the rear boundary. The 3 trees are proposed to be removed and new trees are included in the landscaping plan for the site.	Adequate
5.10 Heritage Conservation	The objective of this clause is to conserve the environmental heritage in Blacktown.	There are no heritage considerations.	N/A
ADDITIONAL LOCAL PROVISIONS			
7.1 Flood planning	Minimise the flood risk to life and property.	The site has no identified risk of flooding.	N/A
7.2 Terrestrial biodiversity	Protect native fauna and flora.	The site is not identified as containing terrestrial biodiversity.	N/A
7.3 Riparian land & watercourses	Protect and maintain water quality within watercourses.	The site is not within 40 metres of the top bank of a watercourse.	N/A
7.4 Active street frontages	N/A	N/A	N/A
7.5 Essential services	Adequate arrangements for the supply of water, supply of electricity, management and disposal of sewerage, stormwater drainage or conservation, and suitable road access.	Electricity, sewer, telephone and water services are readily available to the site. Standard conditions are proposed for these matters. A stormwater management plan has been provided with the DA. Suitable road access is available.	Satisfactory
7.7 Design Excellence	The site is included on the Design Excellence Map and hence the consent authority must consider	The application has been considered in relation to clause 7.7 and is considered satisfactory.	Satisfactory

	<p>the proposal in relation to the matters listed in this clause.</p> <p>The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Blacktown.</p>		
7.9 Development with frontage to certain roads in Zone SP2	<p>-to ensure that new development does not compromise the effective and ongoing operation and function of roads</p> <p>-to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to roads.</p>	<p>The site has frontage to Newton Road, which is zoned SP2. The application has been considered in relation to the requirements of clause 7.9 and is considered satisfactory. The RMS was notified of the application and had no objection to the application with suggested conditions. An Acoustic Assessment report provides recommendations which are included as proposed conditions of consent</p>	Yes Apply conditions.

8 Blacktown Development Control Plan 2015

BDCP 2015 applies to the site. The table below outlines the proposal's compliance with the DCP. The development complies with most of the development controls, with minor acceptable variations.

Other controls are not met, for which the ADG controls take precedence and are met, such as parking and common open space provision.

The proposed clothes drying area is only a third of the size required by the DCP. No objection is raised as the standard condition for the provision of clothes dryer within the units is proposed.

The waste and stormwater requirements of the DCP are met and appropriate conditions are recommended to be imposed.

The proposal consists of 1 and 2 bedroom units and makes provision for adaptable and liveable units.

Blacktown Development Control Plan 2015 – Part A Introduction and General Guidelines – adopted 15 July 2015

Development Standard	Requirement	Proposal	Compliant
6 Car Parking	<p>RFB</p> <p><u>Resident Parking:</u> 1 space per 1 or 2</p>	<p><u>Residential required:</u> 85 x 1= 85 spaces</p>	No. However, acceptable as it

	bedrooms 2 space per 3 bedroom <u>Visitor Parking:</u> 1 space per 2.5 dwellings	<u>Visitor required</u> $85/2.5 = 34$ visitor spaces Total required =119 resident/visitor spaces The provision of 112 spaces (95 resident spaces and 17 visitor spaces (including 9 accessible spaces), does not meet the requirement, however exceeds the SEPP65 ADG requirement (91) by 30 spaces.	exceeds SEPP65 ADG. No objection is raised to the variation as the overall parking provision exceeds the ADG requirement.
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Blacktown Development Control Plan 2015 – Part C Development in the Residential Zones

Development Standard	Requirement	Proposal	Compliant
Residential Flat Buildings			
6.4 Site Density Controls	Minimum frontage 30 m Minimum depth 30 m Minimum area 1000 sq m	Frontage = 60.45 m Depth = 50.3 m Area = 2,816 sqm	Yes
6.5 Height	Refer to BLEP 2015 – 20m	Overall building height = 22.65 m The rooftop lift, stairs and rooftop COS pergola and fencing exceed the height. Max roof height is 19.25m. Clause 4.6 variation submitted	No
6.6 Setbacks 3 or more storeys	Front building setback – 9m Balconies 8m Side – 6m Balconies 5m	Front building setback is 9m, with balconies at 8m and ground level courtyards at 7m. Western side setback Carinya St is 6 m with balconies at 5m and ground level courtyards at 3m. Side setback eastern boundary is 6m including balconies, with ground level	Yes Yes Yes

	<p>Rear - 6m Balconies 5m</p> <p>Roof eaves and sunhoods may project 600m.</p> <p>The front setback shall be generally in line with the setbacks characteristic of neighbouring properties. For corner lots, the main frontage setback is 9m.</p>	<p>courtyards at 5m.</p> <p>Rear northern setback is 6m including balconies, with ground level courtyards at 4m</p> <p>Roof setbacks match balcony setbacks, project 1m in front setback and western side Carinya St setback.</p> <p>Setback is consistent with neighbouring properties and expected future redevelopment.</p> <p>Main frontage is 9m</p>	<p>Yes</p> <p>No but acceptable. It will add to building articulation and provide relief to the building façade.</p> <p>Yes</p> <p>Yes</p>
6.7 Common open space	<p>30sqm for each 1 bedroom unit 40sqm for each 2 bedroom unit 55sqm for each 3 or more bedroom unit Note: Max. 30% on complying balconies, terraces or ground level courtyards $\geq 2.5 \times 3\text{m}$. Max. 30% on roof Min. 40% on ground (Note: This must be increased to 70% if no rooftop common open space)</p>	<p><u>Required:</u> 3,280 sq.m x 75% = 2460 sq.m..</p> <p><u>Provided:</u></p> <p>Ground floor – 580sqm Complying balconies/terraces, ground floor courtyards – 820 sqm Rooftop terrace – 910sqm Total = 2300 sqm</p> <p>This is considered acceptable as it is well over the requirements of the SEPP65 ADG (25% of site area, 704sq m)</p>	<p>No but acceptable noting the overall provision exceeds the ADG requirement.</p>
6.8 Separation between buildings	12 metres	Residential levels and balconies are 6 metres from eastern and northern boundary (excluding private open space ground level courtyards)	Yes
Site Design			
6.9.1 Site planning & landscaping	Landscaping is to complement the development.	The proposed landscape planting consists of a mixture of	Yes

		<p>native and exotic trees, shrubs and ground cover. Large trees are only viable on the perimeter due to inadequate area of deep soil. 2 large native trees in northern DSZ. 2 large and 1 small tree in southern DSZ/COS in Newton Rd frontage. 3 small native trees in western frontage OSD areas. 4 tall street trees in Carinya Street. road reserve, none in Newton Rd.</p> <p>Landscaping planting is proposed in 600mm-1m high planter boxes above the basement carpark in COS and on the roof.</p>	
	<p>The setback along the front boundary is to be densely landscaped. Parking areas are not permitted in this area.</p>	<p>Front setbacks are landscaped with native and exotic trees shrubs and groundcovers, except for basement vehicle access and garbage truck turning area.</p>	
6.9.2 Protection of views	Minimise the obstruction of views.	Views loss is not significant	Yes
6.9.3 Visual & acoustic privacy	<p>Visual privacy and freedom from overlooking is important.</p> <p>There is to be protection from mechanical noise.</p> <p>Noise disturbance is to be minimised.</p>	<p>Visual privacy is maintained through unit layout and orientation of habitable areas.</p> <p>An Acoustic Report has been submitted to with the DA. The recommendations of the report will be conditioned accordingly.</p>	<p>Yes</p> <p>Apply condition</p>
6.9.4 Orientation	Orientation of the building should optimise solar access opportunities for units by maximising north facing walls.	The building orientation has been designed to maximise solar access. The amended proposal meets ADG solar access requirements	Yes
6.9.5 Parking provision		See Part A above. Complies with ADG.	Acceptable, subject to conditions.
6.9.6 Vehicle &	Access from the street	The 2 main pedestrian	Yes

pedestrian access	is to be attractively landscaped, clear and provide casual surveillance. Clear access to the parking and services is to be provided.	access points from Newton Rd are clear with appropriate landscaping. Casual surveillance is provided from courtyards and balconies above. Clear vehicle and pedestrian access to basement parking is from Carinya St.	
6.9.7 Public road access & construction	Public road access is required for new developments.	Adequate	Yes.
6.9.8 Accessways	6m wide	The driveway is 6m wide.	Yes
6.9.9 Fencing & screen walls	Details of fencing are to be shown on the plans. Clothes drying areas shall be screened by walls 1.8m high.	Proposed variable masonry front fence with border landscaping. Clothes drying area is located in north-east corner of site away from public view screened and adjacent to 1.8 m boundary fences. Courtyards have privacy screens and gates.	Yes
6.9.10 Podium design	Podiums over basements more than 0.5m above natural ground level count as a storey.	N/A	N/A
6.9.11 Accessibility	10%+ of units shall be designed for persons with a disability.	Plans and SEE indicate 9 adaptable (10%) units, 9 liveable units and 9 accessible resident parking spaces. Access compliance consultant report provided with DA- apply condition for implementation of recommendations	Yes Apply condition for compliance with Access Report recommendations
	Buildings with 4+ levels require a lift.	Two lifts provided to all levels.	Yes
6.9.12 Safety & security	Buildings are to feature casual surveillance and adequate lighting. External materials are to be robust to discourage vandalism	Casual surveillance is achieved. Proposed building materials are suitable to minimise graffiti.	Yes Apply conditions as recommended by NSW Police.

	& graffiti.	CPTED plan provided and Police comments to be conditioned.	
Building Design			
6.10.1 General	Floor plans are to achieve an appropriate level of amenity for the future occupants.	The floor plans provide most units with adequate amenity.	Yes
6.10.2 Units types	Unit mix is to respond to market expectations and contain a mix of 1, 2, & 3 bedroom units.	The proposal consists of 39x1 (46%), 46x2 (54%) bedroom apartments.	Yes
6.10.3 Floor to ceiling height	Habitable rooms & corridors 2.7m Non-habitable rooms 2.4m Second storey of 2 storey 2.4m Attic spaces 1.5m	Floor to ceiling heights for habitable rooms are at least 2.7m.	Yes
6.10.4 Passenger lift access	Required for 4 levels with no basement, and for 3 levels with basement.	2 lifts provided.	Yes.
6.10.5 Balconies	At least 2.5m x 3m. If balconies are enclosed, they are to comply with the BCA. Balcony balustrades are to contrast the building to add interest. Clothes hanging/drying is not permitted on the balconies.	Many units do not meet minimum depth requirements of DCP and ADG, including narrow areas (e.g. 1m depth)	No Acceptable as the remaining part of the balcony provides a useable and functional outdoor area. In addition, an accessible rooftop communal open space is provided for recreational use.
6.10.6 Internal & external shading & solar access	50% of adjacent properties ground level open space shall not have solar access reduced to less than 2 hours between 9am and 3pm on 21 June. 50% of the proposal's ground level COS to receive minimum 3 hours sunlight between 9am and 3pm on 21 June.	Shadowing occurs to the front yards of R2 zoned dwelling houses in Newton Road opposite the site to the south, which is acceptable as these houses still receive 3 hours of sunlight. Some shadowing occurs in the afternoon to the dwelling house and yard located to the east (that is zoned R4), considering it receives 3 hours of morning sun, this is considered acceptable.	Yes

		<p>The proposed rooftop terrace receives more than 2 hours of sunlight, which will be retained following any future redevelopment of sites to the east and north. Rooftop pergolas and small trees will provide some shade.</p>	Yes
	<p>Living rooms and private open spaces for 70% of units must receive a minimum 3 hours of sunlight between 9am and 3pm on 21 June.</p>	<p>The ground level communal open space in the north will receive solar access. Trees will provide shade.</p> <p>The communal open space located on the southern side on Newton Road will receive little solar access.</p> <p>61 units (72%) of the units receive more than 2 hours of sunlight</p>	<p>Yes</p> <p>Acceptable as the primary communal open space is provided on the rooftop where it receives more than 2 hours of sunlight.</p>
6.10.7 Natural ventilation	60% of units.	61 % of the units are cross ventilated.	Yes
6.10.8 Energy performance & sustainability	Submission of a BASIX Certificate	BASIX Certificate is provided and is considered satisfactory.	Yes.
6.10.9 Provision of services	<p>An electricity substation is to be to Council & the electricity provider's requirements if required.</p> <p>Electrical reticulation is to be underground.</p> <p>Common accessways and driveways are to be illuminated.</p> <p>A master TV antenna is to be installed within the roof.</p> <p>A toilet accessible by residents, visitors & maintenance contractors should be provided within the ground floor.</p>	<p>A substation is proposed in Carinya Street.</p> <p>Apply condition as per CPTED report.</p> <p>Apply condition.</p> <p>Provided at eastern Newton Rd pedestrian entrance to building.</p>	<p>Apply conditions of consent for services.</p> <p>Yes. Compliance subject to conditions.</p>
6.10.10 Provision for other building services	External walls are to be free of plumbing & fixtures, wall mounted	The plans do not show the services fixtures and conduits.	Apply condition.

	A/C, service conduits / wiring.	A/C shown on balconies. Apply condition.	
6.10.11 Waste management	Separate garbage & recycling collections. On-street collection is to be practical. Alternatively, provide on-site collections. Storage areas in the front setback are not encouraged. If provided they are to be screened and comprise building materials compatible with the building. A management plan is required.	The proposal has been considered by Council's Sustainable Resources Project Officer and conditions provided. On site collection is proposed. Storage areas are provided within the building at ground level and in basements. A waste management plan has been submitted.	Yes Apply conditions.
6.10.12 Laundry facilities	A communal area of 20sqm for up to 10 units, plus 10sqm per 10 units to a maximum of 60sqm. Each dwelling is to have 7.5m of drying line or a mechanical drying appliance in the unit.	60sqm required for 85 units. A communal drying area of 22m ² is proposed. Each unit has the capacity for a mechanical drying appliance.	No but condition is applied for the provision of clothes dryer for each unit. Yes

Blacktown Development Control Plan 2015 – Part G Site Waste Management and Minimisation

Development Standard	Requirement	Proposal	Compliant
Appendix 1 Waste management plan	The proposal is to be accompanied by a satisfactory waste management plan in relation to the demolition, construction and ongoing use stages.	A waste management plan is submitted with the DA.	Yes
Appendix 2.1 Garbage pick up	The garbage and recycling room is to be conveniently placed, turning circles (25m) and height requirements (min 6.4m) must be met. Consider legality of access.	Council's Waste Services officer are satisfied with the garbage pick up arrangements, subject to conditions.	Yes
Appendix 2.2 Waste storage requirements	The room is to be conveniently located to all units, relate to other	A waste collection room is located on the ground floor fronting	Yes

	loading areas, provide adequate weather protection, be secure and lockable, be well ventilated and drain to the sewer, complement the design of the development, provide sufficient space between bins for servicing, and roof drainage is to be directed to the stormwater system.	Carinya Street. A chute system, accessible to all units, is proposed connecting to the waste storage and handling area on the ground floor. 2 waste storage rooms are situated in the basement and will not be visible from the street/public domain.	
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Blacktown Development Control Plan 2015 – Part J WSUD Integrated Water Cycle Management

Development Standard	Requirement	Proposal	Compliant
Water management	The development is to demonstrate water conservation, management of stormwater quality and quantity, stormwater erosion, sediment and pollution control, and management of ground water.	BASIX water commitments provided, including rainwater collection and reuse for landscape irrigation. The site is identified in the S94 CP 19 and a contribution is payable for stormwater management. In this case, WSUD requirement is not applicable. A stormwater management plan has been prepared for the site. Detention tanks are located within western setback landscaped area.	Yes

9 Section 94 Contributions Plan No 19 Blacktown Growth Precinct

The subject site is within the Blacktown Urban Renewal Precinct and Breakfast Creek catchment area of the Section 94 Contributions Plan No 19 Blacktown Growth Precinct (CP 19). This Contributions Plan outlines Council's policy regarding the application of Section 94 (s94) of the Environmental Planning and Assessment Act, 1979 in relation to the provision of local infrastructure and baseline facilities within the Blacktown Growth Precinct.

Under the CP 19, monetary contributions are required to be levied on new development on the subject site for the following categories of amenities and services: Water Cycle Management Facilities; Traffic & Transport Management Facilities; Open Space and Recreation Facilities and; Community Facilities and Aquatic Facilities. The total of the contributions payable for the proposed development for services and facilities is

\$1,207,939.00. The contributions payable in each category are set out in the conditions of consent.

10 Draft West Central District Plan

This draft District Plan, prepared by the Greater Sydney Commission, proposes a 20-year vision for the West Central District of Greater Sydney, (which includes the local government area of Blacktown) and identifies priorities and actions to realise the vision. District planning directly informs local council planning and the decisions of state agencies. The draft District Plan was released for public consultation from late 2016 until early 2017 and the District Plan will be finalised in 2017.

Whilst the Environmental Planning and Assessment Act 1979 does not require consideration of District Plans in the assessment of development applications, an assessment of the Draft West Central District Plan has been undertaken. The overarching priorities for Liveability in the draft Plan include improving housing choice, diversity and affordability, stated as:

The diversity of housing types including small lot housing, terraces and apartments in a variety of configurations (one, two and three + bedrooms) and more adaptable and accessible forms of housing for older people, people with disabilities and families.

This development proposal in Blacktown for 85 residential units, including liveable units supports these housing choice priorities, which is considered to be sufficient for the long term needs of the City.

Consistent with the Draft Plan's Liveability priority for capacity in housing choice, the proposal maximises the housing development potential on the site under the existing height planning control. The proposal will assist in meeting the Draft Plan's 2016-2021 housing target for Blacktown City of 13,950 additional dwellings.

The proposal for increased residential density adjacent to the CBD is consistent with Section 3.4.4 Growing the Blacktown Strategic Centre.