Assessment against planning controls

1. Environmental Planning and Assessment Act 1979

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

Heads of Consideration s4.15	**Comment**	**Complies**
a. The provisions of: (i) Any environmental planning instrument (EPI)	The proposal is considered to be consistent with the relevant EPIs, including SREP No. 20 – Hawkesbury-Nepean River, SEPP (State and Regional Development) 2011, SEPP (Infrastructure) 2007, SEPP BASIX 2004, SEPP No. 55 – Remediation of Land, SEPP No. 65 – Design Quality of Residential Apartment Development and the 9 'design quality principles' of SEPP 65, the Growth Centres SEPP 2006 and the Central City District Plan 2018. The proposed development is a permissible land use within the R3 Medium Density Residential zone and satisfies the zone objectives outlined under the Growth Centres SEPP. The proposal is consistent with the Cudgegong Road (Area 20) Precinct, with the exception of the height of buildings development standard. The maximum permitted building height is 16 metres. However, the site benefits from a Stage 1 Concept Plan approval (JRPP-15-01543) which permits a maximum building height of 31 metres. The maximum breach to this development standard is 15 metres, or 94 %. This is offset by other approved house products on the site which are only 9 metres high. The Applicant has submitted a request to vary this development standard under Clause 4.6 of the Growth Centres SEPP. The application also exceeds the maximum permitted floor space ratio (FSR) of 1.75:1. When calculated against the notional 10,466 m^2 site area for this Stage 3, the proposed floor space ratio is 2.12:1 which exceeds this development standard. However, when calculated across the broader Stage 1 Concept Plan site area of 60,690 m^2, the FSR for all buildings is 1.27:1 and is consistent with the Stage 1 Concept Plan approval. Moreover, the proposal has been assessed against the Stage 1 Concept Plan (JRPP-15-01543) approved under section 4.22 (formerly s83B) of the Act and is consistent with this approval. Refer to **Section 7** of the Assessment Report for further details.	Satisfactory Satisfactory No, but acceptable in the circumstances as the maximum height of buildings was approved in the Concept Plan approval. No, but acceptable in the circumstances as overall density across all stages of development (1-5) will remain below the maximum FSR of 1.75:1 with an FSR 1.27:1. This approach was supported in principle as part of the Stage 1 Concept Plan approval.
(ii) Any proposed instrument that is or has been the subject of public consultation	Prior to the lodgement of this application, a draft amendment to the Growth Centres SEPP 2006 was exhibited by the Department of Planning and Environment in May 2017, referred to as the 'North West Draft Exhibition Package.' This exhibition was undertaken to coincide with	Not a matter of consideration for this application as this is a draft amendment which

Heads of Consideration s4.15	Comment	Complies
under this Act	the release of the Land Use and Infrastructure Implementation Plan (the purpose of which is to guide new infrastructure investment, make sure new developments don't impact on the operation of the new Western Sydney Airport, identify locations for new homes and jobs close to transport, and coordinate services in the area). A key outcome sought by the Department of Planning and Environment (DPE) is the establishment of minimum and maximum densities for all residential areas that have been rezoned under the SEPP (i.e. density bands). Currently the planning controls nominate only a minimum density. This proposal will have a significant influence on the ultimate development capacity (i.e. yield) of the precincts. The DPE is proceeding with finalising the density bands applicable to some of the precincts in the North West Growth Area in the Blacktown local government area, excluding the precincts of Cudgegong Road (Area 20), Schofields and Marsden Park, following exhibition in 2017 and the receipt of many objections. The timing of adoption is uncertain at this stage, as is the content of any amendments. There is no guarantee the exhibited controls will be adopted. This site is within Cudgegong Road (Area 20) and is therefore excluded from the maximum density bands proposed as part of the amendment.	is not certain or imminent and Cudgegong Road (Area 20) is excluded from the density bands.
(iii) Any development control plan (DCP)	The Growth Centres DCP applies to the site. The proposed development is compliant with the numerical controls established under the DCP, with the exception of a minor variation to landscaped area and site coverage. Refer to further discussion at **Section 7** of the Assessment Report.	No, but acceptable in this instance as it is consistent with the Stage 1 Concept Plan approval.
(iiia) Planning agreement	This application isn't accompanied by a voluntary planning agreement.	N/A
(iv) The regulations	The DA is compliant.	Yes
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	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, remediation and stormwater management have been satisfactorily addressed. A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. In view of the above, it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.	Yes Yes
c. The suitability of the site for the development	The subject site is zoned R3 Medium Density Residential with a 16 metre building height limit (approved under the Stage 1 Concept Plan to 31 metres) 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	Yes

Heads of Consideration s4.15	Comment	Complies
	form of development. The design solution is based on sound site analysis and responds positively to the different types of land uses adjoining the site. The site is located within close proximity to the new Tallawong Railway Station (under construction) and future Cudgegong Local Centre. The proposal is generally consistent with the Cudgegong Road (Area 20) Precinct Plan, the approved subdivision of the site (DA-17-00299) and the approved Stage 1 Concept Plan approval (JRPP-15-01543).	
d. Any submissions made in accordance with this Act, or the Regulations	The application was exhibited for comment for a period of 14 days. 2 submissions were received during the notification period raising concern with regard to ongoing construction works, boundary fencing and retaining walls, Council's acquisition of adjoining RE1 Public Recreation land and overshadowing of the property to the south. Refer to **attachment 9** for further details and our response to the issues raised. These issues are considered to be suitably addressed and, subject to conditions of consent, do not warrant the refusal of this application.	Satisfactory
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides high quality housing stock and provides for housing diversity within the Cudgegong Road (Area 20) Precinct.	Yes

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

A consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6 of SREP 20. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of the Growth Centres SEPP. See point 8.

3. State Environmental Planning Policy (State and Regional Development) 2011

The Sydney Planning Panel (SPP) is the consent authority for all development with a capital investment value (CIV) of over $20 million (being the CIV applicable for applications lodged but not determined prior to 1 March 2018 under clause 23 transitional provisions of this SEPP). As the DA has a CIV of $55,790,909. Council is responsible for the assessment of the DA and determination of the application is to be made by the SPP.

4. State Environmental Planning Policy (Infrastructure) 2007

The SEPP ensures that Roads and Maritime Services (RMS) is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP. The development was referred to RMS, who found the development acceptable, subject to conditions of consent.

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

A BASIX certificate has been lodged as part of the DA. The BASIX certificate indicates that the development has been designed to achieve the required water, thermal comfort and energy scores. A suitable condition will be imposed requiring compliance with the submitted BASIX certificate.

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

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

The application is accompanied by a Remedial Action Plan dated 27 October 2014 and a Site Validation Report prepared by SLR Global Environmental Solutions and dated March 2016. These reports confirm that the remedial strategy has been implemented and the site is suitable for residential use and the site is ready for validation.

These reports have been prepared in accordance with the strict requirements of the *National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999* as amended 2013 for residential purposes. Conditions will be imposed requiring a validation report, prepared by an environmental consultant, to be prepared and submitted prior to the issue of any Construction Certificate for building works.

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

SEPP 65 applies to the assessment of development applications for residential flat buildings 3 or more storeys in height and containing at least 4 dwellings.

Clause 28 of SEPP 65 requires a consent authority to take into consideration:

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

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

7.1. Design quality principles

The development satisfies the 9 design principles.

Principle	Control	Town Planning comment
1. Context and neighbourhood character	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	The site is located within a Greenfields context, within the Cudgegong Road (Area 20) Precinct of the North West Growth Centre. The site is to the north of the Tallawong Railway Station (under construction) and the future Cudgegong

Principle	Control	Town Planning comment
	environmental conditions. 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.	Local Centre. The layout and design of the proposal is consistent with the 'Stage 3' portion of the Stage 1 Concept Plan approval and responds well to the context of the site and is satisfactory with regard to the development standards and controls. The buildings have been architecturally designed and are considered compatible with the social, economic and environmental identity of the Cudgegong Road (Area 20) Precinct.
2. Built form and scale	Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. 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. 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.	The built form, height and scale of the proposed development have been resolved by a thorough evaluation of the sites surrounding context, topography and environmental characteristics, with an emphasis on amenity for future residents. The design approach in terms of height, scale, built form, building footprints, apartment numbers and density were resolved through the Stage 1 Concept Plan approval with this application addressing the more detailed design, including apartment layouts, car parking, open space, landscape design and architectural appearance. The proposed development consists of 2 residential flat buildings with a part 6, part 7 and part 8 storey form located in the southern part of the overall development site, which increases in scale towards the railway station and local centre to achieve an improved planning outcome. 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.

Principle	Control	Town Planning comment
3. Density	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.	Clause 4.1B requires a minimum density of 25 dwellings per hectare. The proposed development provides 215 dwellings across a site area of 10,466 m^2 and therefore provides approximately 205 dwellings per hectare which exceeds the minimum density requirement. The Stage 1 Concept Plan approval (JRPP-15-01543) has established the density of development across the overall site with low density development to the north adjoining Rouse Road and high densities to the south adjoining the new public road. This application is consistent with the approved density. The proposed residential flat building development is within walking distance of public transport including the Tallawong Railway Station and the future Cudgegong Local Centre.
4. Sustainability	Good design combines positive environmental, social and economic outcomes. 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.	The proposal provides for a mix of dwellings, contributing to housing diversity in this locality. The proposal is supported by a BASIX Certificate. The commitments are incorporated into the design of the building. The proposal demonstrates satisfactory levels of sustainability, waste management and efficient use of energy and water resources.
5. Landscape	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. 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. Good landscape design optimises	The application is accompanied by Landscape Plans that incorporate a variety of planting which contributes to the amenity of the development. Deep soil zones have been provided to the perimeter of the site, to ensure sufficient planting is achieved with appropriate soil depths over podium to support medium size trees at the centre of the site within the communal open space areas. The design allows for an integrated transition between communal and private spaces and maintains direct access from apartments on podium level to the communal open space. As part of the approved Stage 1 Concept Plan approval, the podium level has a direct link to the adjoining private

Principle	Control	Town Planning comment
	useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	'village green' which provides additional landscaped space, communal facilities and recreational areas for the residents in this development.
6. Amenity	Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing. 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.	The design of the proposal provides an acceptable level of amenity through a carefully considered spatial arrangement and layout. The provision of carefully placed 'winged' windows avoids the risk of direct viewing to and from the apartments in Buildings D1 and D2 and satisfies the privacy requirements of the ADG. The proposal achieves a suitable level of internal amenity through providing appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The proposal is designed with suitable consideration to receive solar access to habitable rooms, private open space and communal open space areas. The redistribution of building mass as approved in the Stage 1 Concept Plan creates the opportunity to generate positive amenity outcomes with a mix of building forms on the site from 2 to 8 storeys and a central recreational space for the use of residents and their guests.
7. Safety	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. 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.	The proposal is considered to be satisfactory in terms of future residential occupants overlooking communal spaces while maintaining internal privacy. Public and private spaces are clearly defined and suitable safety measures are integrated into the development. The proposal provides suitable casual surveillance of the public domain. It is noted that all of the communal open space area is located at the ground level which is preferable with regard to promoting safety.
8. Housing diversity and social interaction	Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments	The proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands. The proposal provides additional

Principle	Control	Town Planning comment
	respond to social context by providing housing and facilities to suit the existing and future social mix. 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.	housing choice which will be in close proximity to public transport and the Tallawong Railway Station (under construction) and the future Cudgegong Local Centre.
9. Aesthetics	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. 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.	The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials, finishes and colours and reflect the use, internal design and structure of the resultant buildings. As detailed in the Architect's SEPP 65 statement, the design uses multiple strategies to articulate the overall building as follows: *'The initial strategy is to articulate the overall building envelopes so that the elements of the building are read as a series of smaller volumes by expressing parts of the building differently. This effect is achieved by using different materials and setbacks to create depth on the façade. A series of vertical elements, which extend over the whole building height are used to break up the building and establish datum lines along the street frontage.* *Another strategy treats the internal and external facades of the buildings differently. The building elevations facing the main streets compromise colours which are referential to the surrounding context.* *The façade oriented to the internal courtyard is expressed in vivid colours and creates a complimentary response to the landscaped communal space.* *The change in colour emphasise a balanced transition between public and private open spaces*.' Materials and finishes are of a high standard and are appropriate to the built form and context.

7.2. Compliance with Apartment Design Guide (ADG)

The following assessment table identifies that the proposal is consistent with the relevant design concepts and numerical guidelines in the ADG~~.~~

ADG requirement		Proposal	Compliance
Controls			
2F Building Separation	Up to 4 storeys/12 metres: - 12 metres between habitable rooms/balconies - 9 metres between habitable rooms/balconies and non-habitable rooms - 6 metres between non-habitable rooms	All buildings comply with the building separation design criteria up to 4 storeys.	Yes
	5 to 8 storeys/up to 25 metres: - 18 metres between habitable rooms/balconies - 13 metres between habitable rooms/balconies and non-habitable rooms - 9 metres between non-habitable rooms	The building separation between Buildings D1 and D2 provides only 9.35 metres (at at-grade / Level 1) and 11 metres on the levels above, as approved in the Stage 1 Concept Plan approval. In addition, the interface between Buildings D1 and D2 applies the privacy requirements permitted by Figure 3F.2 of Part 3F Visual Privacy of the ADG, which is discussed below.	Yes, as permitted by Part 3F Visual Privacy of the ADG, which is discussed below.
	Nine storeys and above/over 25 metres: - 24 metres between habitable rooms/balconies - 18 metres between habitable rooms/balconies and non-habitable rooms - 12 metres between non-habitable rooms	N/A – There are no nine or more storey elements.	N/A
Siting the Development			
3A Site analysis	Satisfy the site analysis guidelines - Appendix 1.	Site analysis provided.	Yes
3B Orientation	Where an adjoining property does not currently receive 2 hours of sunlight in midwinter, solar access should not be further reduced by more than 20%. 4 hours of solar access should be retained to solar collectors on neighbouring buildings.	The adjoining properties currently receive adequate solar access. Shadow analysis has been completed for development on this site and on adjoining sites which confirms that the neighbouring residential flat buildings at H/N 44 and H/N 56 Cudgegong Road (SPP-17-00010 currently under assessment) receive adequate solar access. The 6 metre setback to the southern boundary; together with the 8 metre road width and the 6 metre setback to the neighbouring apartments achieves a separation of 20 metres between the southern elevation of Buildings D1 and D2 and the northern elevation of the development to the south. This	Yes

ADG requirement		Proposal	Compliance
		is a generous separation given the building heights and densities envisaged in the area and will achieve suitable solar access. The shadow diagrams indicate that between 9am-12pm at mid-winter; the building shadows will fall mainly over the public road and the front boundary of the neighbouring site ensuring that more than 2 hours of sunlight is provided to the future development to the south.	
3C Public domain interface	Ground level courtyards to have direct access, if appropriate.	Ground level access is provided to ground level units, where suitable.	Yes
	Ground level courtyards to be above street level for visual privacy.	Ground level courtyards are at a suitable level.	Yes
	Balconies and windows to overlook the public domain.	Balconies and windows provide casual surveillance of the public domain.	Yes
	Front fences to be visually permeable with maximum 1 metre height, and limited length.	Fencing to ground floor courtyards are approximately 600 mm in height.	Yes
	Entries to be legible.	Entries are legible.	Yes
	Raised terraces to be softened by landscaping.	Raised areas are suitably landscaped.	Yes
	Mail boxes to be located in lobbies, perpendicular to the street or within the front fence.	Mailboxes are to be located to satisfy the recommendations of the Police and Australia Post.	Yes, subject to conditions.
	Basement carpark vents not to be visually prominent.	Basement carpark vents are not visually prominent.	Yes
	Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement car parks or out of view.	Substations to be screened and appropriately treated. Service rooms are within the basement.	Yes
	Ramping for accessibility to be minimised.	Ramping is suitable.	Yes
	Durable, graffiti resistant and easily cleanable materials should be used.	Suitable and durable materials are proposed.	Yes
	On sloping sites, protrusion of car parking should be minimised.	Car parking is suitably designed to be within the building footprint.	Yes
3D Communal and public open space	Communal open space (COS) >25% of the site.	Site area: 10,466m^2 Required 25% = 2,616m^2 Provided 28% = 2,930m^2	Yes
	Direct sunlight to >50% of COS for 2 hours between 9 am and 3 pm.	The approved building envelopes prevent the central communal open space from receiving 2 hours of sunlight to 50% of the space between 9am and 3pm. However, the development was designed around a 'village green' which	No, however acceptable as the ADG design guidance is achieved and

ADG requirement		Proposal	Compliance
		achieves the requisite sunlight in mid-winter and is connected to the subject site via a pedestrian link. When considered in light of the design guidance of the ADG, the provision of sunlight to the communal open space to Stage 3 is acceptable given: • The size of the private open space courtyards and balconies exceed the minimum areas required by the ADG. • The development has access to the 'Village Green.' • The site is in close proximity to the regional sports fields and proposed recreation area adjacent to the creek to the east of the site. Moreover, residents and their visitors will have the opportunity to access to a variety of open spaces for recreation, relaxation and entertaining throughout the year.	consistent with the Stage 1 Concept Approval.
	Minimum dimension of 3 metres.	Minimum dimension of 3 metres achieved.	Yes
	Direct and equitable access.	Direct and accessible access is achieved to all communal open space areas.	Yes
	If COS cannot be located on Ground Level, provide on the podium or roof.	All communal open space areas are provided at ground level.	N/A
	If it COS can't be achieved, provide on rooftop of a common room, provide larger balconies, or demonstrate proximity to public open space and facilities.	N/A	N/A
	Range of activities (e.g. seating, BBQ, play area, gym or common room).	Communal open space areas to be embellished with seating, BBQ areas and a covered shade structure.	Yes
	Visual impacts minimised from ventilation, substations and detention tanks.	The communal open space areas are clear of services.	Yes
	Maximise safety.	The communal open space areas demonstrate a safe design.	Yes
	Public Open Space, where provided, is to be well connected and adjacent to street.	Achieved.	Yes

ADG requirement		Proposal	Compliance
3E **Deep soil zones**	Minimum area = 7% of site area. Preferred area = 15%.	956 m^2 of deep soil zone provided, being 9% of the site area.	Yes
	If the site is between 650 to 1,500 m^2 then minimum dimensions of 3 metres.	Suitable dimensions of deep soil zones are provided.	
	If over 1,500 m^2 then minimum dimensions of 6 metres.	The proposal has deep soil areas which are co-located with communal open space areas and podium planting is provided.	
3F **Visual privacy**	Building Separation: refer to 2F above. Separation distances between buildings on the same site depending on the type of room as to reflect Figure 3F.2.	The building separation between Buildings D1 and D2 provides only 9.35 metres (at at-grade / Level 1) and 11 metres on the levels above, as approved in the Stage 1 Concept Plan approval. In addition, the interface between Buildings D1 and D2 applies the privacy requirements permitted by Figure 3F.2 of Part 3F Visual Privacy of the ADG. This permits a reduced separation distance for buildings within the same site where visual privacy is protected by having habitable room windows overlooking a blank wall. With regard to the first 4 storeys, the minimum separation distances are met. With regard to the levels above the first 4 storeys, the minimum building separation between buildings is reduced from 18 metres to 9 metres (halved). This proposal achieves this 'blank wall' effect by providing angled bay windows along the western facades of Building D1, with a building separation of only 11 metres to Building D2. Therefore, the minimum separation distances are satisfied.	Yes
	Direct lines of sight should be avoided for windows and balconies across corners.	Direct lines of sight are avoided for windows and balconies across corners.	Yes
	Appropriate design solutions should be in place to separate POS and habitable windows to common areas.	Suitable design and landscape treatments are used to separate private open space and habitable windows to common areas.	Yes
	Note: When adjacent to a lower density residential zone an additional 3 metre rear side setback is required.	N/A	N/A

ADG requirement		Proposal	Compliance
3G **Pedestrian access and entries**	Connect to and activate the public domain. Easy to identify access. Internal pedestrian links to be direct.	Pedestrian access to the street frontage is legible and direct. Access is easy to identify. Internal links are provided through the site and are direct.	Yes
3H **Vehicle access**	Access points are safe and create quality streetscapes. The need for large vehicles to enter or turn around within the site should be avoided.	Vehicular and pedestrian access is provided separately and safely. Suitable vehicular access is provided.	Yes Yes
3J **Bicycle and car parking**	Sites within 800 metres of a railway station comply with *Guide to Traffic Generating Developments*: >20 units Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bedroom unit. 0.9 spaces per 2 bedroom unit. 1.4 spaces per 3 bedroom unit. 1 space per 5 units (visitor parking). Conveniently located and sufficient numbers of bicycle and motorbike spaces.	The site is within 800 metres to Tallawong Railway Station (under construction). 239 parking spaces are required as follows: • Residents – 196 • Visitors – 43 299 parking spaces are proposed as follows: • Residents – 256 • Visitors – 43 This is a surplus of 60 residential car parking spaces. 72 bicycle parking spaces are required. 74 bicycle spaces are proposed. No motorbike spaces are provided, however a condition is recommended to be imposed requiring 5 motorbike spaces to be provided, being 1 motorbike space per 50 apartments.	Yes Yes Yes, subject to conditions
Designing the building			
4A **Solar and daylight access**	Living rooms and private open space receive minimum 2 hours direct sunlight between 9 am – 3 pm in mid-winter > 70% of units (Minimum 1 sqm of direct sunlight measures at 1 metre above floor level is achieved for at least 15 minutes). Maximum number with no sunlight access < 15%. Suitable design features for operable shading to allow adjustment and choice.	76% of apartments achieve the required solar access in mid-winter. Achieved Projecting balcony elements and screening devices assist with managing solar access.	Yes
4B **Naturally ventilation**	All habitable rooms naturally ventilated. Number of naturally cross ventilated units > 60%. Depth of cross over apartments < 18m.	All habitable rooms naturally ventilated. 60% Yes.	Yes

ADG requirement		Proposal	Compliance
	The area of unobstructed window openings should be equal to at least 5% of the floor area served.	The window areas are satisfactory.	
4C Ceiling heights	2.7 metres for habitable 2.4 metres for non-habitable Service bulkheads are not to intrude into habitable spaces.	2.7 metres provided for habitable rooms. 2.4 metres provided for non-habitable.	Yes
4D Apartment size and layout	Studio > 35 m^2 1 bed > 50 m^2 2 bed > 70 m^2 3 bed > 90 m^2 + 5 m^2 for each unit with more than 1 bathroom. Habitable Room Depths: limited to 2.5 metres x ceiling height (6.75 metres with 2.7 metre ceiling heights) Open Plan Layouts that include a living, dining room and kitchen – maximum 8 metres to a window. Bedroom sizes (excluding wardrobe space): Master – 10 m^2 Other – 9 m^2 Minimum dimensions – 3 metres Living rooms/dining areas have a minimum width of: 3.6 metres – Studio or 1 bedroom 4 metres – 2 or 3 bedroom Cross-over/cross-through: minimum 4 metres wide	N/A. Achieved. Achieved. Achieved. Where second bathrooms are provided, unit size exceeds the minimum size of 5 m^2. Satisfactory room depths. Open plan layouts are provided. Kitchens are less than 8 metres to a window. Bedroom and living room sizes and dimensions meet requirements. Achieved. Achieved. Achieved.	Yes
4E Private open space and balconies	Studio > 4 m^2 1 bed > 8 $m^2$and 2 metres depth 2 bed > 10 $m^2$and 2 metres depth 3 bed > 12 $m^2$and 2.4 metres depth Ground level/ podium apartments > 15 m^2 and 3 metres depth Extension of the living space. A/C units should be located on roofs, in basements, or fully integrated into the building design.	Balcony dimensions compliant for the equivalent apartment size. Min 15 m^2 and 3 metres – Complies. Private open space is an extension of the living space.	Yes
4F Common circulation and spaces	Maximum number of apartments off a circulation core on a single level – 8-12. Buildings over 10 storeys - maximum of 40 units sharing a single lift. Daylight and natural ventilation to all common circulation areas above ground level.	Up to 12 apartments per core. Building is not over 10 storeys. Yes.	Yes N/A Yes

ADG requirement		Proposal	Compliance
	Corridors greater than 12 metres from the lift core to be articulated by more foyers, or wider areas/higher ceiling heights at apartment entry doors.	Achieved.	
	Maximise dual aspect apartments and cross over apartments.	Dual aspect apartments are provided.	
	Primary living room and bedroom windows are not to open directly onto common circulation spaces.	Windows do not open onto common circulation areas.	
	Direct and legible access.	Achieved.	
	Tight corners and spaces to be avoided.	Achieved.	
	Well-lit at night.	Achieved.	
	For larger developments – community rooms for owners meetings or resident use should be provided.	Community rooms were provided within the 'Village Green' as part of the Stage 1 Concept Plan approval.	Yes
4G Storage	Studio > 4 m^3 1 bed > 6 m^3 2 bed > 8 m^3 3 bed > 10 m^3 Min 50% within the apartment.	Minimum storage areas provided, with a minimum 50% provided in apartment. Storage spaces also provided within basement.	Yes
4H Acoustic privacy	Window and door openings orientated away from noise sources.	Achieved.	Yes
	Noise sources from garage doors, driveways, services, communal open space and circulation areas to be 3 metres from bedrooms.	Achieved.	
	Separate noisy and quiet spaces.	Achieved.	
	Provide double/acoustic glazing, acoustic seals, materials with low noise penetration.	Suitable acoustic measures to be installed.	
4J Noise and pollution	In noisy or hostile environments, the impacts of external noise and pollution are to be minimised through the careful siting and layout of buildings. To mitigate noise transmission: 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).	The layout of the development considers potential noise and pollution impacts, and is satisfactory.	Yes
Configuration			
4K Apartment mix	Provide a variety of apartment types. Flexible apartment mix.	215 apartments are proposed. 75 x 1 bedroom (35%) 99 x 2 bedroom (46%) 41 x 3 bedroom (19%) A suitable and responsive	Yes

ADG requirement		Proposal	Compliance
		apartment mix is provided.	
4L Ground floor apartments	Maximise street frontage activity. Direct street access to ground floor apartments. Ground floor apartments to deliver amenity and safety for residents.	The ground level apartments achieve an overall high level of amenity and safety, and are satisfactory.	Yes
4M Facades	Front building facades are to provide visual interest whilst respecting the character of the local area. Building services are to be integrated into the overall façade. Provide design solutions which consider scale and proportion to the streetscape and human scale.	The front façades are architecturally treated to create visual interest and contribute to the desired future character of this area. Building services are integrated into the overall façade. The building design considers scale and proportion when viewed from street level.	Yes
4N Roof design	Roof treatments are to be integrated into the building design and positively respond to the street.	The roof is designed to be recessive and not visible from the public domain. No communal open space and only limited plant / equipment are proposed on the roof of the proposed buildings.	Yes
4O Landscape design - site area	< 850 m^2 - 1 medium tree per 50 m^2 of deep soil zone. 850 m^2 to 1,500 m^2 - 1 large tree or 2 medium trees per 90 m^2 of DSZ. >1,500 m^2 - 1 large tree or 2 medium trees per 80 m^2 of deep soil zone.	The total site area is 10,466 m^2. Deep soil zone of 732.6 m^2 is required (7%). Deep soil zone of 956 m^2 is proposed (9.1%). The proposed landscaping species is diverse and appropriate to the location.	Yes
4P Planting on structures	Provide sufficient soil volume, depth and area. Provide suitable plant selection. Provide suitable irrigation and drainage systems and maintenance. Enhance the quality and amenity of communal open space with green walls, green roof and planter boxes, etc.	Planting is provided within the setbacks and central courtyards, most of which is above the basement structures. The proposal comprises suitable plant selection which is considered to enhance the quality and amenity of the COS. Medium size feature trees are provided within central communal courtyard areas and have been provided with sufficient soil depth as per the Oculus report.	Yes
4Q Universal design	10% adaptable housing. Flexible design solutions to accommodate the changing needs of occupants.	25 (12%) of apartments are capable of adaptation as detailed in the Access Review accompanying this application.	Yes
4R Adaptive reuse	New additions to existing buildings are contemporary and complementary and enhance an area's identity and sense of place.	N/A	N/A
4S Mixed use	Provide active street frontages and encourage pedestrian movement.	N/A	N/A

ADG requirement		Proposal	Compliance
	Residential entries separate and clearly defined. Landscaped communal open space to be at podium or roof level.		
4T **Awnings and signage**	Awnings to be continuous and complement the existing street character. Provide protection from sun and rain, wrapped around the secondary frontage. Gutters and down pipes to be integrated and concealed. Lighting under awnings is to be provided. Signage is to be integrated and in scale with the building. Legible and discrete way finding is to be provided.	N/A	N/A
Performance			
4U **Energy efficiency**	The development is to incorporate passive solar design. Heating and cooling infrastructure are to be centrally located (e.g. basement).	The development allows for the optimisation / management of heat storage in winter and heat transfer in summer. The building design includes passive solar design measures. An Energy, Water and BASIX Assessment outlining energy efficiency commitments has been provided with the application.	Yes
4V **Water management and conservation**	Water efficient fitting, appliances and wastewater reuse should be incorporated. Rainwater should be collected and reused. Drought tolerant plants. Water sensitive urban design measures. Detention tanks should be located under paved areas, driveways or in basement car parks.	Water efficient fittings and appliances are provided. Not provided, however alternate water efficiency measures are proposed. Suitable low water use plants are proposed. Provided. Detention tanks are not proposed nor required for this development.	Yes Satisfactory as alternate water efficiency measures are provided. Yes Yes N/A
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	The application is accompanied by a waste management plan which details how waste vehicles enter and exit the site and on-site manoeuvring, bin travel paths, accessibility of waste rooms and recycling collection for each floor. A waste cupboard is provided	Yes

ADG requirement		Proposal	Compliance
	Waste and recycling rooms are to be in convenient and accessible locations related to each vertical core.	within each apartment. At-grade waste and recycling rooms are provided and accessible to all occupants. The waste room facilities include bulky waste room for the storage and collection of large waste items. The requirements of Council have been satisfied through the amended submission, including updates to the waste management plan.	
4X Building maintenance	The design is to provide protection from weathering. Enable ease of maintenance. The materials are to reduce ongoing maintenance costs.	The proposal demonstrates ease of maintenance.	Yes

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

Appendix 6 of the SEPP, Cudgegong Road (Area 20) Precinct Plan, applies to the site.

The table below provides a summary assessment of the development standards established within the Growth Centres SEPP and the proposal's compliance with these standards.

The development complies with the development standards contained within the SEPP, with the exception of height of buildings and Floor Space Ratio.

8.1 General controls within main body of the SEPP

SEPP requirement	Complies
2 Aims of Policy	
a) to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre and the Wilton Priority Growth Area b) to enable the Minister from time to time to designate land in growth centres as ready for release for development c) to provide for comprehensive planning for growth centres d) to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity e) to provide controls for the sustainability of land in growth centres that has conservation value f) to provide for the orderly and economic provision of infrastructure in and to growth centres g) to provide development controls in order to protect the health of the waterways in growth centres h) to protect and enhance land with natural and cultural heritage value i) to provide land use and development controls that will contribute to the conservation of biodiversity.	The proposal is consistent with these aims.

SEPP requirement		Complies
Part 4 Development controls – general		
Cl. 18 Water recycling and conservation	Sydney Water's *Growth Servicing Plan July 2014 to June 2019* indicates that developers are responsible for funding and delivering all reticulation works as part of the Section 73 compliance certificate process. This includes any recycled water reticulation works for schemes regulated by the Independent Pricing and Regulatory Tribunal (IPART). Recycled water will therefore be dealt with at the Section 73 certificate stage.	Yes, subject to conditions.
Part 5 Development controls – flood prone and major creek land **Part 6 Development controls – vegetation** **Part 7 Development controls – cultural heritage landscape area**		
Cl.19 Development on flood prone and major creeks land—additional heads of consideration	N/A the site is not flood prone. This application has been assessed by Council's Engineers and is supported, subject to conditions of consent.	Yes, subject to conditions.
Cl. 20 Development on and near certain land at Riverstone West	N/A the site is not within or near Riverstone West.	N/A.
Cl. 21-24 Vegetation	These controls do not apply to this site, being in Area 20. It is also noted that this site is certified land in accordance with the 2007 Biodiversity Certification Order and therefore is not affected by protected native vegetation or threatened species. The Stage 1 Concept Plan application was accompanied by an Arboricultural Impact Assessment prepared by Urban Tree Management. The Stage 1 Concept Plan approval included removal of all trees and vegetation on the site.	N/A
Cl. 25-26 Cultural heritage landscape area	The Stage 1 Concept Plan application was accompanied by an Aboriginal Archaeological report which identified that the site is unlikely to contain Aboriginal objects and therefore no further investigations were required.	Yes

8.1. Controls within Appendix 6 – Cudgegong Road (Area 20) Precinct Plan 2010 of the SEPP

SEPP requirement	Complies
1.2 Aims of Precinct Plan	

SEPP requirement			Complies
The aims of this Precinct Plan are as follows: (a) to make development controls for land in the Cudgegong Road (Area 20) Precinct within the North West Growth Centre that will ensure the creation of quality environments and good design outcomes, (b) to protect and enhance the environmentally sensitive natural areas in, and the cultural heritage of, the Precinct, (c) to provide for recreational opportunities within the Precinct, (d) to provide for multifunctional and innovative development in the Precinct that encourages employment and economic growth, (e) to promote housing choice and affordability in the Precinct, (f) to provide for the sustainable development of the Precinct, (g) to promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Precinct.			The proposal is consistent with the Aims of the Precinct Plan.
Part 2 Permitted or prohibited development			
Objectives of zone	a) To provide for the housing needs of the community within a medium density residential environment. b) To provide a variety of housing types within a medium density residential environment. c) To enable other land uses that provide facilities or services to meet the day to day needs of residents. d) To support the well-being of the community by enabling educational, recreational, community, and other activities where compatible with the amenity of a medium density residential environment.		The proposal is consistent with the objections of the zone.
2.1 Zoning and Land use tables R3 Medium Density Residential zone	Residential Flat Buildings: RFBs are permissible with consent in this R3 Medium Density Residential zone.		Yes
2.6 Subdivision	Subdivision was approved in approved in DA-17-00299.		Yes
2.6A Demolition	Demolition was approved in JRPP-15-01543.		Yes
Part 4 Principal development standards			
4.1AB Cl. (9a) - Min. lot size for RFB in R3 zone	Minimum 2,000 m^2	N/A	N/A
4.1B Residential density	Minimum 25 per hectare	Site = 10,466 m^2 1.0466 hectares x 25 = 26.2 dwellings required.	Yes

SEPP requirement			Complies
		The proposal is for 215 apartments, equating to approximately 205 dwellings per hectare, exceeding the minimum recommended residential density.	
4.3 Height of buildings	Maximum 16m	The proposed development will have a maximum height of 31 metres, measured to the highest point of the rooftop lift overrun, with many parts of the buildings lower than the height approved in the Stage 1 Concept Plan approval JRPP-15-01543. While the Growth Centres SEPP establishes a maximum building height of 16 metres, increased heights were agreed across parts of the broader site as part of the Stage 1 Concept Plan approval. This sought to allow lower density 2-3 storey buildings adjacent to the northern road (Rouse Road) with the height tiering up towards the southern boundary, allowing for improved solar access across all stages.	No, however acceptable in this instance as the proposed building heights satisfy the maximum height approved in the Stage 1 Concept Plan approval JRPP-15-01543, due to redistribution of building mass.
4.4 Floor space ratio (calculations to be in line with clause 4.5)	Maximum 1.75:1	The proposed gross floor area is 22,174 m^2 which satisfies the Stage 1 Concept Plan approved indicative floor space for this stage of 22,385 m^2. However, when calculated against the notional 10,466 m^2 site area for this Stage 3, a floor space ratio of 2.12:1 occurs which exceeds the maximum FSR of 1.75:1. Regardless, the gross floor area for this Stage 3 is consistent with the Stage 1 Concept Plan approval and is acceptable when considering the distribution of floor space across the broader site.	No, but acceptable in this instance and when considered against the Stage 1 Concept Plan site in its entirety due to redistribution of building mass.
4.6 Exceptions to development standard	Request must be in writing	A Clause 4.6 submission was provided with the application that outlines strict compliance with the standards is unnecessary for the following reasons: • The objectives of the Growth Centres SEPP height of buildings and floor space ratio controls are achieved notwithstanding the technical non-compliance. • The variation to building height and distribution of density has been established through the Stage 1 Concept Plan approval. • The proposed heights will not undermine the height of building development standard or create an undesirable precedent. • Locating the highest buildings on the southern part of the site allows the buildings to the north, which are of a lower scale, to allow for improved solar access within the site as opposed to five storey buildings across the site.	The Clause 4.6 request is consistent with the Stage 1 Concept Plan approval (JRPP-15-01543) in allowing a maximum building height of 31 metres and a varied floor space ratio across the site. Across all stages the proposal will maintain a floor space ratio of 1.27:1, which is well below the maximum permissible of 1.75:1, due to redistribution of building mass.

SEPP requirement		Complies
Part 5 Miscellaneous provisions		
5.6 Architectural roof features	N/A	Yes
5.9 Preservation of trees or vegetation	The site consisted of a grass area only. Therefore, there were no trees or vegetation capable of being retained.	N/A
Part 6 Additional local provisions		
6.1 Public utility infrastructure	The Applicant states that the site is capable of being adequately serviced with connections for public utility infrastructure. The application was referred to Sydney Water and the proposal is supported, subject to conditions. The provision of services will also be conditioned appropriately.	Yes
6.3 and 6.4 Native vegetation	The site consisted of a grass area only. The site does not contain native vegetation.	N/A

9. Central City District Plan 2018

Whilst the *Environmental Planning and Assessment Act 1979* does not require consideration of District Plans in the assessment of development applications, an assessment of the Central City District Plan has been undertaken.

Outlined below is where the Development Application is consistent with the overarching planning priorities of the *Central City District Plan 2018*:

Liveability

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

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

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

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

DCP requirement		Proposal	Complies
2.2 Indicative layout plan	DA is to be generally in accordance with the Indicative Layout Plan (ILP)	The proposal varies from the Indicative Layout Plan due to the deletion of the east-west road between Stage 2 Building B and Stage 3 (this application).	No, however acceptable in this instance as

DCP requirement		Proposal	Complies
		However, this was considered and approved in the Subdivision approval (DA-17-00299) and the Stage 1 Concept Plan approval (JRPP-15-01543). No objection is raised by Council's Access and Transport Management, engineering and waste sections.	consistent with the Stage 1 Concept Plan approval.
2.3 Subdivision site analysis	The following clauses must be addressed:		
2.3.1 Flooding and water cycle management	No residential allotments are to be located at a level lower than the 1% Annual Exceedance Probability (AEP) flood level plus a freeboard of 500mm (i.e. within the 'flood planning area'). Stormwater is to be managed primarily through the street network in accordance with Council's Water Sensitive Urban Design Development Control Plan. Roads are generally to be located above the 1% AEP level.	The subject site is not identified as subject to flooding. The site drainage works were considered in the Stage 1 Concept Plan application (JRPP-15-01543) and approval was provided for a piped trunk drainage system along the Rouse Road (northern) frontage. This application demonstrates appropriate minimum floor levels relative to the 1% AEP level flood level plus a freeboard of 500mm. The proposed civil plans demonstrate the effective integration of levels with the surrounding residential subdivisions, including associated road levels.	Yes
2.3.2 Salinity and soil management	Land within areas of potential salinity and soil aggressivity risk figure, must be accompanied by a salinity report. A qualified person is to certify the project upon completion of the works. The Salinity Management Plan is to be in accordance with Appendix C of the DCP. All works are to comply with the plan.	The application is accompanied by a Preliminary Salinity and Geotechnical Report was prepared by Asset Geotechnical. Moderate saline soils were identified and the report recommends that further investigation be carried out for salinity assessment purposes for design and construction purposes, and depending on the results a Salinity Management Plan may be required. The report concludes that the site is suitable for the proposed development and there are no significant geotechnical constraints that would preclude development.	Yes, subject to conditions.
2.3.3 Aboriginal and European heritage	Are there any areas of Aboriginal heritage value within or adjoining the site, and is the site identified on the European cultural heritage sites figure? If so, a report is required from a qualified consultant.	Aboriginal heritage assessments have been undertaken and conclude that Aboriginal objects are unlikely to be present within the highly disturbed site. This follows test excavations which were undertaken and addressed in an updated report by Artefact dated March 2015. As a result no further archaeological investigations are required at the site.	Yes
2.3.4 Native vegetation	Native trees/vegetation to be retained where possible. Is the site identified on the Riparian	The Stage 3 area of this site was grassed only. The site is not in the Riparian	Yes

DCP requirement		Proposal	Complies
and ecology	Protection Area figure. If so, native vegetation to be managed in accordance with Appendix B of the DCP. Does the site adjoin land zoned E2 Environmental Conservation? A landscape plan is to be submitted with the DA. Trees to be selected from Appendix D of the DCP.	Protection Area figure. The site does not adjoin land zoned E2 Environmental Conservation. This application is accompanied by Landscape Plans prepared by Oculus which demonstrates appropriate landscaping species and treatment throughout the development.	
2.3.5 Bushfire hazard management	Development is to be consistent with Planning for Bushfire Protection 2006.	The western portion of the overall site is identified as Bushfire Zone Buffer 1 affected land. This relates to Stages 4 and 5 of the Stage 1 Concept Plan approval (JRPP-15-01543). This application is accompanied by a Bushfire Protection Assessment prepared by Travers Bushfire and Ecology. NSW Rural Fire Service reviewed this report and do not raise any objection subject to conditions to ensure the buildings are designed and constructed to withstand the potential impacts of bush fire attack.	Yes, subject to conditions.
2.3.6 Site contamination	All subdivision DAs to be accompanied by a Stage 1 Preliminary Site Investigation. Where required a Stage 2 investigation is to be carried out.	This application is accompanied by a Remedial Action Plan dated 27 October 2014 and a Site Validation Report prepared by SLR Global Environmental Solutions and dated March 2016. These reports confirm that the remedial strategy has been implemented and the site is suitable for residential use and the site is ready for validation. Conditions will be imposed requiring a validation report, prepared by an environmental consultant, to be prepared and submitted prior to the issue of any Construction Certificate for building works.	Yes, subject to conditions.
2.3.7 Odour assessment and control	Is the site adjacent to odour generating activities and is a buffer or additional supporting information required.	The site is not adjacent to odour generating activities. The proposed residential development is in keeping with the zoning objectives of the SEPP, and is not considered to be adversely affected by the risk of odour.	N/A

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

10.2.1. Specific residential flat building controls

DCP requirement		Proposal	Complies
Key controls for residential flat buildings (Table 4-10)			
Site coverage	Max. 50%	56% site coverage is proposed (excluding the roads from calculations).	No, however consistent with the Stage 1 Concept Plan approval.
Landscaped area	Min. 30% of site area	22% landscaped area is proposed.	No, however consistent with the Stage 1 Concept Plan approval.
Communal open space	15% of site area	28% communal open space is proposed.	Yes
Principal private open space (PPOS)	Minimum 10 m² per dwelling Minimum dimension of 2.5 metres	Private open spaces of the development comply with SEPP 65 and the ADG, which takes precedent over this control.	N/A Refer to ADG.
Front setback	Minimum 6 metres Balconies and other articulation may encroach into setback to a maximum of 4.5 metres from the boundary for the first 3 storeys, and for a maximum of 50% of the façade length.	6 metre setbacks to all new public roads. The ground level has some encroachments for articulation for terraces/balconies with a minimum setback of 4.5 metres for no more than 50% of the façade length, which satisfies this control.	Yes
Corner lots secondary setback	Minimum 6 metres	6 metre setbacks to all new public roads.	Yes
Side setback	Up to 3 storeys: minimum 3 metres Above 3 storeys: minimum 6 metres	6 metres (to the north).	Yes
Rear setback	Minimum 6 metres	Given the site configuration there is no rear boundary.	N/A
Zero lot line	Not permitted	N/A	N/A
Habitable room/ balcony separation	Distance for buildings 3 storeys and above is a minimum of 12 metres.	The proposal satisfies the building separation and privacy requirements of SEPP 65 and the ADG which takes precedent over this control.	N/A Refer to ADG.
Car parking • **Residential**	1 space per dwelling, plus 0.5 spaces per 3 or more bed dwelling. 1 visitor car parking space per 5 apartments.	The site is within 800 metres of a railway station (under construction) and consideration of the parking rates in accordance with the ADG is provided above. However, the Stage 1 Concept	Yes

DCP requirement		Proposal	Complies
		Plan approval (JRPP-15-01543) was based on the parking rates of this DCP. Based on the DCP parking rates, the required parking is as follows: ▪ Residents – 236 spaces ▪ Visitors – 43 spaces ▪ Total – 279 spaces The proposed car parking is as follows: • Residents – 256 • Visitors – 43 • Total – 299 spaces This is a surplus of 20 on-site residential car parking spaces. The proposed car parking is supported by Council's Access and Transport Management section and is consistent with the Stage 1 Concept Plan approval.	
	May be in a 'stack parking' configuration. Car parking spaces to be located below ground or behind building line.	No stacked parking is proposed. Car parking spaces are all located within the basement levels.	
Bicycle parking	1 space per 3 dwellings	A minimum of 71 bicycle parking spaces are required. 74 bicycle spaces are proposed.	Yes
Garage dominance	Maximum 2 garage doors per 20 metres of lot frontage facing any one street frontage.	N/A	N/A
Garages and car parking dimensions	Covered: minimum 3 x 5.5 metres Uncovered: minimum 2.5 x 5.2 metres Aisle widths must comply with AS 2890.1	All car parking spaces and aisle widths within the basement car parking levels demonstrate compliance with the minimum dimensions under AS2890.1.	Yes
Additional controls for certain dwelling types (section 4.3) (Sub section 4.3.5 Controls for residential flat buildings)			
Street frontage	Minimum 30 metres	Achieved.	Yes
Access	Direct frontage to street or public park	Direct frontage is provided to the public domain.	Yes
Amenity	Must not adversely impact upon the amenity (i.e. overshadowing, privacy or visual impact) of existing or future adjoining residential development.	The proposal does not impact on the ability of adjoining sites to achieve a suitable level of amenity. The application is accompanied by detailed shadow diagrams which demonstrate that the proposed residential flat buildings to the south at H/N 44 and H/N 56 Cudgegong	Yes

DCP requirement		Proposal	Complies
		Road (SPP-17-00010) achieve good levels of solar access between 9 am to midday with some minor overshadowing on the northern side of these neighbouring buildings between 1pm to 3pm in mid-winter. This is to be expected given the orientation of these sites and the heights approved in the Stage 1 Concept Plan (JRPP-15-01543). (Refer to Plans DA730-010 Rev 2 and DA730-011 Rev 2).	
SEPP 65	All RFBs are to be consistent with the guidelines and principles outlined in SEPP No. 65.	Refer to SEPP 65 and ADG Assessment above. Refer to Table 4–10 assessments above.	Noted.
Adaptable housing	Minimum 10% of dwellings (where 10 or more proposed). Designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995). Preferably on ground floor or access via a lift, including access to basement. DA to be accompanied by certification from an accredited Access Consultant confirming that the adaptable dwellings are capable of being modified, when required by the occupant, to comply with the Australian Adaptable Housing Standard (AS 4299-1995).	25 (12%) of the 215 apartments are adaptable housing. The adaptable housing apartments are designed in accordance with the relevant Australian Standard. Appropriate access is provided. This application is accompanied by an Access Review report prepared by Morris Goding Accessibility Consulting which demonstrates that the adaptable dwellings are capable to being modified.	Yes
Accessible parking	Car parking and garages to comply with the requirements of AS for disabled parking spaces.	The proposal provides car parking spaces and accessibility in accordance with the relevant Australian Standards.	Yes

10.2.2. Controls for all residential development

DCP requirement		Proposal	Complies
Site Responsive Design (Section 4.1)			
4.1.1 Site analysis plan	Site Analysis Plan to be provided.	Provided.	Yes
4.1.2 Cut and fill	Maximum 500 mm cut/fill. Validation Report for imported fill. Where cut on the boundary, retaining walls must be integrated with its	Site preparation works were approved in DA-17-00299 and site preparation works have been undertaken. Cut and fill does not exceed 500 mm. This has been achieved by stepping the development to follow the gradual fall of the site. The proposed levels appropriately integrate with the adjoining buildings, Village Green and new public roads of the Stage 1	Yes

DCP requirement		Proposal	Complies
	construction, otherwise minimum 450 mm from boundary. Maximum 600 mm high walls. Maximum 1,200 mm combined wall height. Minimum 0.5 metres between each step.	Concept Plan approval (JRPP-15-01543).	
4.1.3 Sustainable building design	BASIX Certificate. Indigenous species to make up more than 50% of plant mix on landscape plan Plant species to be selected from Appendix D	The application is supported by a BASIX Certificate. Appropriate indigenous plant species are proposed. Appropriate plant species are proposed.	Yes
4.1.4 Salinity, sodicity and aggressivity	To comply with Salinity Management Plan developed at subdivision phase	The application is accompanied by a Preliminary Salinity and Geotechnical Report was prepared by Asset Geotechnical. Moderate saline soils were identified and the report recommends that further investigation be carried out for salinity assessment purposes for design and construction purposes, and depending on the results a Salinity Management Plan may be required. The report concludes that the site is suitable for the proposed development and there are no significant geotechnical constraints that would preclude development.	Yes, subject to conditions.
Dwelling design controls (Section 4.2)			
4.2.1 Summary of key controls	N/A – tables do not relate to RFBs		NA
4.2.2 Streetscape and design	N/A – tables do not relate to RFBs		NA
4.2.3 Front setbacks	N/A – tables do not relate to RFBs		NA
4.2.4 Side and rear setbacks	N/A – tables do not relate to RFBs		NA
4.2.5 Height, massing and siting	N/A – tables do not relate to RFBs		NA

DCP requirement		Proposal	Complies
4.2.6 Landscaped area	N/A – tables do not relate to RFBs		NA
4.2.7 Private open space	Principal POS to be accessible from the main living area and have a maximum gradient of 1:10.	PPOS is directly accessible from main living area with suitable access.	Yes
4.2.8 Garages, access and parking	Driveways not to be within 1 metre of drainage facilities on gutter. Planting/walls adjacent to driveways must not block sight lines. Driveways to have soft landscaped areas on either side.	Driveway is clear of drainage on gutters. Suitable sight lines are achieved. Appropriate landscaping is provided adjacent to the driveway. Appropriate landscaping is provided along the driveway.	Yes
4.2.9 Visual and acoustic privacy	Acoustic report required if adjacent to railway line or major road, or impacted upon by nearby industrial/commercial area.	N/A	N/A
	No equipment or plant to generate noise level > 5dBA measured during the hours 7 am to10 pm.	Capable of being satisfied.	Yes, subject to conditions.
	Internal layout of residential buildings, window openings, location of courtyards and balconies, and building plant to be designed to minimise noise impacts.	An acoustic report has been prepared for the project. Certification is expected both pre-construction of detailed drawings, confirming that the acoustic recommendations have been effectively implemented.	Yes, subject to conditions.
	Noise walls are not permitted.	N/A	N/A
	Development effected by rail or traffic noise is to comply with AS2107-2000 Acoustics: Recommended Design Sound Levels and Reverberation Times for Building Interiors.	N/A	N/A
	Development shall aim to comply with the criteria in Table 4-7 below.	Capable of being satisfied.	Yes, subject to conditions.

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

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

Notes:

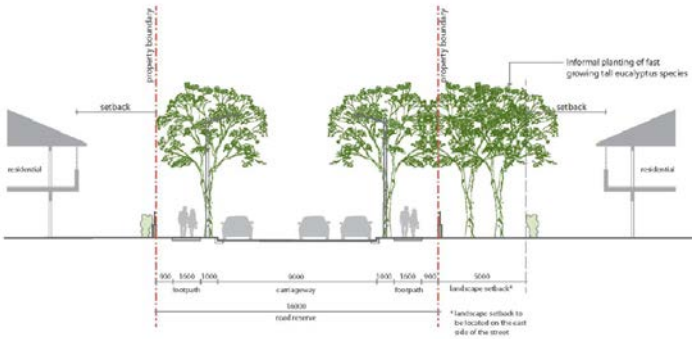
These levels correspond to the combined measured level of external sources and the ventilation system operating normally.

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

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

DCP requirement		Proposal	Complies
4.2.10 Fencing	Front fencing maximum 1 metre. Front fences not to impede sight lines.	The front fencing proposed is appropriate, forming part of the landscape design response. Ground floor courtyards are proposed to a solid height of approximately 600mm, with open slated timber above. Some fencing is lower, depending on the fall of the land.	Yes
	Side and rear fences maximum 1.8 metres.	N/A	
	Side fences not on a street frontage to be a maximum 1 metre high to a point 2 metres behind the primary building façade.	N/A	
	Corner lots or lots with side boundary adjoining open space/ drainage, the front fencing style and height is to be continued to at least 4 metres behind the building line.	Fencing towards the corner of the new council road and Torrelli and Roland Streets is lower and allows for appropriate site lines.	
	On boundaries adjoining open space/drainage, fencing to be of high quality material and finish. Design to permit casual surveillance with maximum height 1 metre or see-through materials for portion above 1 metre.	N/A	
	Pre-painted steel or timber paling or lapped/capped boundary fencing not permitted adjacent to open space or drainage land or on front boundaries.	N/A	
	Fencing adjoining rear access ways to permit casual surveillance.	N/A	

10.2.3 Schedule 4 – Cudgegong Road (Area 20) (precinct specific controls)

Relevant figures (Section 3)		
Figure	**Control**	**Comment**
2.1	**Precinct Indicative Layout Plan**	The proposal varies from the Indicative Layout Plan due to the deletion of the east-west road between Stage 2 Building B and Stage 3 (this application). However, this was considered and approved in the Subdivision approval (DA-17-00299) and the Stage 1 Concept Plan approval (JRPP-15-01543). No objection is raised by Council's Access and Transport Management, engineering and waste sections.
2.2	**Aboriginal Cultural Heritage Sites**	The Stage 1 Concept Plan application (JRPP-15-01543) was accompanied by an Aboriginal Archaeological report which identified that the site is unlikely to contain Aboriginal objects and therefore no further investigations were required.
2.3	**Second Ponds Creek - Flood Prone Land & Riparian Corridor**	The site is not subject to flooding affectation.
2.4	**Salinity Potential**	The application is accompanied by a Preliminary Salinity and Geotechnical Report was prepared by Asset Geotechnical. Moderate saline soils were identified and the report recommends that further investigation be carried out for salinity assessment purposes for design and construction purposes, and depending on the results a Salinity Management Plan may be required. The report concludes that the site is suitable for the proposed development and there are no significant geotechnical constraints that would preclude development.
3.1	**Precinct Road Hierarchy**	The proposal is consistent with the precinct road hierarchy. All roads are 'other local streets.'
3.2	**Public Transport Network**	The proposal is consistent with the public transport network.
3.3	**Pedestrian and Cycle Network**	The proposal is consistent with the pedestrian and cycle networks
3.4	**Additional Public Domain and Landscaping Provisions**	N/A There are no additional public domain and landscaping provisions affecting this site.
3.5	**Section B – Landscape Buffer to Collector Road**	N/A There are no collector roads on this site.
3.6	**Section C - Landscape Buffer to Local Road**	 No. This relates to the eastern side of Torelli Street. An additional 5 metre landscape setback is required between Torelli Street and Building D.2, resulting in a total setback of 11 metres. This is not provided, with a landscaped setback of only 5

		metres to 6 metres. The proposed landscaping in the setback area between Building D.2 and Torelli Street consists of White Feather Honeymyrtle (indigenous Melaleuca *decora*) which grows to a mature height of 10 metres and screen planting. Street tree planting will also be provided along the eastern side of Torelli Street. Although this application does not provide this additional landscape buffer on the eastern side of this collector road, the proposed building setback is consistent with that approved in the Stage 1 Concept Plan approval (JRPP-15-01543) and is satisfactory in this instance.
Area 20	**Precinct Public Domain and Landscape Strategy**	The proposal is consistent with this strategy. With regard to Section 3.2 View Corridors, the site is not contained within the views from the Rouse Hill House Estate. The site is not directly visible from Rouse Hill House Estate as it is blocked by the existing local tree canopy.