

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

### 1 Environmental Planning and Assessment Act 1979

#### 1.1 Section 4.15 'Heads of Consideration'

Heads of Consideration	Comment	Complies
a. The provisions of:		
(i) Any environmental planning instrument (EPI)	The proposal is considered to be generally consistent with the relevant EPIs, including SEPP Sydney Region Growth Centres 2006, SEPP No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide, SEPP Infrastructure 2007, SEPP BASIX 2004, SEPP No. 55-Remediation of Land and SEPP (State and Regional Development) 2011	Yes, subject to conditions
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	<p>The publicly exhibited draft amendment to SEPP (Sydney Region Growth Centres) 2006 is relevant to the consideration of the proposed development. The draft proposes amendments to the residential density controls, by applying to the site and surrounding land a minimum of 55 dwellings and maximum of 100 dwellings per hectare residential density. The dwelling density of the proposal is 200 dwellings per hectare, which is double the proposed new maximum of 100 dwellings per hectare.</p> <p>The draft amendment proposes a minimum lot size of 1,500 m<sup>2</sup> for residential flat buildings in the R3 zone, with which the proposal complies.</p> <p>The making of the draft amendment is not imminent and hence has little weight in the consideration of the proposal.</p>	The draft amendment is not certain or imminent
(iii) Any development control plan (DCP)	The Blacktown City Council Growth Centre Precincts Development Control Plan 2018 applies to the site. The proposed development is generally compliant with the applicable numeric controls established under the DCP. The variations are discussed in this attachment and are considered acceptable subject to proposed conditions of consent.	Yes, subject to conditions
(iii a) Any Planning Agreement	There are no applicable planning agreements.	N/A
(iv) The regulations	There are no regulations to be considered.	N/A
b. The likely impacts of the development, including environmental impacts on both the natural and built	<p>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.</p> <p>It is believed that the proposed development will not have any</p>	Yes

Heads of Consideration	Comment	Complies
environments, and social and economic impacts on the locality	unfavourable social, economic or environmental impacts.	
c. The suitability of the site for the development	<p>The subject site is zoned R3 Medium Density Residential with a 26 m building height limit. Residential flat buildings are permissible on the site with development consent.</p> <p>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 and road linkages in the Area 20 Precinct at Rouse Hill.</p> <p>The site is therefore considered suitable for the proposed development.</p>	Yes
d. Any submissions made in accordance with this Act, or the regulations	One public submission was received in support of the proposal.	Yes
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal.	Yes

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

Summary comment	Complies
The Sydney Central City Planning Panel (SPP) is the consent authority for all development with a capital investment value (CIV) of over \$30 million. As the DA has a CIV of \$44,633,296, Council is responsible for the assessment of the DA and determination of the application is to be made by the SPP. The DA was submitted in 2017 and registered to be considered by the SPP due to the CIV being over \$20 million, prior to the introduction of Local Planning Panels in 2018.	Yes

## 3 State Environmental Planning Policy (Infrastructure) 2007

Summary comment	Complies
<p>The site is traversed from north to south on its eastern side by high voltage electricity transmission lines. SEPP (Infrastructure) 2007, clauses 45(1)(b) and 45(2), apply to development carried out within or immediately adjacent to an easement for electricity purposes. The consent authority must, before determining a development application:</p> <ul style="list-style-type: none"> <li>a. give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks</li> <li>b. take into consideration any response to the notice that is received within 21 days after the notice is given.</li> </ul> <p>We referred the application to Endeavour Energy. Conditions of consent will ensure the requirements of Endeavour Energy are included.</p>	Yes

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

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

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

Summary comment	Complies
<p>SEPP 55 aims to 'provide a State-wide planning approach to the remediation of contaminated land'. Clause 7 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of development consent.</p> <p>A Contamination, Salinity and Geotechnical Assessment Report prepared by GeoEnviro Consultancy Pty Ltd (June 2016) includes recommendations for the management of these issues. Conditions are proposed for the Report's recommendations to be implemented.</p>	Yes

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

Summary comment	Complies
<p>The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of SEPP (Sydney Region Growth Centres) 2006, which is discussed in points 8 and 9 below.</p>	Yes

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

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

## 7.1 Design quality principles

Principle	Control	Comment
<b>7.1.1 Design quality principles</b> The development satisfies the 9 design quality principles.		
<b>1. Context and neighbourhood character</b>	<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p>	<p>The site is zoned R3 Medium Density Residential. It is located adjacent to the future Tallawong local centre, with the under construction Tallawong railway station 200 m to the south of the site. The future character of the locality will be predominantly medium density housing and commercial development. The site is highly accessible to future planned local services and facilities and public transport.</p> <p>The scale of the proposal is in keeping with the desired future character for the Area 20 Growth Centre Precinct. The proposal can provide appropriate landscaping and open space because space is available under the transmission line easement running through the eastern end of the site. The proposal consists of a reasonable mix of 1, 2 and 3 bedroom units and has made provision for liveable units as required by the Apartment Design Guide.</p>
<b>2. Built form and scale</b>	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The proposal achieves the scale of desired future character for the street set by SEPP (Sydney Region Growth Centres) 2016 and the Blacktown City Council Growth Centre Precincts Development Control Plan (DCP) 2018.</p> <p>Appropriate setbacks from neighbouring properties to the north, south and west are provided and the transmission easement is free from buildings.</p> <p>The overall building height and floor space ratio are consistent with the planning controls. Except for the proposed non-compliant building separation and façade length of building, the other ADG requirements are addressed.</p> <p>The proposed non-compliant building separation is acceptable in this case given the site's limitations resulting from the existing electricity easement. Nevertheless, suitable conditions can be imposed to</p>

Principle	Control	Comment
		ensure adequate privacy is achieved between the affected apartments. Further, large trees have been proposed on the perimeters of the site to soften the building facades to the street.
<b>3. Density</b>	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.	The density of buildings on the site is consistent with the floor space ratio of 1.75:1 for the site.
<b>4. Sustainability</b>	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.	Solar access is slightly less than ADG standards. The deep soil area, whilst meeting the dimension requirements, is mostly located in the transmission easement area that can only contain low growing plants, not large or medium sized trees consistent with the intent of deep soil areas. This is acceptable in the particular circumstances of this site. Trees are provided on the site perimeter to assist with shading of the proposed public footpath areas. Cross ventilation of apartments meets the ADG standards. A BASIX Certificate is submitted nominating appropriate commitments for thermal comfort, water and energy efficiency. A waste management plan has been submitted.
<b>5. Landscape</b>	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	The Applicant proposes to remove all trees from the site under an existing subdivision approval. No natural features are retained, with 2 basement levels provided across most of the site. The proposed landscape scheme uses a range of indigenous and exotic plants and provides large canopy trees. Communal open space areas include a range of soft and hard surfaces, seating and landscaped areas, BBQs and children's play area. The transmission easement area is landscaped, as permitted by

Principle	Control	Comment
	<p>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>electricity facilities access requirements.</p> <p>Landscaping is used to provide privacy for ground floor dwellings.</p>
<b>6. Amenity</b>	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The proposal meets most of the ADG standards for internal amenity for room sizes and layouts, ventilation and access, although solar access is slightly less than the requirements. Storage spaces for each unit are provided both within the units and in the basement.</p> <p>Communal and private open spaces 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 and ample liveable/adaptable units are proposed in accordance with the objective of promoting accessibility and sustainability.</p>
<b>7. Safety</b>	<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The architect's design verification statement states that the Safer by Design principle is adopted in the development.</p> <p>Casual surveillance is provided from balconies and windows to the public domain. The use of access control and fencing will delineate private properties from the public domain. Street entries are provided for many ground floor apartments.</p> <p>Conditions are proposed to ensure low fencing and landscaping on the boundaries of the site without the need for 'hostile' measures.</p> <p>Appropriate standard conditions are proposed for compliance with a CPTED assessment.</p>
<b>8. Housing diversity and social interaction</b>	<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types</p>	<p>The 170 units consist of 35 x 1 bed (20.6%), 111 x 2 bed (65.3%) and 24 x 3 bed (14.1%) apartments.</p> <p>While the number of 3 bedroom apartments should be maximised for the long term future needs of residents in the City, this is an acceptable mix. The mix will support a range of households, including single people and families with</p>

Principle	Control	Comment
	of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	<p>children.</p> <p>34 liveable units are provided as required and identified on plans, including 17 (10%) adaptable units. 17 resident disabled parking spaces are provided.</p> <p>The units are capable of being fitted out to accommodate a range of lifestyle needs.</p> <p>A range of outdoor communal open spaces are provided, including children's playground and BBQs, and an indoor communal room on the ground floor.</p>
<b>9. Aesthetics</b>	<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 used. Balconies on the street front, use of different light and dark coloured elements and materials, and solid and open elements, provide building articulation and modulation.</p> <p>The proposed street trees and perimeter planting to be provided on site will reduce the bulk impact of the 26 m high, long building facades on the streetscape and pedestrian amenity.</p>

## 7.2 Compliance with Apartment Design Guide (ADG)

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

It is compliant with all other matters under the ADG.

### Controls

<b>2F Building separation</b>	<p><b>Up to 4 storeys/12 metres:</b></p> <p>12 metres between habitable rooms/balconies</p> <p>9 metres between habitable rooms/balconies and non-habitable rooms</p> <p>6 metres between non-habitable rooms</p>	<p>Building separation is at least 12 m except between units in the southern end (between buildings A and B) where a 9.5 m separation is proposed.</p> <p>The extent of non-compliance makes up 30% of the building length. Fixed privacy screen windows, highlight windows and 1.8 m high privacy screens are proposed to the upper level bedrooms and to the balconies respectively.</p> <p>The proposed non-compliant building</p>	Acceptable, subject to acoustic conditions
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ADG requirement		Proposal	Compliance
		separation is acceptable in this instance given the site's limitations resulting from the electricity easement and because opportunities for overlooking have been eliminated. Suitable conditions will be imposed to ensure adequate acoustic measures are provided between buildings and the recreational area between the ground floor units.	
	<b>5 to 8 storeys/up to 25 metres:</b> 18 metres between habitable rooms/balconies 13 metres between habitable rooms/balconies and non-habitable rooms 9 metres between non-habitable rooms	Separation distances are the same as for the lower levels, with blank walls and privacy screens introduced where separation is less than 18 m between windows and/or balconies. The blank walls provide poor street and communal open space presentation, but the proposed street and site planting would soften this visual impact. However, some textured treatment to the blank walls is recommended as a condition.	Acceptable, with street plantings and condition

#### Siting the Development

<b>3C Public domain interface</b>	Ground level courtyards to be above street level for visual privacy.	Some courtyards are above street level and some are below. Council's City Architect has accepted this variation given that the proposed amenity impacts to these units are not detrimental and the ADG requirements, such as solar access, cross ventilation and private open space, are addressed.	No, but acceptable
	Front fences to be visually permeable with maximum 1 m height and limited length.	The proposed 1.8 m privacy fences and gates around courtyards and at entries are not acceptable for the public domain interface, for aesthetic, safety and surveillance reasons. A suitable condition will be imposed to reduce these fences to a maximum height of 1 m.	No. Apply condition



ADG requirement		Proposal	Compliance
	Basement carpark vents not to be visually prominent. Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement carpark or out of view.	Basement vents are not shown on plans. Substations on street frontage (approved as part of subdivision consent) are to be screened. Conditions will be imposed to ensure that basement ventilation and screening of the substation do not impact the streetscape. Other services are located within the building in the basement.	Yes subject to conditions
<b>3D Communal and public open space</b>	Maximise safety.	Ground level COS areas have passive surveillance from balconies, windows and entrance pathways. Proposed 1.8 m high front fencing is not acceptable for aesthetics, safety and surveillance reasons. Condition is recommended to reduce the proposed fence to a maximum of 1 m.	Yes, subject to conditions
<b>3F Visual privacy</b>	Separation distances between buildings on the same site depending on the type of room as to reflect Figure 3F.2. Direct lines of sight should be avoided for windows and balconies across corners.	See 2F above re comments on building separation and direct lines of sight.	Acceptable, subject to conditions
	Appropriate design solutions should be in place to separate POS and habitable windows to common areas.	The use of 1.8 m high privacy fences is not an attractive solution for courtyards. The landscaping provided is considered sufficient.	Yes, subject to conditions
<b>3G Pedestrian access and entries</b>	Connect to and activate the public domain. Easy to identify access. Internal pedestrian links to be direct.	Pedestrian access to the site is available from the northern and southern street frontages. Direct access is only available to the eastern lobby of Building A. Indirect access is available through the COS gates to Buildings B and A. Some ground level units have direct access from the street. Reduction of the 1.8 m high boundary fences will improve visibility.	Yes, subject to conditions

ADG requirement		Proposal	Compliance
Designing the building			
4A Solar and daylight access	Living rooms and private open space receive minimum 2 hours direct sunlight between 9 am and 3 pm in midwinter > 70% of units, as defined by minimum 1 m <sup>2</sup> of direct sunlight measured at 1 metre above floor level is achieved for at least 15 minutes.	116 units (68%) receive the minimum 1 m <sup>2</sup> sunlight at a height of 1 m to living rooms for 2 hours within the required time at midwinter.	Acceptable as very minor deficiency
4E Private open space and balconies	Studio > 4 m <sup>2</sup> 1 bed > 8 m <sup>2</sup> and 2 metres depth 2 bed >10 m <sup>2</sup> and 2 metres depth 3 bed >12 m <sup>2</sup> and 2.4 metres depth Ground level/podium apartments > 15 m <sup>2</sup> and 3 metres depth	All above ground unit balcony areas meet requirements.  2 ground level units do not meet minimum 15 m <sup>2</sup> area requirement. However, they are adjacent to the large most eastern COS area and are acceptable on this basis.	Acceptable
	A/C units should be located on roofs, in basements, or fully integrated into the building design.	A/C units not indicated on plans. A standard condition will be imposed to ensure that they are integrated appropriately into the building design.	No. Apply condition
4F Common circulation and spaces	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.	Most corridors are less than 12 m long. Corridor at south-eastern end of Building A is 16 m long, however is open along part of its length.	Acceptable
	Primary living room and bedroom windows are not to open directly onto common circulation spaces.	Planting separates windows from common outdoor circulation areas.	Acceptable
	Well lit at night.	No information provided on lighting.	Apply condition

ADG requirement		Proposal	Compliance
<b>4H Acoustic privacy</b>	Window and door openings orientated away from noise sources. Noise sources from garage doors, driveways, services, communal open space and circulation areas to be 3 metres from bedrooms.	Windows of unit A80 open onto the driveway with a 2 m wide fire escape footpath separation. Privacy louvre screens are provided on balconies to overcome the short distance between balconies in the southern part of Building A. This assists visual privacy but not acoustic privacy.  Further, some bedroom windows are within 3 m of COS noise sources. Suitable conditions should be imposed to ensure acoustic privacy to these units.	Acceptable, subject to conditions
	Provide double/acoustic glazing, acoustic seals, materials with low noise penetration.	An Acoustic Report has been submitted from Rodney Stevens Acoustics with the DA. The recommendations of the report are conditioned.	Yes, subject to conditions

#### Configuration

<b>4L Ground floor apartments</b>	Ground floor apartments to deliver amenity and safety for residents.	Amenity and safety of ground floor units is maintained through appropriate placement of living areas and private open space. 1.8 m high front fencing is not appropriate. Apply condition for fencing to be a maximum of 1 m high with open slats.	Apply condition
<b>4M Facades</b>	Building services are to be integrated into the overall façade.	A plant room is located in the basement. Air conditioning, plumbing and other services are not shown.	No. Apply condition
	Provide design solutions which consider scale and proportion to the streetscape and human scale.	The proposed street trees and perimeter planting to be provided on site will reduce the impact of the 26 m high and long building facades on the streetscape and pedestrian amenity.  The eastern frontage of Building A is 40 m long. As it is immediately adjacent to the electricity easement there is no entrance from Cudgegong Road and no	Acceptable

ADG requirement		Proposal	Compliance
		large/medium trees can be utilised to break the façade from the Cudgegong Road street view. This circumstance is unusual and is acceptable in this case.	
<b>4O Landscape design - site area</b>	$< 850 \text{ m}^2 = 1 \text{ medium tree per } 50 \text{ m}^2 \text{ of deep soil zone (DSZ).}$ $850 \text{ m}^2 \text{ to } 1,500 \text{ m}^2 = 1 \text{ large tree or } 2 \text{ medium trees per } 90 \text{ m}^2 \text{ of DSZ.}$ $> 1,500 \text{ m}^2 = 1 \text{ large tree or } 2 \text{ medium trees per } 80 \text{ m}^2 \text{ of deep soil zone.}$	The proposed landscape planting consists of a mixture of native and exotic trees, shrubs and ground covers. Trees are viable in areas of permeable soil within the perimeter areas adjacent to public footpaths, but not the major deep soil area provided - the electricity easement where trees are not permitted. The open area of the electricity easement is part bio retention basin planted with grasses and shrubs.	Acceptable
<b>4T Awnings and signage</b>	Gutters and down pipes to be integrated and concealed. Signage is to be integrated and in scale with the building	No information provided on gutters, downpipes and signage. Suitable conditions are recommended for their integration with the buildings.	Yes, subject to conditions
<b>Performance</b>			
<b>4U Energy efficiency</b>	The development is to incorporate passive solar design. Heating and cooling infrastructure are to be centrally located (e.g. basement).	A BASIX Certificate was submitted with the DA nominating thermal comfort and energy efficiency commitments. A revised certificate will be requested prior to a construction certificate given the later amendments.	Yes, subject to condition

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

### Summary comment

The site is located within the Area 20 Growth Centre Precinct under the SEPP and therefore the provisions of the SEPP and Appendix 6 Area 20 Precinct Plan 2011 apply to the development of the site.

The site is zoned R3 Medium Density Residential under Appendix 6 to the SEPP. Residential flat buildings are permissible within the R3 zone with consent. The proposal is consistent with the objectives of the R3 zone.

The submitted plans show that the proposal has a height of 26 m, as permitted under the maximum height

### Summary comment

development standard of 26 m for the site in Appendix 6 Clause 4.3 Height of buildings. The floor space ratio of the proposal is 1.66:1, which is within the permitted floor space ratio of 1.75:1 for the site under Appendix 6 Clause 4.4 Floor space ratio.

We have assessed the revised application against relevant provisions of the SEPP and Appendix 6 and it is fully compliant.

## 9 Blacktown City Council Growth Centre Precincts Development Control Plan 2018 (Growth Centre DCP)

### Summary comment

The Growth Centre DCP provides the planning, design and environmental objectives and controls for the assessment of Development Applications in Blacktown City's Growth Centre Precincts and applies to the subject site. The site is within the Area 20 Precinct.

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

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

DCP requirement	Proposal	Complies
<b>Key controls for residential flat buildings (Table 4-10)</b>		
<b>Principal private open space (PPOS)</b>	Minimum 10 m <sup>2</sup> per dwelling Minimum dimension of 2.5 metres  The proposed balcony sizes and widths according to the DCP requirements are not complied with. However, they comply with the ADG requirements which prevail over the DCP. As such, the proposed private open space areas are acceptable in this instance.	Acceptable as they comply with the ADG requirements.
<b>Front setback</b>	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.  All property boundaries front a proposed street. The proposed building is setback 6 m from all street boundaries. For the first 3 storeys, balconies on the south and west splay corners, as well as balconies along the north-western and south-eastern elevations, are set back 4.5 m from their corresponding street boundaries. They make up less than 50% of the façade length and are therefore acceptable in this instance. On the 4 <sup>th</sup> storey, 1 balcony facing the south-eastern boundary is setback 4.5 m. Also, on the 4 <sup>th</sup> – 7 <sup>th</sup> storeys, balconies on the south-west and north-west splay corners are set back 4.5 m from	No, but considered acceptable as minor encroachments only that face onto public roads.

DCP requirement		Proposal	Complies
		the street boundaries. These encroachments are considered minor and unlikely to create amenity or streetscape impacts.	
<b>Site responsive design (Section 4.1)</b>			
<b>Cut and fill</b>	Maximum 500 mm cut/fill. Validation Report for imported fill. Where cut on the boundary, retaining walls must be integrated with its construction, otherwise minimum 450 mm from boundary. Maximum 600 mm high walls. Maximum 1,200 mm combined wall height. Minimum 0.5 m between each step.	Sections exceed 500 mm cut and fill due to basement construction across the site, which is expected for a high density residential housing site. SEE states that no fill is being imported to the site.	Acceptable
<b>Dwelling design controls (Section 4.2)</b>			
<b>Fencing</b>	Front fencing max. 1 m. Front fences not to impede sight lines. Side and rear fences max. 1.8 m.	Front fences around the site and within the development around POS of units are up to 1.8 m high, which are not acceptable as they can impede sight lines and reduce casual amenity and safety surveillance. Any front site fencing shall be a maximum 1 m high.	Yes, subject to conditions

## 9.2 Schedule 4 Area 20 Precinct (precinct specific controls)

Control	Comment
<b>Section 2- Referenced figures</b>	
<b>Figure 2-2 Aboriginal heritage</b>	Site not identified on Fig 2-2 as having an Aboriginal Heritage site. At the request of Council, Apex Archaeology undertook an Aboriginal Archaeological Assessment for the site, dated March 2017, following previous studies identifying the site as having high Aboriginal archaeological sensitivity. As a result of the Apex study, a number of recommendations were made relating to development of the site that are proposed to be implemented through conditions of consent.
<b>Figure 2-4 Salinity</b>	Site is identified as having moderate salinity potential in Fig 2-4. A Contamination, Salinity and Geotechnical Assessment Report prepared by GeoEnviro Consultancy Pty Ltd (June 2016) contains recommendations for management of these issues. Conditions will be imposed to continue the implementation of the report recommendations.

## 10 Central City District Plan 2018

Summary comment	Complies
<p>This District Plan, prepared by the Greater Sydney Commission, sets out planning priorities and actions for the development of the Central City District, which includes the local government area of Blacktown. District planning directly informs local council planning and the decisions of State agencies.</p> <p>Whilst the Environmental Planning and Assessment Act 1979 does not require consideration of District Plans in the assessment of Development Applications, a review of the Central City District Plan has been undertaken in relation to the proposal. Liveability Planning Priority C5 of the Plan which states: <i>'Providing housing supply, choice and affordability with access to jobs, services and public transport.'</i></p> <p>The proposal maximises the housing development potential on the site under the existing height and floor space ratio planning controls. The proposal will assist in meeting the Plan's 2016-2021 housing target for Blacktown City of 13,950 additional dwellings.</p>	Yes