

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

1 Environmental Planning and Assessment Act 1979

1.1 Section 4.15 'Heads of Consideration'

Heads of Consideration	Comment	Complies
a. The provisions of: (i) Any environmental planning instrument (EPI)	The proposal is considered to be consistent with the relevant EPIs, including SEPP BASIX 2004, SREP No. 20 – Hawkesbury-Nepean River, SEPP No. 55 - Remediation of Land, SEPP No. 19 – Bushland in Urban Areas, SEPP Infrastructure, SEPP No. 65 - Design Quality of Residential Apartment Development and the 9 'design quality principles' of SEPP 65. The proposed development is defined as a residential flat building development and is a permissible land use within the R3 Medium Density Residential zone and satisfies the zone objectives outlined under the Growth Centres SEPP. The development does not comply with the maximum height of buildings development standard of 16 metres. The rooftop lifts and small areas of roof structures exceed the height limit by up to 3.25 metres. A Clause 4.6 Variation Submission has been made by the applicant that addresses the requirements of subclauses 4.6(3) and (4) and is considered satisfactory to allow the variation to the height of building development standard in this circumstance. The proposal generally complies with the significant requirements of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide. The non-compliances are not considered sufficient to refuse consent for the application, subject to conditions. Given that any issues can be addressed through conditions of consent, it is recommended that the development be supported subject to conditions.	Yes, subject to conditions dealing with minor ADG issues and a Clause 4.6 variation for the height of buildings development standard. The Clause 4.6 variation is discussed in detail at Attachment 9.
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	After 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 the release of the Land Use and Infrastructure Implementation Plan (the purpose of which is to guide new infrastructure investment, make sure new developments do not impact on the operation of the new Western Sydney Airport, identify locations for new homes and jobs close to transport, and coordinate services in the area). A key outcome sought by the Department of Planning, Industry and Environment 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	No, however, the making of the proposed amendment is not imminent nor certain.

Heads of Consideration	Comment	Complies
	proposal will have a significant influence on the ultimate development capacity (i.e. yield) of the precincts. The density band proposed for this land zoned R3 Medium Density Residential in the Blacktown Growth Centre Riverstone East Precinct is to be between 55 and 100 dwellings per hectare. This site is currently only required to meet a minimum density of 45 dwellings per hectare. This proposal is for 315 apartments over 2.023 hectares, which equates to 156 dwellings per hectare. This results in over 1.5 times more apartments being provided than anticipated by the exhibited maximum density band of 100 dwellings per hectare. However, as this draft instrument is not imminent or certain, it was not a consideration for this DA. A Planning Proposal to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Height of Building control, to increase the maximum height from 16 m to 26 m, where it applies to land at 34-72 Tallawong Road, Tallawong, was placed on public exhibition on 23 June 2020. This Planning Proposal applies to the site, and it is currently in the post exhibition phase. The development proposal is independent of this application and does not rely on the increased height under consideration in the Planning Proposal.	Yes
(iii) Any development control plan (DCP)	The Blacktown City Council Growth Centre Precincts Development Control Plan 2010 applies to the site of the proposed redevelopment. The proposed development is generally compliant with the applicable numeric controls and Indicative Layout Plan established under the DCP. The variations are discussed in detail below and are considered acceptable.	Yes
(iii a) Any Planning Agreement	There are no applicable planning agreements.	N/A
(iv) The regulations	The DA is compliant with Clauses: • 91 Public notification of DA and accompanying info • 93 Fire safety and other considerations for existing buildings • 95 Deferred commencement consent • 97A Fulfilment of BASIX commitments.	Yes, subject to conditions
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, noise, parking and access, bulk and scale, stormwater, waste management and the like, have been satisfactorily addressed subject to conditions.	Yes, subject to conditions

Heads of Consideration	Comment	Complies
c. The suitability of the site for the development	The subject site for the Residential Flat Building proposal is zoned R3 Medium Density Residential with a 16 m building height limit, with which the proposal mostly complies. Residential flat buildings are a permissible use on the site with development consent. The site is suited to the form of development proposed, subject to additional contamination investigation required by consent conditions. The design solution is adequate with some amendments, and responds to the desired road linkages and future residential character. The site is therefore considered suitable for the proposed development subject to deferred commencement conditions.	Yes
d. Any submissions made in accordance with this Act, or the regulations	One public submission was received from a neighbouring property. The issues raised in the submission concerned the proposal's potential impact on the redevelopment potential of their property. The issues raised in the submission are discussed in attachment 7 and do not warrant refusal of this application.	Yes
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. Conditions of consent are required to ensure that the development achieves a minimum acceptable standard. The proposal provides additional housing as planned for the site. It is located within the North West Growth Area, within walking distance of the Metro station and bus connection, and is adjacent to a future public park.	Yes

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

Summary comment	Complies
The Sydney Central City Planning Panel 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 this DA has a CIV of \$103.5 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the Panel.	Yes

3 State Environmental Planning Policy (Infrastructure) 2007

Summary comment	Complies
1. Traffic The SEPP ensures that Roads and Maritime Services (RMS) is given the opportunity to comment on proposed development nominated as 'traffic generating development' under Schedule 3 of the SEPP or that has frontage to a classified road. The proposal has a total of 315 residential units and 495 car parking spaces. Consequently, the proposed development does require referral to the RMS. RMS	Yes

Summary comment	Complies
reviewed the application and has no objection, provided the proposed dwelling density and road layout design is consistent with the precinct. 2. Development adjacent to rail corridors Under Clause 86 of the SEPP, concurrence of the rail authority (delegated to Sydney Metro) is required for the application, which is adjacent to the Sydney Metro Maintenance Facility. Sydney Metro requested additional information in the form of an Acoustic Report, including details of potential impacts of the Sydney Metro Trains Facility (across Tallawong Road) on the residents, given the Sydney Metro line generally operates early in the morning and late at night. The applicant submitted an additional Acoustic Report in June 2020. Sydney Metro advised in August 2020 that, on the basis of the information submitted by the applicant, it has determined that no concurrence role is triggered in respect of the Sydney Metro Northwest rail corridor by the DA under Clause 86 of the SEPP, because the proposal will have a minor impact on the rail corridor. Sydney Metro also advised that it had no comments on the DA for the purpose of Clauses 45 or 85 of the SEPP. In relation to noise issues, Sydney Metro recommended that the applicant's noise report should re-predict noise impacts using future traffic and activity noise levels or default to a higher standard of architectural acoustic mitigation. A condition of consent for noise attenuation treatment of Building A, for a 10.38 mm glazing panel and window system (located closest to the Maintenance Facility) was recommended by Sydney Metro, which has been included in the recommended conditions at attachment 10. Given the disclaimer within Sydney Metro's response, the application was re-referred to Council officers in Environmental Health, who reviewed and provided a condition of consent requiring an amended acoustic report prior to a Construction Certificate (to reflect the requirements due to the proximity of the facility) and a verification report prior to the issue of any Occupation Certificate. Our Environmental Health Unit recommended additional mitigation measures be implemented, and has provided a condition which requires all glazing to be 10.38 mm thick, set within specified window systems in each building across the site.	Yes, subject to conditions

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

Summary comment	Complies
The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP, including BASIX certification. A BASIX Certificate for the proposal has been submitted in line with the provisions of this SEPP. Due to the series of amendments to the design of the proposal, conditions of consent are proposed for a new BASIX Certificate to be provided for the final approved plans and for the development to comply with the commitments of the new certificate.	Yes, subject to proposed condition

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

Summary comment	Complies
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.	Yes, subject to proposed conditions

Summary comment	Complies
It recommended that a data gap assessment of subsurface soils below the dwellings and sheds is performed after their demolition. A condition of consent will also be included which requires a final site validation report from a qualified Geoscientist prior to the issue of any Building Construction Certificate, to confirm that the site meets the residential use criteria under the National Environment Protection Measures (NEPM) 2013 Guidelines.	

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

Summary comment	Complies
The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of State Environmental Planning Policy (Sydney Region Growth centres) 2006, as discussed below.	Yes

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

Summary comment
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 30 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). Council does not have a design review panel. The tables below provide an assessment of the 9 design quality principles and the numerical guidelines of the Apartment Design Guide. A Design Verification Statement for the proposal dated 29 June 2017 has been provided by Simon Ochudzawa of JS Architects Pty Ltd, Registered Architect NSW No 6865.

7.1 Design quality principles

Principle	Control	Comment
7.1.1 Design quality principles		
The proposed development is considered to satisfy the 9 design quality principles subject to conditions.		
1. 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,	The proposal achieves the scale of the desired future character for the street, set by the SEPP (Sydney Region Growth Centres) 2006 and Blacktown City Council Growth Centre Precincts Development Control Plan (DCP) 2010. Appropriate setbacks are provided from existing Tallawong Road and the 3 proposed local roads to enable sufficient

Principle	Control	Comment
	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.	landscaping and ground level open space areas between buildings. The overall building height is mostly consistent with the planning controls and the proposal generally meets the ADG standards. The schedule of finishes and materials do not meet objectives 4X Building Maintenance and 4M Facades of the ADG, as they present a monotonous design and provide insufficient differentiation between the buildings on the 3 lots. Deferred commencement conditions have been proposed which require amended architectural plans and landscape plans to be submitted, to ensure that better articulation and building elements are provided, to meet the satisfaction of the Council's City Architect's Office. All materials for use on the external walls will be conditioned to achieve compliance with the relevant fire resistance levels required by the National Construction Code.
2. 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.	There is no floor space ratio for the site. The residential housing density is 156 dwellings per hectare which is greater than the minimum housing density of 45 dwellings per hectare. The draft amendment to SEPP 2006 is not certain and was not a consideration in this DA assessment.
3. 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 useability, privacy and opportunities for	The site contains a large number of native trees most of which are proposed to be cleared, with only 37 existing trees to be retained on the site's perimeter at the request of Council. The proposed landscape scheme utilises a range of indigenous and exotic plants, located on the perimeter and between buildings through the site. Communal open space areas include a limited range of soft and hard surfaces, seating, landscaped areas and BBQs. Landscaping is used to provide privacy for ground floor dwellings. However, the landscape interface is insufficient between the Tallawong Road frontage and the Sydney Metro Maintenance Facility opposite. A

Principle	Control	Comment
	social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	condition has been imposed requiring an amended landscape plan to be submitted to provide for an increased vegetative buffer along the Tallawong Road frontage.
4. 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.	Subject to proposed conditions, the proposal meets the ADG standards for internal amenity for solar access, natural ventilation, room sizes, layouts and access. Communal open space and private open space are provided to meet the recreation needs of the residents. A suitable level of visual privacy is possible with the use of planting, and an additional landscape vegetative buffer has been conditioned on the Tallawong Road frontage. The site layout and facilities are accessible and the required liveable/adaptable units are proposed in line with the objective of promoting accessibility and sustainability. Acoustic privacy will be addressed by conditions of consent to ensure 10.38 mm glazing panels and window system is used across all buildings on the 3 lots to ensure the noise impacts from the Sydney Metro Maintenance Facility located opposite are adequately addressed.
5. 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.	Casual surveillance is provided from balconies and windows to the public domain. Appropriate conditions are proposed for the provision of and compliance with a CPTED assessment.
6. 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	The contemporary design includes a schedule of finishes with some different building elements, materials and colours. However, the proposal is monotonous. All 7 buildings are very similar in design and placed in a row lengthwise across the site, with long narrow open space areas in between, reflecting the minimum required building separation distances. A condition is proposed to require building

ADG requirement		Proposal	Compliance
		windows and balconies. Screens provided. 5th storey (level 4): • Minimum distance between all buildings is 18 m between habitable rooms with windows and or balconies. • Internal unit separation across corners is 8 m between some balconies and windows. Screens provided.	No, not compliant across some corners where screens are provided Acceptable in this instance.

Siting the development

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 property to the south-east is zoned R3. The proposal will have negligible overshadowing on this property, as overshadowing is primarily within the road reserve. Four of the 7 buildings (Buildings A, C, D and G) have an exceedance on the roof slab of up to 0.15 m on the northern elevation, which will create overshadowing within its own rooftop areas. The building height exceedances of up to 3.25 m, which relates to lift overruns, stair access areas, and rooftop common open space in all buildings, will create shadows which will fall within the rooftop areas of these buildings and onto the adjoining road to the south. The property to the south-west that is overshadowed is IN1 zoned land. Properties to the north-east and north-west will not be overshadowed.	No, but the shadows are largely centrally based on the roofs and onto adjoining roads, and do not cast shadows on adjoining residential sites.
3C Public domain interface	The public domain interface is the transition area between the RFB, its private or communal space at the street edge and the public domain. The interface contributes to the quality and character of the street. Subtle variations through planting and fencing can create an attractive and active public domain with a pedestrian scale. Direct access from the street to ground floor apartments and windows overlooking the street can	The frontage of Buildings F and G on lot 3 to the proposed public open space area to the north is not ideal as it contains a large open driveway off the street, not utilising the open space outlook for units. Revised plans indicate some 37 existing trees to be retained around the perimeter of the site, which improves the public domain. Deep soil around the site will be suitable for large amounts of tree planting. Public surveillance is achieved by windows overlooking the street.	No, but acceptable subject to conditions Yes

ADG requirement		Proposal	Compliance
	improve safety and social interaction. Key components include entries, private terraces or balconies, fences and walls, changes in level, services location and planting. The design of these elements can influence the real or perceived safety or security of residents, opportunities for social interaction and the identity of the development when viewed from the public domain. Ground level courtyards to have direct access, if appropriate. Front fences to be visually permeable with maximum 1 metre height, and limited length. Mail boxes to be located in lobbies, perpendicular to the street or within the front fence. Substations, pump rooms, garbage storage rooms and other service rooms should be located in the basement car parks or out of view.	A landscaped setback on the Tallawong Road frontage has been conditioned, to provide an improved interface with the Sydney Metro Maintenance Facility. No direct street access is proposed for ground floor units as pedestrian entry and access is via the main lobby of each building. No statement provided on street boundary fences - landscape plans and elevations indicate some walls near the perimeter and around pathways and turfed/landscaped COS areas. Apply condition. Mailboxes not shown on plans. Apply condition. Garbage services are located in the basements within the buildings. Other services not shown on plans. Apply condition.	Condition re interface with Metro Trains Facility opposite on IN1 zoned land Acceptable No, but acceptable subject to conditions No, but acceptable, subject to a condition No, but acceptable, subject to a condition
3F Visual privacy	Direct lines of sight should be avoided for windows and balconies across corners. Appropriate design solutions should be in place to separate POS and habitable windows to common areas.	See 2F above re comments on building separation. Direct lines of sight/sound between units across some corners. Landscaping is provided to provide privacy to ground floor units.	No, but acceptable as the variation to building separation control across some corners can be addressed through design (use of screens) and conditions.
3G Pedestrian access and entries	Connect to and activate the public domain. Easy to identify access. Internal pedestrian links to be direct.	Pedestrian access into buildings directly from the street and through the landscaped open space into the side of buildings. No ground level units have direct access from the street or open space. Internal pedestrian links are direct.	No, but variation is acceptable
3J	Under Objective J-1 of the ADG, a site within 800 m of a railway station	The site is 400 m from the Tallawong Metro Station and is	No, as the car parking far

ADG requirement		Proposal	Compliance
Bicycle and car parking	in the Sydney Metropolitan Area is required to comply with the minimum car parking requirements in the RTA Guide to Traffic Generating Developments Version 2.2 dated October 2002, at the rate for a Metropolitan Sub-Regional Centre. At 5.4.3 the minimum requirement for high density residential flat buildings is set out. >20 units Metropolitan Sub-Regional Centres: 0.6 spaces per 1 bed unit. 0.9 spaces per 2 bed unit. 1.4 spaces per 3 bed unit. 1 space per 5 units (visitor parking)	required to comply with the 2002 RTA Guide to Traffic Generating Developments. Lot 1 Buildings A and B (93 units) 103 spaces required, including 10% disabled accessible spaces = 10. 144 car spaces provided: 112 resident, 12 disabled spaces, 18 visitor spaces and 2 visitor/carwash. Lot 2 Buildings C, D and E (129 units) 151 spaces required, including 10% disabled spaces = 15. 209 car spaces provided: 164 resident, 18 disabled spaces, 25 visitor spaces and 2 visitor/carwash spaces. Lot 3 Buildings F and G (93 units) 103 spaces required, including 10% disabled accessible spaces = 10. 142 car spaces provided: 110 resident, 12 disabled spaces, 18 visitor spaces and 2 carwash/visitor spaces in basement 2. Total for all 7 buildings exceeds the ADG requirement of 357 spaces and there is a total excess of 138 spaces.	exceeds the total required under Objective J-1 of the ADG. A condition will be imposed for the exceedance to be removed.
	Conveniently located and sufficient numbers of bicycle and motorbike spaces	105 required and 124 provided.	No, exceeds requirement but this is acceptable

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.	Lot 1 - total 61/93 = 65.6%. Lot 2 – total 96/129 = 74%. Lot 3 – total 69/93 = 74% Total proposal: 226/315 or 71.7% A number of design changes made in final plans to improve solar access have resulted in a habitable room (a study) with no	No, but acceptable due to total for the whole development being compliant Yes Yes Yes No, but acceptable
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ADG requirement		Proposal	Compliance
		window in 4 units, which is unacceptable under the ADG Objective 4B-1. Apply condition for removal of study from these apartments to ensure a window is provided to each habitable room (including any study) whilst maintaining adequate solar access to these apartments. The proposed rooftop skylights in all buildings are ineffective for solar access and natural cross ventilation. To be effective (and contribute to the respective 70% and 60% compliance) they must be replaced with clerestory windows with a minimum 1 m height and not be overshadowed by other rooftop structures, such as walls, as at present. Apply condition.	subject to a condition No, but acceptable subject to a condition
4D Apartment size and layout	Studio > 35 m² 1 bed > 50 m² 2 bed > 70 m² 3 bed > 90 m² +5 m² for each unit with more than 1 bathroom	A number of design changes made in final plans to improve the solar access resulted in a habitable room (a study) with no window in 4 units, which is unacceptable under the ADG Objective 4B-1. Apply condition for removal of study from these apartments to ensure a window is provided to each habitable room (including any study) whilst maintaining adequate solar access to these apartments.	No, condition to be imposed to remove habitable rooms (studies) that are windowless
4E Private open space and balconies	A/C units should be located on roofs, in basements, or fully integrated into the building design.	A/C units not indicated on plans. Apply condition.	No, but acceptable subject to a condition
4H Acoustic privacy	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 m from bedrooms.	See comments above re building separation and privacy. Windows open onto driveways and balconies with mostly 2 to 2.5 m separation. Suitable landscape embellishment is provided between the 3 driveways and ground floor windows and balconies to screen and provide acoustic privacy. Bedroom windows face onto open space areas with protective planting. Some bedroom windows within 3 m of COS noise sources.	No, but acceptable subject to condition as the variation to corner setbacks has been addressed with screens

ADG requirement		Proposal	Compliance
	Provide double/acoustic glazing, acoustic seals, materials with low noise penetration.	See comment at 4J below re consultant's Acoustic Report.	No, but acceptable subject to a condition
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.	Noise Impact Assessment dated 26 June 2017 (and revised in August 2018 and June 2020 as requested by Council and Sydney Metro) prepared by Rodney Stevens Acoustic Pty Ltd makes recommendations for noise control treatment. Apply condition to implement report recommendations, incorporating advice from Sydney Metro, and additional condition provided by Council's Environmental Health Unit.	No, but acceptable subject to condition

Configuration

4M Facades	Front building facades are to provide visual interest whilst respecting the character of the local area. Provide design solutions that consider scale and proportion to the streetscape and human scale. Building services are to be integrated into the overall façade.	The proposed front façades consist of a few different building materials and features, with some articulation/modulation with grey and brown tones proposed and brighter coloured highlights. Retention of existing trees and new planting will assist to soften the scale and monotony of the proposal with 7 similar parallel large buildings across the site. Apply condition for differentiation of materials and articulation measures in buildings. No information on services provided. Apply condition.	No, but subject to a deferred commencement condition for amended architectural plans to address the monotonous presentation and to provide additional vegetative buffer to the Sydney Metro Trains facility)
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8 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Summary comment

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

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

8.1 General development standards

Development standard		Complies
Controls within Appendix 12 – Blacktown Growth Centres Precinct Plan of the SEPP		
Part 4 Principal development standards		
Cl. 4.3 Height of buildings Maximum 16 m	The development does not comply with the maximum height of buildings development standard of 16 m. A small portion of the roof at the northern end of buildings A, C, D and G and all lift overruns in all Buildings exceed the height by from 0.15 m up to a maximum of 3.25 m.	Satisfactory, subject to Clause 4.6 variation submission to address variation to the height of buildings development standard
Cl. 4.6 Exceptions to development standards	A Clause 4.6 variation request has been submitted.	See attachments 8 and 9 for details and Council's assessment

9 Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (Growth Centre DCP)

Summary comment
We have assessed the DA against the relevant provisions and the table below only identifies where compliance is not fully achieved. It is compliant with all other matters under the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (Growth Centre DCP)

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

9.1.1 Specific residential flat building controls

DCP requirement	Proposal	Complies	
Key controls for residential flat buildings (Table 4-10)			
Front setback	Minimum 6 m Balconies and other articulation may encroach into setback to a maximum of 4.5 m from the boundary for the first 3 storeys, and for a maximum of 50% of the façade length.	Street setbacks of all buildings are 6 m for rooms at all levels, except corners of buildings A and G (4.95 m). Balconies are setback a minimum of 4.5 m from the street on all levels. Balconies on levels 3 and 4 of all buildings should be 6 m under the Growth Centres DCP requirement.	No, but acceptable. Screens provided

DCP requirement		Proposal	Complies
Corner lots secondary setback	Minimum 6 m	See above.	Yes, screens provided
Rear setback	Minimum 6 m	N/A	N/A
Habitable room/ balcony separation	Distance for buildings 3 storeys and above is a minimum of 12 m.	Minimum distance between all 7 Buildings A to G, including balconies, is 12 m on the first 4 storeys and 18 m on the 5 th storey. Internal unit separation across corners is 8 m between some balconies and windows. Screens have been provided.	No, not all compliant but acceptable, subject to condition
Garages and car parking dimensions	Covered: minimum 3 x 5.5 m Uncovered: minimum 2.5 x 5.2 m Aisle widths must comply with AS 2890.1	Apply condition for Australian Standards	No, but can be addressed by condition

Additional controls for certain dwelling types (Section 4.3)

(Sub-section 4.3.5 Controls for residential flat buildings)

Access	Direct frontage to street or public park	Individual units front the street but do not have direct street access.	No, but acceptable in the circumstances
Amenity	Must not adversely impact upon the amenity (i.e. overshadowing, privacy or visual impact) of existing or future adjoining residential development.	Future development sites are located to the north-west, north-east and south-east, separated by roads. Building separation is provided to these adjoining site boundaries as required by SEPP 65 and the ADG (due to the proposed roads).	Condition imposed for acoustic treatment for all windows and for landscape vegetative buffer along Tallawong Road frontage

9.1.2 Controls for all residential development

DCP requirement		Proposal	Complies
Site Responsive Design (Section 4.1)			
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 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.	Large buildings located across (rather than along) the slope of site, therefore cutting is proposed at the southern portions of the site to depths of 9 m. Excavations for 2 basement levels.	No, but acceptable in the circumstances

DCP requirement		Proposal	Complies
4.1.3 Sustainable building design	BASIX Certificate.	BASIX Certificate provided.	No, condition imposed for amended BASIX Certificate to reflect design changes required by deferred commencement conditions.
	Indigenous species to make up more than 50% of plant mix on landscape plan. Plant species to be selected from Appendix D.	Some indigenous species proposed and 37 existing trees to be retained on site perimeter.	Apply condition
	Outdoor clothes lines and drying areas required	No outdoor drying facilities provided.	No, apply condition

Dwelling design controls (Section 4.2)

Visual and acoustic privacy	Acoustic report required if adjacent to railway line or major road, or impacted upon by nearby industrial/commercial area. No equipment or plant to generate noise level > 5dBA measured during the hours 7.00 am to 10.00 pm. Internal layout of residential buildings, window openings, location of courtyards and balconies, and building plant to be designed to minimise noise impacts Noise walls are not permitted. Development effected by rail or traffic noise is to comply with AS2107-2000 Acoustics:.	An acoustic impact assessment and subsequent updates requested by Council and Sydney Trains were prepared for the proposal by Rodney Stevens Acoustic Pty Ltd. The reports recommend the use of various materials for the proposal. See comments below at Section 4 Fig 6-1 re Noise mitigation for properties adjacent to the Sydney Metro Trains Facility.	No, but acceptable subject to implementation of report recommendations by condition. Apply conditions which require 10.38 mm glazing within window panels across all buildings, and verification requirement prior to issue of any Occupation Certificate.
Fencing	Front fencing max. 1 m. Front fences not to impede sight lines. Side and rear fences max. 1.8 m.	No statement on street boundary fences - landscape plans and elevations indicate some walls near the perimeter and around pathways and turfed/landscaped COS areas.	No, but acceptable subject to a condition

9.2 Schedule 8 Riverstone East Precinct (precinct specific controls)

Control	Comment
Section 3 - Referenced figures	
Figure 3-4 Salinity	The site is identified in an area where management measures will be required due to moderately saline or very saline soils or soils that are mildly aggressive towards concrete. The recommendations of the Geotechnical and Salinity Investigation Report for the site, undertaken by Geotesta Pty Ltd dated 9 June
	No, but can be addressed by a condition

Control	Comment
	2017, are to be implemented for the excavation and construction elements of the proposal prior to the issue of a Construction Certificate.

Section 4 – General Precinct Controls

Fig 6-1 Lots requiring a referral to Transport NSW (Sydney Metro)	Noise mitigation is required for development adjacent to the Sydney Metro Trains Facility (SMTF). The site is adjacent to the Facility and identified for referral of proposed development to Transport for NSW (Sydney Metro). This section of the DCP requires applicants to consult with Transport for NSW before lodgement of a DA for the site and for DAs to be referred by Council after lodgement. An acoustic report for the proposal is required to be based upon noise impact information provided by Transport for NSW. In response to Sydney Metro's request, a new acoustic assessment for the proposal was prepared and referred to Sydney Metro in June 2020. Sydney Metro advised in August 2020 that, on the basis of the information submitted by the applicant, it has determined that no concurrence role is triggered in respect of the Sydney Metro Northwest rail corridor by the DA under Clause 86 of the Infrastructure SEPP, because the proposal will have a minor impact on the rail corridor. Sydney Metro also advised that it had no comments on the DA for the purpose of Clauses 45 or 85 of the SEPP.	No, Sydney Metro recommended a condition of consent that has been included in attachment 10, along with conditions for 10.38 mm glazing within window panels across all buildings. An acoustic verification report will be required to Council's satisfaction prior to issue of any Occupation Certificate.
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10 Central City District Plan 2018

Summary comment	Complies
While the Act does not require consideration of District Plans in the assessment of development applications, the DA is consistent with the following overarching planning priorities of the Central City District Plan: Liveability - Improving housing choice - Improving housing diversity and affordability - Improving access to jobs and services	Yes

11 Blacktown Local Strategic Planning Statement 2020

Summary comment	Complies
The Blacktown Local Strategic Planning Statement (LSPS) outlines a planning vision for the City over the next 20 years to 2041. The LSPS contains 18 Local Planning Priorities based on themes of Infrastructure and collaboration, Liveability, Productivity, Sustainability and Implementation. The DA is consistent with the following priority:	Yes

Summary comment	Complies
C5 Providing housing supply, choice and affordability with access to jobs, services and public transport.	