

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
<p>a. The provisions of:</p> <p>(i) Any environmental planning instrument (EPI)</p>	<p>The provisions of the relevant EPIs relating to the proposed development are summarised below in this attachment. The proposal is considered to be consistent with the relevant planning instruments.</p> <p>The site for this application is zoned part R3 Medium Density Residential and part R2 Low Density Residential under State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006 Appendix 12. The remainder of the site that is not proposed for residential redevelopment in this application is zoned RU4 Primary Production Small Lots under Blacktown Local Environmental Plan 2015.</p> <p>The proposal includes the subdivision of the site to create 2 separate lots for the residential zoned land and the RU4 zoned land. New roads are proposed to be dedicated on the R3 and R2 zoned land in accordance with the Indicative Layout Plan (ILP) within the Riverstone East Growth Centre Precinct, zoned under Appendix 12 of the SEPP.</p> <p>The vision for the Riverstone East Precinct, as stated in the Blacktown City Council Growth Centre Precincts Development Control Plan 2020, Schedule 8, Riverstone East, includes:</p> <p><i>“Planning for the Riverstone East Precinct responds to the need for new and diverse housing in Sydney that is well connected to major centres and employment, protects natural assets and encourages sustainable living. Consideration of the surrounding context, history and natural environment has informed the precinct planning process.</i></p> <p><i>The Precinct will consist of a mix of housing types that allows greater choice for different household types. It is predominantly accommodated with low density housing. Medium density housing is located around the village centre, schools and open spaces. Medium and high density housing is located in proximity to Cudgegong Road station on the Sydney Metro North West in the adjacent Area 20 (Cudgegong Road Station) Precinct, to optimise convenient living near retail, community facilities, schools, recreational facilities and public transport.”</i></p> <p>Residential flat buildings are proposed in the R3 zone which are permitted with consent under the SEPP. The objectives of the zone are satisfied because the proposal provides for the construction of medium density housing approximately 1 km north of the future town centre and the new Tallawong Metro Station.</p> <p>The residential flat development complies with the relevant development standards for minimum lot size and residential density that apply to the R3 part of the site under the SEPP.</p>	<p>Yes, subject to conditions</p>

Heads of Consideration	Comment	Complies
	<p>There is no applicable floor space ratio development standard.</p> <p>The development does not comply with the maximum height of buildings development standard of 12 m. The rooftop lifts/roofs over common terraces of Buildings A and D and a small part of the skillion roof of Building C exceed the height limit by up to 0.4 m. A Clause 4.6 variation statement 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. See the applicant's Clause 4.6 justification at attachment 5 and our justification discussion at attachment 8.</p> <p>It is recommended that the development be supported subject to conditions.</p>	No, but acceptable in the circumstances
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	<p>The exhibited draft amendment to the Growth Centres SEPP 2006 is relevant to the consideration of the proposed development. The draft proposed amendments to the residential density controls by applying to the site a minimum of 25 dwellings and maximum of 35 dwellings per hectare residential density. The dwelling density of the proposal is 126 dwellings per hectare which is still permitted by the current SEPP controls.</p> <p>The draft amendment proposes a minimum lot size of 1,500 m² for residential flat buildings in the R3 zone, with which this proposal complies.</p> <p>The making of the draft amendment is not imminent, nor is the content of the final controls clear, and hence this has less weight in the consideration of this proposal.</p>	No, but satisfactory given the draft amendment is not imminent or certain Yes
(iii) Any development control plan (DCP)	The Blacktown City Council Growth Centre Precincts Development Control Plan 2020 applies to the site of the proposed development. The proposed development is generally compliant with the applicable numeric controls and the Indicative Layout Plan established under the DCP. The variations are discussed in detail in this attachment and are considered acceptable.	Yes
(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 environments, and social and economic impacts on the locality	<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, subject to conditions.</p> <p>It is considered that the proposed development will not have any unfavourable social, economic or environmental impacts on the locality.</p>	Yes

Heads of Consideration	Comment	Complies
c. The suitability of the site for the development	<p>The subject site for the residential flat building proposal is zoned R3 Medium Density Residential with a 12 m building height limit, with which the proposal mostly complies. Residential flat buildings are a permissible use on the site with development consent.</p> <p>The site is suited to the form of development proposed. The design solution is suitable and responds to the topography and to the desired road linkages and residential character.</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	1 submission was received to the original notification in 2017. See attachment 9 for details.	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 included to ensure that the development achieves a high standard. The proposal provides additional housing as planned for the site.	Yes

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

Summary comment	Complies
<p>The Sydney Central City Planning Panel (SCCPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million (being the CIV applicable for applications lodged but not determined prior to 1 March 2018 under Clause 23 transitional provisions of this SEPP).</p> <p>As this DA has a CIV of \$30,801,185, Council officers are responsible for the assessment of the DA and determination of the application is to be made by the SCCPP.</p>	Yes

3 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 for the proposal has been submitted 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

4 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 Stage 1 Contamination Assessment Report, a Detailed Site Investigation Report and a Remediation Action Plan have been submitted by the applicant. The site is mainly contaminated by asbestos, and removal methods by way of off-site disposal are recommended.</p> <p>Subject to relevant conditions, the site can be made suitable for the proposed development. The relevant consent conditions to mitigate contamination including disposal measures which will be reiterated in the consent conditions. A final site validation report prepared by a suitably qualified EPA recognised geoscientist is to be submitted prior to the issue of any building Construction Certificate to validate that the site meets the residential standards under the National Environment Protection Measures (NEPM) Guidelines 2013.</p>	Yes, subject to conditions

5 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 the Growth Centres SEPP.	Yes

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

Summary comment
<p>SEPP 65 applies to the assessment of Development Applications for residential flat buildings 3 or more storeys in height and containing at least 4 dwellings.</p> <p>Clause 30 of SEPP 65 requires a consent authority to take into consideration:</p> <ul style="list-style-type: none"> • 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). <p>We do not have a design review panel.</p> <p>The tables below provide an assessment of the development against the 9 design quality principles.</p>

6.1 Design quality principles

Principle	Control	Comment
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6.1.1 Design quality principles

The proposed development satisfies the 9 design quality principles.

Principle	Control	Comment
<p>1. Context and neighbourhood character</p>	<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 of the proposed residential flat buildings is zoned R3 Medium Density Residential. The future character of the locality will be predominantly low and medium density housing, with an adjacent public recreation area to the north of the site.</p> <p>The scale of the proposal and contemporary design and landscaping is in keeping with the desired future character for the Riverstone East Precinct in this location.</p> <p>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>
<p>2. Built form and scale</p>	<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 the desired future character for the street, as set by the SEPP (Sydney Region Growth Centres) 2006 and the Growth Centre Precincts Development Control Plan (DCP) 2020. Appropriate setbacks are provided from Tallawong Road and the proposed roads enable sufficient landscaping and ground level open space areas.</p> <p>The overall building height is mostly consistent with the planning controls and the proposal generally meets most of the ADG standards.</p> <p>The proposal's landscape strategy, including large trees, will soften the visual impact of the 3 and 4 storey buildings for pedestrians on the street.</p>
<p>3. Density</p>	<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</p>	<p>There is no floor space ratio for the site. The residential housing density is 126 dwellings per hectare, compliant with the minimum housing density of 25 dwellings per hectare.</p>
<p>4. Sustainability</p>	<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling</p>	<p>Solar access and cross ventilation for units in the proposal are satisfactory. Large trees are proposed in the deep soil area on the site's perimeter and internal communal open space area.</p> <p>A BASIX Certificate has been submitted nominating appropriate commitments for thermal comfort, water and energy</p>

Principle	Control	Comment
	and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	efficiency. A waste management plan has been provided.
5. Landscape	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>The site is mostly cleared, with a dam that is proposed to be decommissioned at the eastern end of the RU4 zoned proposed residue lot component of the site. The proposed 3 and 4 storey buildings respond to the site's topography, with split-level basement parking provided.</p> <p>There are 7 existing perimeter trees to be retained on site along the Tallawong Road frontage. The proposed landscape scheme will use a range of indigenous and exotic plants and provides large canopy trees.</p> <p>Communal open space areas will include a range of soft and hard surfaces, seating, landscaped areas and BBQs.</p> <p>Landscaping will be used to provide privacy for ground floor dwellings and rooftop communal open space.</p>
6. Amenity	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>The proposal meets the ADG standards for internal amenity for solar access, natural ventilation, room sizes, layouts and access.</p> <p>Communal open space and private open space will be provided to meet the recreation needs of the residents.</p> <p>A suitable level of visual privacy will be possible with the use of planting.</p> <p>The site layout and facilities are accessible and the required liveable/adaptable units are proposed in accordance with the objective of promoting accessibility and sustainability.</p>
7. Safety	<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily</p>	<p>Casual surveillance is provided from balconies and windows to the public domain. Street entries are provided for ground floor apartments.</p> <p>The applicant submitted a CPTED assessment with the initial proposal which was assessed by the Quakers Hill Local Area Command who found the report satisfactory. The latest plans were, however, not re-referred back to the Police. Appropriate conditions are proposed for the provision of and compliance with a CPTED assessment.</p>

Principle	Control	Comment
	maintained and appropriate to the location and purpose.	
8. Housing diversity and social interaction	<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposal for 82 units consists of 8 x1 bed (10%), 65 x 2 bed (79%) and 9 x 3 bed (11%) units. The mix will support a range of households including single people and families with children.</p> <p>20% liveable units are provided as required and identified on plans, including 10% adaptable units, for which resident disabled parking spaces are provided.</p> <p>Outdoor communal open spaces are provided and the site is adjacent to a future public park.</p>
9. Aesthetics	<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>The schedule of finishes indicates a variety of building elements and materials, including brick, painted concrete, painted fibrous cement wall cladding, aluminium, colorbond steel roof, capping and roofing, aluminium windows and doors.</p> <p>The proposal integrates a number of recesses and projections into the facades of the buildings to articulate the overall mass and form smaller segments</p> <p>The proposed perimeter and internal site planting to be provided will enhance the bulk impact of the 3 and 4 storey building facades on the streetscape and pedestrian amenity.</p>

6.2 Compliance with Apartment Design Guide (ADG)

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

It is compliant with all other matters under the ADG.

Controls

2F Building Separation	<p>Up to 4 storeys:</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>The property boundaries of the proposed lot containing the proposed 3 and 4 storey RFBs front 4 streets, with no immediately adjacent development sites. The land to the north is zoned RE1 for a proposed public park, to the south is R2 Low Density Residential, west across Tallawong Road is zoned R3 and to the east is RU4 zoned land.</p>	
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ADG requirement		Proposal	Compliance
		<p>Street setbacks of the buildings are a minimum 6 m from all boundaries.</p> <p>Balconies are setback min 4.5 m from the street on all levels, except Building B north-east corner which is setback 3 m from the truncated corner.</p> <p>Minimum distance between Buildings A and B is 12 m, except on level 1 balcony to balcony is 11.5 m, but with satisfactory landscaping and open screening.</p> <p>Minimum distance between Buildings B and C is 12 m, except level 01B/02C is 10.5 m balcony to balcony with satisfactory open screening.</p> <p>Minimum distance between Buildings C and D is 12 m, except ground floor is 10 m balcony to balcony but with satisfactory landscaping and screening.</p> <p>Minimum distance between Buildings D and A is 12 m, except between the northern bedroom window of Unit D09 (at FFL 65) which overlooks Unit A01's balcony (at FFL 63.5). A highlight bedroom window to Unit D09 is recommended by way of condition to mitigate direct overlooking impacts.</p>	<p>No, but acceptable from property boundaries</p> <p>No, but acceptable</p> <p>No, but acceptable</p> <p>No, but acceptable</p> <p>No, but acceptable with conditions</p>

Siting the Development

3F Visual privacy	<p>Building Separation: refer to 2F above. Direct lines of sight should be avoided for windows and balconies across corners.</p> <p>Appropriate design solutions should be in place to separate POS and habitable windows to common areas.</p> <p>Note: When adjacent to a lower density residential zone an additional 3 m rear and side setback is required</p>	<p>See 2F above re comments on building separation.</p> <p>Landscaping and open screening is provided to provide privacy to ground level units.</p> <p>Nearby R2 and RU4 zoned lands are separated from the site by proposed roads.</p>	<p>No, but subject to proposed condition</p> <p>Yes</p> <p>Yes</p>
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Designing the building

4G Storage	<p>Studio > 4 m³</p> <p>1 bed > 6 m³</p> <p>2 bed > 8 m³</p> <p>3 bed > 10 m³</p>	<p>Figures provided by applicant and plans indicate that storage lockers are provided in the basement car parking levels. Not all units provide 50% storage within unit.</p>	<p>No, but acceptable</p>
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ADG requirement		Proposal	Compliance
	Min 50% within the apartment.	Min 3 m ² is provided in units and the rest is provided in the basement.	
4H Acoustic privacy	<p>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.</p> <p>Provide double/acoustic glazing, acoustic seals, materials with low noise penetration.</p>	<p>See comments above in 2F/3F re building separation and privacy. Windows are 3 m from driveways. Planting along driveway. Bedroom windows facing onto open space areas have protective planting. Some bedroom windows within 3 m of COS pathways.</p> <p>The acoustic assessment of the proposed development by Acouras consultancy, dated 21/5/19, provides construction recommendations for glazing, external walls and the roof/ceiling systems to achieve the internal noise criteria. Provided the recommendations in this report are implemented, the noise from the proposed development is predicted to comply with acoustic requirements of the DCP, BCA Part F5 and relevant Australian Standards.</p>	<p>No, but acceptable</p> <p>Relevant conditions will be imposed</p>

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

Summary comment

The site that is proposed to be developed for RFBs is located in the Riverstone East Precinct and therefore the provisions of the SEPP and Appendix 12 are applicable.

Residential flat buildings are permissible in the R3 zone with consent. The proposal is consistent with the objectives of the R3 zone. The narrow strip of R2 Low Density zoned component of the site is proposed for a new local road, consistent with the R2 zone objectives and the Indicative Layout Plan for the Precinct.

The development complies with the relevant development standards for minimum lot size and residential density. There is no floor space ratio development standard.

The development does not comply with the maximum height of buildings development standard of 12 m. See attachments 5, 6 and 8 for further details.

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 SEPP.

7.1 General development standards

Appendix 12 Blacktown Growth Centres Precinct Plan 2013

Part 4 Principal Development Standards

<p>4.3 Height of Buildings Max. 12 m</p>	<p>The roof of the common open space element in Buildings A and D exceeds the height limit by up to 0.4 m and the corner of the roof of Building C exceeds the height by 0.2 m. 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.</p>	<p>No, but satisfactory through Clause 4.6 variation. See justification in the main report and in attachments 5 and 8.</p>
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8 Blacktown City Council Growth Centre Precincts Development Control Plan 2020 (Growth Centre Precincts DCP)

Summary comment

The Growth Centre Precincts 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 part of the site proposed for redevelopment for residential flat buildings is within the Riverstone East Precinct.

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 DCP.

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

8.1.1 Controls for all residential development

DCP requirement	Proposal	Complies	
Site Responsive Design (Section 4.1)			
<p>4.1.2 Cut and fill</p>	<p>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.</p>	<p>Design takes account of site topography, providing buildings and basements at different levels. Excavation for basement levels is necessary for parking and garbage storage areas.</p>	<p>No, but acceptable in the circumstances</p>
<p>4.1.3 Sustainable building design</p>	<p>Indigenous species to make up more than 50% of plant mix on landscape plan. Plant species to be selected from Appendix D.</p>	<p>Some native species proposed, but not all from Appendix D.</p>	<p>No, but condition included to ensure plant species chosen</p>

DCP requirement	Proposal	Complies
Outdoor clothes lines and drying areas required.	No outdoor drying facilities provided. Clothes drying machines and portable drying racks for balconies to be provided for each unit.	are from Appendix D. No, but acceptable subject to clothes drying racks being below balcony height. Condition to be included.

8.2 Schedule 8 Riverstone East Precinct (precinct specific controls)

Control	Comment
Section 3 - Referenced figures	
Figure 3-5 Aboriginal cultural heritage	The site of the proposed development is adjacent to an area identified on the Map as having Moderate-High Aboriginal archaeological potential. The Aboriginal Due Diligence Assessment prepared by Uearthed Archaeology & Heritage, June 2017, states that no Aboriginal objects or sites were recorded during the site inspection and that no sites had previously been recorded within the study area. Council's Heritage Officer has raised no objection in this regard. A condition will be imposed for an unexpected finds protocol.
Section 4 – General Precinct Controls	
Fig 4-3 Bicycle and Pedestrian network	Tallowong Road is shown as a main off-road shared pedestrian and bicycle pathway. The proposal's road layout/footpath plans do not indicate the provision of a shared pathway along the Tallowong Road frontage. A condition will be applied to ensure the provision of a shared pathway.

9 Central City District Plan 2018

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

10 Blacktown Local Strategic Planning Statement (LSPS) 2020

Summary comment	Complies
<p>The LSPS applies to the site, with 18 Priorities and 61 Actions contained within the plan to support the vision for our City and to guide development, balancing the need for housing, jobs and services with the natural environment. The LSPS builds on the framework established under the Blacktown Community Strategic Plan <i>Our Blacktown 2036</i> and also gives effect to the NSW Government's Greater Sydney Regional Plan and Central City District Plan.</p> <p>The proposed development is consistent with the following priority: LPP5: Providing housing supply, choice and affordability with access to jobs, services and public transport.</p>	Yes