

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 environmental planning instruments, including SREP No. 20 – Hawkesbury- Nepean River, SEPP (State and Regional Development) 2011, SEPP (Infrastructure) 2007, SEPP BASIX 2004, SEPP No. 55 – Remediation of Land, SEPP No. 65 – Design Quality of Residential Apartment Development and the Growth Centres SEPP 2006. 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 proposed development is compliant with the controls of the Growth Centres SEPP, with the exception of a variation to the height of the building. The maximum permitted building height is 12 m. The proposal is for a building height of up to 15.97 m. The maximum breach to this development standard due to a lift overrun is 3.97 m, or 33%. Part of the roof parapet will be 1.1 m above the height plane, but offset by a greater portion being 1.33 m below the height plane. The applicant has submitted a request to vary this development standard under Clause 4.6 of the Growth Centres SEPP. Justifiable reasons have been provided for this non-compliance.	Satisfactory Satisfactory No, but a variation is supported in this instance.
(ii) Any proposed instrument that is or has been the subject of public consultation under the Act	Prior to the lodgement of this application, a draft amendment to the Growth Centres SEPP 2006 was exhibited by the Department of Planning and Environment in May 2017, referred to as the 'North West Draft Exhibition Package.' This exhibition was undertaken to coincide with 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 and Environment (DPE) is the establishment of minimum and maximum densities for all residential areas that have been rezoned under the SEPP (i.e. density bands). Currently the planning controls nominate only a minimum density. This proposal will have a significant influence on the ultimate development capacity (i.e. yield) of the precincts.	Not a matter of consideration for this application as this is a draft amendment which is not certain or imminent.

Heads of Consideration	Comment	Complies
	The density bands for land zoned R3 Medium Density Residential in the Riverstone East Precinct are proposed to be: • Minimum of 25 dwellings per hectare which equates to 16 dwellings on this site (current control specifies 25 dwellings per hectare). • Maximum of 35 dwellings per hectare which equates to 22 dwellings on this site (current control specifies no maximum). This site is in the proposed density band maximum of 35 dwellings per hectare. This proposal is for 123 apartments over 0.6505 hectares (gross area inclusive of half width roads), which equates to 189 dwellings per hectare.	
(iii) Any development control plan (DCP)	The Growth Centres DCP applies to the site. The proposed development is compliant with the numerical controls established under the DCP.	Yes
(iii a) Any planning agreement	No Voluntary Planning Agreement is applicable to the proposed development.	Not applicable
(iv) The Regulations	The DA is compliant.	Yes
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	It is considered that the likely impacts of the development, including traffic, parking and access, design, bulk and scale, overshadowing, noise, privacy, waste management, flora and fauna, salinity, contamination and stormwater management have been satisfactorily addressed. A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. In view of the above, it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.	Yes
c. The suitability of the site for the development	The subject site is zoned R3 Medium Density Residential with a 12 m building height limit under the Growth Centres SEPP. The proposed residential flat buildings are permissible with consent. The site is surrounded by other residential properties with the same zoning to the north, south, east and west, and a public recreation area to the south-east. The development is therefore in line with the desired future character of the area and would not result in any significant adverse impacts on the amenity of the locality. Accordingly, the site is considered to be suitable for the development.	Yes
d. Any submissions made in accordance with this Act, or the regulations	The application was exhibited for comment for a period of 14 days. No submissions were received during the notification period.	Satisfactory

Heads of Consideration	Comment	Complies
e. The public interest	The proposal will assist in delivering higher density housing options in the area by introducing a range of apartment dwellings. Due to the minimal environmental impact of the development and its socio-economic benefits, the proposal is considered to be compatible with the public interest.	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 \$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 \$20,992,172 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 (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 was submitted with the Development Application 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.	Yes

4 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. A Stage 1 Preliminary Site Assessment, prepared by NG Child & Associates, has been submitted as part of the application. The findings of the assessment indicate from the 21 soil samples tested over the entire site that the underlying soils at the site are not contaminated and that soil quality at the site is appropriate for the residential development proposed. Therefore, the site is considered to be suitable in its current state for the proposed development. In the event of any unexpected finds, appropriate conditions have been included.	Yes

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. The development generally complies with the standards and controls. There are minor variations with respect to building height, but the proposed development has demonstrated consistency with the relevant objectives and represents a site responsive development.	Yes

6 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). We do not have a design review panel. 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.

6.1 Design quality principles

Principle	Control	Comment
6.1.1 Design quality principles The development satisfies the 9 design quality principles.		
1. Context and neighbourhood character	Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions. Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.	The site is located approximately 600 m to the north-east of the future Cudgegong Town Centre and Tallawong Railway Station (latter currently under construction). Proximity to the station and presence of a park to the west would respond well to the development and enhance the desirability of the site. The surrounding area is undergoing a major transformation given that the neighbouring zones are for medium density residential development. The proposal will therefore create a consistent character and integrate well with the future surrounding development.

Principle	Control	Comment
2. Built form and scale	Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	The built form, height and scale of the proposed development have been resolved by a thorough evaluation of the site's surrounding context, required setbacks, topography and environmental characteristics, with an emphasis on residential amenity that is in line with the neighbourhood's envisioned development character. A range of materials and aesthetics have been applied to the buildings to provide further visual interest and to break up the bulk and scale. The buildings are designed in a way that will allow a view directly through the landscaped centre of the development due to the 12 m building separation. Due to the topography, the perceivable height of the buildings from the surrounding areas and road network will be reduced. The buildings comply with the height limit except for plant and equipment located in the middle of the roofs and small portions of the roof parapets in the north-western corner of each building. The buildings have been appropriately articulated for massing that allows for cross ventilation and sunlight usage which will enhance energy efficiency across the development.
3. Density	Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	The proposed development is appropriate in terms of density. The surrounding area is undergoing a major transformation that will bring about increased population growth. The site will be served by new public transport infrastructure and community spaces that support a higher density of population. It is therefore considered that the proposed density can be easily sustained.

Principle	Control	Comment
4. Sustainability	Good design combines positive environmental, social and economic outcomes. Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.	The design ensures the development exceeds the minimum criteria for solar access and natural cross ventilation. The proposal provides for a mix of unit types and sizes, contributing to housing diversity within the locality. The proposal is supported by a BASIX Certificate. The commitments are incorporated into the design of the building. The proposal demonstrates satisfactory levels of sustainability, waste management and efficient use of energy and water resources. The buildings are orientated to allow for climate control by maximising solar access and cross ventilation.
5. Landscape	Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood. Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks. Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.	A landscape plan has been submitted with the proposal, which incorporates a variety of planting that contributes to the amenity of the development. Deep soil zones have been provided throughout the development that ensure sufficient planting can be achieved. The landscape design provides for suitable screening to adjoining properties, creates usable spaces for future residents and improves the overall quality of the development. Areas of outdoor landscaped recreation have been provided for residents. Open space areas throughout the development have been integrated with landscaping. A revised landscape plan has been required in the conditions of consent, that will require particular species of street trees to be planted in 8 m intervals along the proposed new roads. This is in line with the requirements specified by our Civil and Open Space Infrastructure team.

Principle	Control	Comment
6. Amenity	Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.	The design of the proposal is considered to provide an acceptable level of amenity through a carefully considered spatial arrangement and layout. The proposal achieves a suitable level of internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The ADG guidelines for cross ventilation, solar access and depth of units are generally achieved or exceeded. There is a variety of unit layouts and sizes to suit a wide range of people. The landscaping provides numerous active and passive areas to contribute to the amenity, with activities for all ages, including various seating areas, a pool, natural grass areas, BBQ's, pergolas, children's play equipment, fitness equipment and public art.
7. Safety	Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety. A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	The proposal is considered to be satisfactory in terms of future residential occupants overlooking communal spaces while maintaining internal privacy. The proposed orientation of the buildings, outlooks and provision of balconies provide natural casual surveillance opportunities of the public domain and common open spaces. Public and private spaces are clearly defined and suitable safety measures are integrated into the development. All pedestrian areas have been designed to provide clear sight lines. Obscured areas and alcoves have been avoided in the design of the public domain spaces and all lobbies are wide and brightly lit. All landscaped spaces and pedestrian paths within the site will be well lit and designed to maximise personal security.

Principle	Control	Comment
		A camera surveillance system forms part of the security plan for the site. Well-maintained security features have been provided to comply with Crime Prevention through Environmental Design factors. The NSW Police Force is satisfied with the contents of the Crime Prevention Through Environmental Design (CPTED) Report and NSW Police Check List that were submitted as part of the application, and have issued conditions that have been included in the consent.
8. Housing diversity and social interaction	Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.	There is a variety of unit layouts and sizes to suit a wide cross-section of the community. It provides a mix of studio apartments, 1-bed, 2-bed and 3-bed units, accessible by lift from the lobby and car parking levels. This combination of units will encourage a healthy integration of different family units and encourage a sense of community amongst them. This mix and density will support the presence of the train station and park/community spaces in the area by achieving the required residential population.
9. Aesthetics	Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures. The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.	The proposed development is considered to be appropriate as well as visually interesting in terms of the composition of building elements, textures, materials, finishes and colours and reflect the use, internal design and structure of the resultant buildings. This distinct and contemporary design assists in setting a high quality standard for the transitioning character of this locality and creates a desirable streetscape. The landscaping will ensure the buildings are well integrated into their surroundings.

6.2 Compliance with Apartment Design Guide (ADG)

Summary comment

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.

ADG requirement		Proposal	Compliance
Designing the building			
4B Naturally ventilation	Depth of cross over apartments < 18 m.	Depths of up to 19 m provided.	No, but the minor non-compliance is considered acceptable
4D Apartment size and layout	Open plan layouts that include a living, dining room and kitchen – maximum 8 m to a window.	Open plan layouts are provided. Depths of up to 8.6 m are provided.	No, but the minor non-compliance is considered acceptable
4F Common circulation and spaces	For larger development – community rooms for owners meetings or resident use should be provided.	Not provided. However, extensive communal open space areas are provided. The proposal is considered to provide a very high level of recreational and passive communal spaces, and the provision of a further community room is not considered necessary.	No. However, this is not considered necessary in the circumstances of this application

7 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 - Creating great places	Yes

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

Summary comment	Complies
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.	

SEPP requirement		Proposal	Complies
4.3 Height of buildings	The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.	The maximum permitted building height is 12 m. The proposal is for a building height of up to 15.97 m. The maximum breach to this development standard due to a lift overrun is 3.97 m, or 33%. But 1.1 m of the roof parapet will be above the height plane, while a greater portion of 1.33 m will be offset below the height plane. The Applicant has submitted a request to vary this development standard under Clause 4.6 of the Growth Centres SEPP. Justifiable reasons have been provided for this non-compliance.	No, but a variation is supported in this instance