

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 (State and Regional Development) 2011, SEPP (Infrastructure) 2007, SEPP No. 55 – Remediation of Land, Central City District Plan 2018 and Blacktown LEP 2015. The site is part zoned RE1 (Public Recreation) and part zoned B4 (Mixed Use) under Blacktown LEP 2015. The proposed recreation areas, commercial premises, restaurants or cafés and roads are permissible with consent. The proposed car park is a permissible use on the part of the site zoned RE1 (Public Recreation) following Planning Proposal (reference PP_2018_BLACK_002_00) which amended the LEP (Gazetted 28 February 2019). The amendment includes a 'car park' as a permissible on the site under Schedule 1 of Blacktown LEP 2015.	Yes Yes Yes
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	All land subject to the development application is classified as 'operational land' under the Local Government Act 1993, except for 91 Main Street which is classified as 'community land'. Council has progressed a Planning Proposal to tidy up this anomaly, which has been adopted by Council and forwarded to the NSW Department of Planning and Industry to be made. This is not an issue for determination of the DA as the adopted Council Plan of Management for General Community Use Land allows the proposed uses to which 91 Main Street will be put despite the community land classification, namely car park, open space and roads. Therefore the designation of this site for community use land is not an impediment.	Satisfactory, the proposal is consistent with this Planning Proposal.
(iii) Any development control plan (DCP)	Blacktown DCP 2015 applies to the site. The proposed development is compliant with the numerical controls established under the DCP.	Yes
(iii a) Any Planning Agreement	There are no Planning Agreements associated with this proposal.	Not applicable
(iv) The regulations	The proposal is consistent with regulation 92 regarding demolition.	Yes
b. The likely impacts of the development, including	It is considered that the likely impacts of the development, including access, traffic and parking, trees and landscaping, design, bulk and scale, overshadowing, noise, vibration, dust,	Yes

Heads of Consideration	Comment	Complies
environmental impacts on both the natural and built environments, and social and economic impacts on the locality	protection of surrounding buildings, footpaths and public areas, protection and convenience of pedestrians, waste management and stormwater management contamination and remediation have been satisfactorily addressed, subject to conditions. Hoardings and protective barriers will be erected at the perimeter of the proposed works during construction. 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 adverse social, economic or environmental impacts.	
c. The suitability of the site for the development	The site is part zoned RE1 (Public Recreation) and part zoned B4 (Mixed Use) under Blacktown LEP 2015. The proposed car park, recreation areas, commercial premises and roads are permissible with consent. Restaurants or cafés and car parks are permitted on that part of the site zoned RE1 (Public Recreation). The proposal is consistent with the 2017 Concept Master Plan that was prepared by Cox Architects on behalf of Council, which provided a framework for development on the Warrick Lane Precinct. The site is located in the southern portion of the Central Business District and is in the vicinity of the Blacktown railway station and bus interchange. The site is also located near services, facilities and a major arterial road network, making it suitable for this transformational project.	Yes
d. Any submissions made in accordance with this Act, or the regulations	1 submission was received as a result of the notification of this DA. The Applicant provided a response to these issues, which is assessed at attachment 8. These issues are considered to be suitably addressed and, subject to conditions of consent, do not warrant the refusal of this application	Satisfactory, as the issues raised in the submission do not warrant refusal of this application.
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal delivers a public plaza which is an improvement to the currently vacant shops. This space allows for a range of recreational activities to be undertaken by the local community, which is serviced by local shops and cafés, in a well-designed landscaped setting. The proposal provides direct access throughout the site and to the surrounding roads to ensure the efficient movement of pedestrians and vehicles. The proposal is also designed to enable a high level of safety and security for use by the general public. The proposal is a high quality design which fosters the revitalisation of the Warrick Lane Precinct and is in the public interest.	Yes

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

Summary comment	Complies
The Sydney Central City Planning Panel (SCCPP) is the consent authority for Council related development with a capital investment value (CIV) of over \$5 million. Council is responsible for the assessment of the DA and the Panel has the function of determining the application for the following reasons: • This DA has a CIV of \$61 million • Council is the Applicant • Council is the owner of some of the land on which the development is to be carried out • The development is to be carried out by Council's Property Section.	Satisfactory

3 State Environmental Planning Policy (Infrastructure) 2007

Summary comment	Complies
The SEPP ensures that Roads and Maritime Services (RMS) is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP. The proposal comprises over 200 car parking spaces, therefore this application was referred to RMS in line with Clause 104 and Schedule 3 Traffic generating development of <i>SEPP (Infrastructure) 2007</i>. It is noted that the proposal does not alter the existing access arrangements with Sunnyholt Road and there is no significant additional traffic generated by the development. The development was referred to RMS, who found the development acceptable subject to a condition that the applicant is to obtain in-principle approval from RMS for the proposed modifications to traffic control signals. RMS also provided advisory comments relating to layout of proposed car parking areas, swept path for long vehicles, vehicles to enter/exit site in a forward direction and to be wholly contained on site before stopping and for pedestrian safety to be considered. The applicant has committed to ensuring the development is consistent with these advisory comments.	Yes – Deferred commencement condition imposed. Other matters raised by RMS have been addressed by the applicant

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. The application is accompanied by a Stage 1 and 2 Preliminary and Detailed Site Investigation report, prepared by Construction Sciences Pty Ltd, dated 10 September 2018. The report confirms that there is low potential for contamination to be present on the site based on past and present land use activities on the site. Following the demolition of structures on the site, further assessment of the site should be conducted. This includes further soil and groundwater assessment. The report has been reviewed by Council's Environmental Health Officer who advises that the site can be made suitable for proposed commercial and recreational uses. Conditions of consent are recommended to be imposed to ensure that if any	Satisfactory, subject to conditions.

Summary comment	Complies
contaminated soil is found to be located on site it is disposed of appropriately and supported by a final validation statement prior to any Occupation Certificate being issued. The final validation statement must be prepared by an EPA recognised geoscientist without any limitations in accordance with the <i>National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999</i> as amended 2013.	

5 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 • Creating a great place that brings people together • Contributing to the provision of services and infrastructure to meet communities' changing needs • Creating a space which supports social connections • Creating a space which supports the arts Productivity • Contributing to investment and business activity in the Blacktown Central Business District Sustainability • Increasing urban tree canopy cover and delivering Green Grid connections • Delivering high quality open space.	Yes

6 Blacktown Local Environmental Plan 2015

Summary comment
We have assessed the DA against the relevant provisions and the table below provides an assessment of the proposal against the objectives and permissible uses of the zoning of the site. It is compliant with all other matters under the <i>Blacktown Local Environmental Plan 2015</i>.

6.1 Objectives of the zone and permissibility

Zoning	Complies
RE1 Public Recreation	
a) To enable land to be used for public open space or recreational purposes. b) To provide a range of recreational settings and activities and compatible land uses. c) To protect and enhance the natural environment for recreational purposes.	The proposal is consistent with these objectives.
Permissible land uses: recreation areas, car park, commercial premises, restaurants or cafés and roads	The proposed land uses are

Zoning	Complies
Note: The part of the proposed development located on the part of the site zoned RE1 (Public Recreation) comprises the new Main Street plaza, the basement car park and the western flanking building. Note: Schedule 1 – Additional Permitted Uses of Blacktown LEP 2015 states: 10 Use of certain land at 81–97 Main Street, Blacktown (1) This clause applies to land at 81–97 Main Street, Blacktown, being Lots 25 and 3–5A, DP 11349 and Lots 1–3, DP 202276. (2) Development for the purpose of a car park is permitted with development consent.	permissible.
B4 Mixed Use	
a) To provide a mixture of compatible land uses. b) To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	The proposal is consistent with these objectives.
Permissible land uses: recreation areas, commercial premises, restaurants or cafés and roads Note: The part of the proposed development located on the part of the site zoned B4 (Mixed Use) comprises the eastern flanking building, new pocket park, road improvements and connections, urban streetscape upgrades to Warrick Lane and ancillary public domain improvements.	The proposed land uses are permissible.
Clause 4.3 Height of Buildings	
Pursuant to clause 4.3 the land zoned as B4 (Mixed use) is subject to a 26 m maximum height limit. The maximum height of the eastern flanking building within the B4 Zone is 19.56 m. The RE1 (Public Recreation) zoned land is not subject to any maximum height control. The western flanking building is single storey. The proposed use of the building is permissible within the zone and there are no adverse impacts on amenity, streetscape or the function of the proposed public area. The building, to be used as café/restaurant type uses benefits the proposed space. As such, it is considered to be an acceptable height.	Yes
Clause 4.4 Floor Space Ratio	
The FSR standard for the part of the site zoned B4 (Mixed Use) is 3:1. There is no FSR control for the part of the site zoned RE1 (Public Recreation). The eastern flanking building on the B4 zoned part of the site has an FSR of 2.83:1 (based on its site area, as per the criteria of clause 4.5, of 465 m² and GFA of 1,315 m²).	Yes
Clause 7.1 Flood Planning	
Pursuant to Clause 7.1 development is required to ensure there will be no adverse impacts on flooding in vicinity. The civil engineering drawings and Civil Engineering and Infrastructure Report prepared by Cardno describe stormwater management infrastructure incorporated into the development. Harry House Walkway currently conveys stormwater in pipes and overland flow from the surrounding catchment. The capacity of this system results in areas of ponding in Main	Yes

Zoning	Complies
Street during the 1 in 100 year storm event. Works are proposed to divert this overland flow to culverts within the proposed development with consequent reductions in ponding in Main Street. Erosion and sedimentation control measures will be installed and managed during the construction period.	

Clause 7.4 Active Street Frontages

Pursuant to clause 7.4, certain land within along Warrick Lane, Main Street, and Sunnyholt Road is identified as “active street frontage” The Clause seeks to promote uses that attract pedestrian traffic along ground floor street frontages. The ground floors of the eastern and western flanking buildings fronting the Plaza, Main Street, and Warrick Lane will be used for the purposes of retail premises (aside from the pedestrian lobbies and vehicular access to the basement car park).	Yes
---	-----

7.5 Essential Services

Clause 7.5 provides that development consent must not be granted unless the consent Authority is satisfied that essential services are available or that adequate arrangements are made to make them available when required. The site is within an established urban area and connections to all necessary services are readily available.	Yes
---	-----

7.7 Design Excellence

The site is subject to the provisions of Clause 7.7 (‘Design Excellence’) which seeks to ensure that development exhibits design excellence and contributes to the natural, cultural, visual and built character values of Blacktown. In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:		Yes
Matter for consideration	Response	
<i>“(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i>	The architectural design statement indicates that the design of the public domain and the buildings are of a high standard and contain materials and detailing that are complementary, user friendly and encourage a highly pedestrianised environment. The flanking buildings provide a visual and functional edge to the east and west sides of the plaza.	
<i>(b) whether the form and external appearance of the development will improve the quality and amenity of the public domain,</i>	There will be a significant improvement in the quality of the public domain with the provision of open space designed for a high degree of use in an urban environment and streets and lanes that are attractive and display a high degree of pedestrian amenity.	
<i>(c) whether the development detrimentally impacts on view corridors,</i>	The development has no negative impact on view corridors.	
<i>(d) whether the development detrimentally impacts on any land protected by solar access controls established in the Blacktown Development Control</i>	The development has not impact on land protected by solar access controls established in the DCP.	

Zoning		Complies
<i>Plan,</i>		
<i>(e) the requirements of the Blacktown Development Control Plan,</i>	These are assessed below. The probably is generally consistent with all relevant DCP controls.	
<i>(f) how the development addresses the following matters:</i>		
<i>(i) the suitability of the land for development,</i>	The land is suitable for the development having regard to its location, accessibility and physical attributes.	
<i>(ii) existing and proposed uses and use mix,</i>	Building use is appropriate for the location and the zoning of the land. Ground floor uses include retailing and cafes/restaurants to activate the streets and laneways and complement the public plaza.	
<i>(iii) heritage issues and streetscape constraints,</i>	The site is not constrained by heritage issues or streetscape constraints and includes provision for new streets and lanes and improvements to the existing streetscape of Main Street.	
<i>(iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, Amenity and urban form,</i>	The buildings are effectively built to side and front boundaries which is desirable in a main street location. The western flanking building retains a setback from the adjoining building for access and services including an existing stormwater drain.	
<i>(v) bulk, massing and modulation of buildings,</i>	The buildings have a bulk and mass appropriate for the context. The eastern flanking building is setback from the street from Level 3 to reflect the existing street frontage height and to provide a degree of openness to the public plaza. The western flanking building is designed to accommodate additional levels in future, which is desirable in this location. Building facades are modulated and contain high levels of glazing allowing transparency and providing attractive facades and passive surveillance to the plaza and streets. The façade landscaping of the eastern building extends the plaza vertically and integrates the built form with the plaza.	
<i>(vi) street frontage heights,</i>	Street frontage heights are compatible with that of adjoining buildings. The western flanking building has been designed to accommodate additional levels in the future. The buildings along this section of Main Street display a consistent 2 storey street frontage height which is reflected in the proposed development.	
<i>(vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</i>	The development incorporates sustainable design initiatives through the building and public domain design elements. There are no significant adverse overshadowing impacts and wind impacts are expected to be minor given the height of the buildings the surrounding buildings.	
<i>(viii) the achievement of the</i>	Planters and screens will protect the western	

Zoning	Complies
<i>principles of ecologically sustainable development,</i> <i>(ix) pedestrian, cycle, vehicular and service access and circulation requirements,</i> <i>(x) the impact on, and any proposed improvements to, the public domain."</i>	façade of the eastern building and glazing will be selected to maximise performance. Consideration has been given to a high quality public domain and pedestrian amenity throughout the development whilst accommodating vehicular access to the underground car park and facilities for servicing the building. High quality and well-designed public domain elements of the development will result in a significant improvement to the existing public domain.

7.9 Development with frontage to certain roads in Zone SP2

The proposal involves the construction of a basement car park with 473 spaces for motor vehicles. It also includes development on land that has direct vehicular access to a Sunnyholt Road zoned SP2 (Infrastructure) and is a ("Classified Road") via the use of existing access driveways. Pursuant to Clause 7.9, consent must not be granted to development on land that has a frontage to a road zoned SP2 (Infrastructure) and identified as "Classified road" unless the consent authority has considered this clause. The development does not include any change to access arrangements with Sunnyholt Road and no works are proposed to Sunnyholt Road. Access points to the existing car park will be retained. The development does not result in any significant additional traffic generation. The Warrick Lane precinct occupies a significant area of land with a frontage of approximately 100 m to Sunnyholt Road. In relation to the matters for consideration under Clause 7.9: - The retention of existing access points is practical in the circumstances; - The proposed development will have negligible impact on the effective and ongoing operations and function of Sunnyholt Road and thus the safety, efficiency and ongoing operation of the classified road will not be adversely affected; - Works covered in the development application are set back from Sunnyholt Road so that existing conditions alongside Sunnyholt Road will be maintained.	Yes
--	-----

7.12 Development in Zone B4

The Clause provides that consent must not be granted to the erection of a building or change of use unless the ground and first floor of the building is used for a purpose other than residential accommodation. The ground and first floors of the development are to be used for purposes other than residential accommodation.	Yes
--	-----

7 Blacktown Development Control Plan 2015

Control	Comment	Complies
We have assessed the DA against the relevant provisions of the <i>Blacktown Development Control Plan 2015 (DCP)</i>. The proposal is compliant with all matters of the Blacktown DCP 2015.		
Part A – Introduction and General Guidelines		
Tree Preservation	The proposal requires removal of 54	Yes

Control	Comment	Complies
LEP clauses 5.9 and 5.9AA require consent for the removal, lopping or topping of trees. Where development approval has been given, trees within 3 metres of the perimeter of a building may be removed without further approval. All applications for development should indicate the location of existing vegetation and should note the measures to be taken to protect existing vegetation against damage and destruction during construction.	existing trees on site. The supporting Arboricultural Impact Assessment Report assesses 30 of these trees as having low and very low retention value, 21 as having moderate retention value, and 3 as having high retention value. The associated Tree Protection Plan indicates tree protection devices and other recommended measures to ensure the protection of existing trees to be retained.	
Pollution Control Development requires consideration of pollution in relation to air pollution, water pollution, noise pollution, and waste storage and removal.	The supporting documentation details the extent to which the impacts of pollution have been considered and measures that will be implemented to mitigate potential impacts of pollution. The development is not considered to have any significant adverse impacts in relation to pollution.	Yes
Development adjoining rail corridors and high volume roads Development adjacent to rail corridors or high volume roads should consider NSW Department of Planning's <i>Development Near Rail Corridors and Busy Roads – Interim Guide (2008)</i>.	The Traffic And Rail Noise and Vibration Impact Assessment assesses noise intrusion from adjacent roads and provides a comparison with noise criteria required by Council and other relevant standards. A noise and vibration survey has been undertaken to determine traffic and rail noise from the nearby railway corridor onto the site. Based on the noise and vibration impact study, the proposal is assessed to comply with Council and Infrastructure SEPP noise criteria (based on recommendations contained in the Traffic And Rail Noise and Vibration Impact Assessment).	Yes
Blacktown Road Network Council's Integrated Transport Management Plan Road Hierarchy Map shows the location of existing roads as well as the preferred location of future minor roads and pedestrian pathways.	The development is consistent with the classification of roads and road hierarchy established in Council's Integrated Transport Management Plan.	Yes
Road Hierarchy and Required Road Widths Requirements for road widths(carriageway and footpath) and traffic lanes are listed in Table 5.1. These standards are based on Council's <i>Engineering Guide for Development 2005</i>.	The proposal satisfies the objectives of Council's requirements for road widths (carriageways and footpaths) and traffic lanes based on Council's <i>Engineering Guide for Development 2005</i>. Whilst there are some departures from Council's Engineering Guide they result in a high quality public square. These departures are addressed in the main body of the report.	Yes

Control	Comment	Complies
Amendments to Proposed Road Locations The sub-arterial road system is fixed by Blacktown LEP. Council will only permit very minor changes to the location of these roads arising from detailed design considerations.	The proposal involves localised works to Main Street to create new access points and manage stormwater. These changes have been the subject of extensive discussion and consultation with relevant Council officers and the RMS.	Yes
Land Adjoining Arterial and Sub-Arterial Roads Arterial and sub-arterial roads are zoned SP2 Infrastructure (Classified Road) and SP2 (Local Road) in the LEP. To improve traffic safety and to avoid the need for a very wide road reservation, vehicular access to such a road may only be made by way of a local road.	Works covered in the development application are set back from Sunnyholt Road so that existing conditions alongside Sunnyholt Road will be maintained with no requirements at this stage for any physical barriers.	Yes

Part 6 – Car Parking

General Principles Council will take the following factors into account in determining car parking provision: - The size and type of the development and its traffic generation. - The availability and accessibility of other public parking. - Traffic volumes on the street network, including expected future traffic volumes relating to the City's road hierarchy. - Hours of operation and any other specific characteristics of the development proposal.	The development includes a public car park with 473 spaces. No spaces are allocated specifically for the eastern and western flanking buildings. The development results in the demolition of approximately 4,060 m² of GFA used for commercial premises and the construction of new buildings containing 1,527 m² GFA. Based on Councils current parking rate of 1 space per 30 m² GFA for retail and commercial premises, there will be a reduction in car parking demand of some 73 spaces (allowing for the 11 spaces currently on the site). Consequently, the commercial elements of the development do not increase the demand for parking. The site is highly accessible being close to Blacktown Station, bus services and a range of other facilities and services in the CBD. The size and configuration of spaces are such that the development is likely to provide services to existing visitors of the CBD. Parking is not required for the buildings to operate effectively. During construction any disruption to access to the existing Warrick Lane car park and to the number of available parking spaces will be carefully managed to ensure the continued operation of the car park, including safe alternative pedestrian access as required and ensuring that a maximum number of	Complies with intent of controls
---	--	----------------------------------

Control	Comment	Complies
	parking spaces are provided.	
Location of parking area Within the development site the location of the parking area should have regard to: - The site conditions, such as slope and drainage; - The visual amenity of the development and the adjacent sites; - The proximity of the parking area to any neighbouring residential areas; - The relationship of the building/s to the parking area; and - The relationship of the parking area to the street.	The location of the proposed basement car park reflects a key urban design principle of the Warrick Lane Concept Master Plan which envisages the creation of a 473 space car park set below a new public plaza. The proposed basement car park will offset the loss of current public parking provided in the Warrick Lane car park which is to be redeveloped in the future.	Yes
Access Car parking areas should be designed so that vehicles can enter and leave the site in a forward direction. Ingress and egress to or from the site should be located where they will cause the least interference with vehicular and pedestrian movement on public roads. Direct access should not be gained off existing or proposed high volume roads where an alternative access can be provided. Road access to parking areas will not be permitted in close proximity to traffic signals, intersections or where sight distance is considered inadequate in accordance with Austroad's <i>Guide to Traffic Management</i> . Parking areas should have a separate entrance and exit where more than 50 spaces are provided or where the development generates a high turnover of traffic.	The car park is designed to ensure that vehicles enter and exit in a forward direction. Vehicular ingress and egress to the car park is provided from Warrick Lane. The location of these entry/exit points help to minimise potential conflict and interference between pedestrian and vehicle movement. Entry/exit points to the car park are not located within close proximity to traffic signals or intersections or where distance would be considered inadequate. The basement car park has separate entry and exit points	Yes
Manoeuvring All parking bays should be readily accessible. The provision of adequate space for the manoeuvring of vehicles, particularly rigid and articulated heavy vehicles, may be necessary depending upon the type of development. The NSW Roads and Maritime Services' standards for car, truck and semi-trailer design turning paths should be used to determine the layout of parking areas.	The car park provides adequate space for manoeuvring.	Yes
Bay and aisle dimensions Minimum bay and aisle dimensions are outlined in the Australian Standards and incorporated into Table 6.2. For more	Bay is aisle dimensions are consistent with Australian Standards.	Yes

Control	Comment	Complies
information refer to the relevant sections within the Australian Standards, AS/NZ 2890.1:2004 and AS/NZ 2890.6:2009 for persons with a disability		
Service vehicles areas Service vehicle areas should be provided offstreet with convenient access. In larger developments, service areas should operate independently of other parking areas. This includes access for inspections and cleaning of integrated water cycle management and water sensitive urban design measures incorporated into roadways.	Service vehicle access to the two flanking buildings is proposed from the surrounding street system with no on site loading facilities. This is considered acceptable given the size of the development and the availability of loading zones and potential loading zones.	Yes
Pedestrians Parking areas should be designed to minimise the potential for vehicular / pedestrian conflict. Pedestrian pathway connections between car parking areas and buildings are desirable.	Vehicular ingress to the car park is provided from Warrick Lane. The location of entry/exit points minimise conflict and interference between pedestrian and vehicle movement. The proposal achieves clear pedestrian connectivity between the basement car park and the flanking buildings, Main Street Plaza and wider public domain.	Yes
Bicycle parking and facilities Applicants are encouraged to incorporate, in the design of their buildings, safe storage/parking areas for bicycles, with adequate shower and change facilities (where appropriate).	Level 01 of the basement car park contains secure bicycle parking racks.	Yes
Parking for persons with a disability In all parking areas, Council wishes to encourage the provision of parking spaces for the disabled, located to allow convenient and safe access within sites. All parking areas must provide for disabled drivers in accordance with the provisions of the Building Code of Australia. Such spaces shall be clearly marked and signposted for this purpose. Council may require additional parking spaces for the disabled where it considers that the proposed land use warrants extra provision.	The Access Review Report assesses accessibility in terms of ingress and egress, paths of travel, circulation areas, and sanitary facilities with relevant statutory guidelines. The Review seeks to ensure that the proposal achieves compliance with accessibility benchmarks regarding access provisions for people with disabilities.	Yes
Signs Parking areas should be well signposted with entry/ exit points clearly visible from the street.	The car park will be signposted with visible ingress/egress points along Warrick Lane.	Yes
Part 7 – Services		
Water	Existing services that require adjustments include diversion and protection of sewer	Yes

Control	Comment	Complies
Sewerage Electricity Telephone Gas	pipes, decommissioning of existing water mains, relocation of a secondary gas device within the existing car park, decommissioning of private telecommunications, water, electricity and gas connections, and protection and relocation of electrical, gas, and telecommunication services as part of the regrading of Main Street. The Civil Engineering and Infrastructure Report describes the new services that are required for the proposal with respect to water mains, sewer connections (in relation to gravity sewer and a low pressure sewer/pump station), energy, and shared trench arrangements. Any service diversions will require prior arrangements that will ensure services to neighbouring properties are maintained.	

Part 8 Special Considerations

Crime prevention through environmental design CPTED principles will be considered by Council for Major Development Applications in accordance with the <i>Safer by Design – A Practical Guide to Crime Prevention Through Environmental Design</i> prepared by the NSW Police Service. Principles considered include: siting and design of buildings; subdivision design; landscaping; lighting; and access control and territorial reinforcement.	The proposal incorporates general principles of Crime Prevention Through Environmental Design (CPTED) and is accompanied by a CPTED Report prepared by Harris Consulting. The application has been reviewed by NSW Police who have made a series of recommendations which will be incorporated into the conditions of consent.	Yes
Retaining walls and ground reshaping Requirements relating to retaining walls and ground reshaping aim to minimise excessive alteration of the natural ground level in a manner that will affect or compromise the structural stability, integrity and amenity of adjacent development, structure or service conduit on the subject or adjoining land. In addition, soil erosion should be minimised, opportunities for reasonable recreational use of the land is to be maximised and the cost burden for retaining works on owners is to be reduced.	The proposal will necessitate bulk earthworks across the site, in particular with regards to the excavation of the basement car park and cut and fill works to facilitate enabling works (such as site regrading for future road works and temporary fill batters). Opportunities to re-use fill within the future enabling works will be considered further as part of detailed design. Erosion and sediment control plans detail arrangements for the management of erosion and sediment control in relation to land disturbance, staging of works, vehicle and road management, inlet sediment traps, silt fences, fill material stockpile locations, sandbags, strawbales, and temporary sediment basins. Erosion and sediment runoff is to be effectively maintained until the site has been stabilised.	Yes

Part D

Control	Comment	Complies
Controls for development in the Business Zones (Part D) are currently under further review. In the interim, the provisions of Part D of the Blacktown DCP 2006 have been adopted and may be used to provide design guidance for development proponents. 5 Subregional Centres 5.3 Blacktown Central Business District		
Objectives Objectives for development in the Blacktown CBD: - promote the Blacktown CBD as a retail, commercial and community focus for the City of Blacktown; - improve the pedestrian circulation system and the general amenity of the pedestrian environment, through attention to solar access and the development of landscaped urban spaces; - improve the character of the centre by promoting aesthetically pleasing and architecturally interesting development which is sympathetic to adjacent developments; and - ensure that adequate car parking facilities are provided, vehicular traffic conflicts and hazards are minimised and pedestrians and vehicles are adequately separated.	The proposal is consistent with the objectives for the CBD in that it will facilitate future redevelopment of the Warrick Lane Precinct, improve the amenity of the public domain, pedestrian environment, and civic spaces, ensure adequate car parking is provided, and minimise potential conflict between pedestrian and vehicular movements.	Yes
Car Parking Strategy Council has adopted a parking strategy which limits the amount of on-site parking to be provided on land in certain locations within the CBD and requires all car parking to be provided on-site in other locations. This strategy aims to minimise the impact of traffic in the highly pedestrianised "heart" of the centre, maximise accessibility of developments to car parking and enhance efficiency of the proposed ring road system.	Car parking is a permissible use on the site and the development is specifically for a public car park below a high quality public square and flanking buildings. Specific parking for the buildings and their staff is not provided, although they may make use of the public car park (as a normal member of the public). Traffic is not considered to be increased significantly or to have an adverse impact on the city centre given the careful consideration that has been given to the entrance/exits of the car park and access to the site from main roads.	Yes
Design Guidelines All development should take into account the general development guidelines detailed in section 4 of this part of the DCP and the provisions of Council's Urban Design/Landscape Scheme for the Blacktown CDB, particularly the Master Plan adopted by Council	The development is consistent with the general development guidelines in respect of building height, setback, landscaping, trees, pedestrian access, public spaces/open space, vehicle access and circulation, service laneways, car parking, solar access and drainage. The DCP 2006 Master Plan has been superseded by the Warwick Lane Comprehensive Master Plan, of which this development is consistent with.	Yes

Control	Comment	Complies
Pedestrian Access and Open Space An objective for development within the CBD is to improve pedestrian circulation and access to open space. As a result, in considering development proposals, Council aims to protect and enhance existing open space and create a pedestrian network.	The proposal facilitates pedestrian circulation and connectivity around the CBD in the form of the laneways flanking the Main Street Plaza and the Plaza itself.	Yes
Southern Precinct Generally, mixed-use developments within this Precinct will be determined on their merits having regard to issues such as the size of the site, the local context and potential impacts on the Main Street Area (particularly overshadowing and bulk and scale). Proposals will also be required to have regard to the principles of, 'Building Height' of the Blacktown City Centre Urban Design Master Plan, which applies a 4 storey maximum height limit	The development is mixed use and is no higher than 4 storeys.	Yes
Building Design and Quality When viewed from nearby or distant vantage points, new development should provide visual interest through architectural design elements, including material selection, finishes and colour and should complement and enhance existing streetscapes. Blank facades should be avoided where possible and where unavoidable should be articulated in some way. Additionally, the built form of new development should be designed to be of a scale which is sensitive to pedestrian activity and which provides a safe and user friendly environment. It should complement the character of the area and create good pedestrian environments and an attractive streetscape.	The architectural design of the two flanking buildings, including the provision of public art space and the palette of materials and finishes, creates visual interest and enhances the streetscape of the CBD. Black facades are avoided and the buildings display a high degree of articulation and visual interest. The built form is of a scale which encourages pedestrian activity and complements the town centre nature of the site.	Yes
Front Setbacks A zero setback to the front boundary is permissible for the ground floor and the 1 - 2 levels above. Zero front setback is permissible up to levels 1 – 2. Levels above the podium must be setback in order to create a comfortable street scale.	The flanking buildings have a zero front setback to the Plaza and Main Street. The eastern flanking building is set back above the podium at Levels 02 and 03.	Yes
Side and Rear Setbacks A zero setback to the side and rear boundaries is permitted for the ground floor and 1 - 2 levels above. For levels of the building above the	The flanking buildings have zero side and rear setbacks. The side and rear setbacks of the eastern flanking building are considered appropriate in its context.	Yes

Control	Comment	Complies
podium, each development site shall be examined on its individual merits with the minimum setback being 6 metres.	The development is entirely compatible with the streetscape and urban grain of the area and enhances the streetscape.	

5.4 Blacktown Central Business District – Detailed Precinct Plans

Precinct 1 – Main Street Mall Precinct To ensure that the desired amenity of the Main Street Pedestrian Mall (located between Flushcombe Road and Campbell Street) is achieved, all development proposed for this precinct must all development proposed for this precinct must conform to requirements in relation to solar access, scale of development, pedestrian areas and open space, landscaping, vehicular access and parking, and advertising signs. Precinct 4 – Warrick Lane Precinct This precinct fronts Warrick Lane, the railway line and Sunnyholt Road. It is a prominent site visible from the railway and north of the City Centre. This site is of major importance as a potential commercial/retail centre in conjunction with transport interchange facilities. Development in this precinct must comply with requirements relating to pedestrian access, solar access, design landscaping, vehicular access, and parking.	The proposed development is considered to satisfy the general design Development requirements identified for the two Precincts in that it achieves adequate solar access, is of an appropriate scale, provides substantial pedestrian areas and open spaces, incorporates high quality landscaping, and minimises potential conflict between pedestrian and vehicular movements.	Yes
--	---	-----

DCP Part G – Site Waste Management and Minimisation

Demolition The objective of waste management at the demolition stage is to minimise waste generation and maximise re-use and recycling. This should be achieved through planned work staging, careful on-site storage and source separation, to allow for re-use of solid waste either on-site or off-site.	The Construction Waste Management Plan contains details for minimising waste from demolition.	Yes
Construction Categories The objective of waste management at the construction stage is to minimise waste through utilising techniques such as purchasing policy, use of prefabricated components, re-use of materials, use of recycled materials, coordination and sequencing of various trades and minimisation of excavation works.	The Construction Waste Management Plan details the construction management arrangements in relation to waste management, barriers and work zones, etc.	Yes
Performance Standards Various performance standards are	See above.	Yes

Control	Comment	Complies
provided for commercial and industrial developments relating to waste storage, collection and management. If investigations undertaken as part of the assessment of an application establish that contamination makes the land unsuitable for the proposed use and that remediation is necessary in order for the development to proceed, the consent authority may, if the remediation requires separate consent under SEPP 55 (i.e. is a Category 1 work) require the applicant to amend the proposal to include a remediation strategy as part of an amended DA.	As discussed above the DA is accompanied by a Preliminary (Stage 1) and Detailed (Stage 2) Site Investigation Report ("PDSIR") prepared by Construction Services. This report did not recommend that a Remedial action plan (RAP) be required at this stage.	Yes