

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:		Yes
(i) Any environmental planning instrument (EPI)	<p>The proposal is considered to be consistent with the relevant EPIs, 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 9 'design quality principles' of SEPP 65.</p> <p>The proposed development is defined as a shop top housing development and is a permissible land use within the B4 Mixed Use zone and satisfies the zone objectives outlined under the Blacktown LEP 2015.</p> <p>The proposed development is compliant with the controls of the Blacktown Development Control Plan 2015.</p>	
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	<p>A Planning Proposal was exhibited by Council until 20 September 2017 that seeks to rezone land in the Blacktown and Mount Druitt Central Business Districts to B4 Mixed Use and B3 Commercial Core, to increase building heights, remove floor space ratio controls and introduce incentive building heights for key and gateway sites in both CBDs that achieve design excellence through an architectural design competition. This Planning Proposal has not yet been gazetted and therefore the changes have not been made to BLEP 2015. This proposal does <u>not</u> rely on the Planning Proposal.</p>	N/A
(iii) Any development control plan (DCP)	<p>Blacktown DCP 2015 applies to the site. The proposed development is compliant with the numerical controls established under the DCP.</p>	Yes
(iii a) Any Planning Agreement	<p>A Water Sensitive Urban Design and Integrated Water Cycle Management Planning Agreement has been executed between the developer and Blacktown City Council.</p>	Yes
(iv) The regulations	<p>The DA is compliant.</p>	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	<p>It is considered that the likely impacts of the development, including traffic, parking and access, design, bulk and scale, overshadowing, noise, privacy, waste management, salinity, contamination and stormwater management, have been satisfactorily addressed.</p> <p>A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties.</p>	Yes

Heads of Consideration	Comment	Complies
locality		
	In view of the above, it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.	
c. The suitability of the site for the development	The subject site is zoned B4 Mixed Use under the Blacktown LEP. The proposed shop top housing development is permissible with consent in the zone and is consistent with the objectives of the zone. The site is not affected by any constraint that would prevent the development taking place in line with the zone objectives.	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. Four submissions were received during the notification period, 3 of which relate to 1 property and came from the property owner, the letting agent of the property and a consultant on behalf of the property owner. None of the objections warrant refusal of the DA. The objections are examined in detail at attachment 7 of this report.	Satisfactory
e. The public interest	The proposal will assist in delivering high quality, high density housing options to the area by introducing a range of apartment style dwellings. The shops proposed will be convenient in providing services directly to the increased population that will result from this development and other dwellings in the immediate area. The shops will be well located along Luxford Road for pedestrians to access on route to and from Mount Druitt Town Centre and Train Station. Due to the minimal environmental impact of the development and its socio-economic benefits, the proposal is considered to be in the public interest. The proposed building will improve the streetscape and entry into the Mount Druitt CBD from Luxford Road by replacing the existing vacant, dilapidated and vandalised building on the site with a new and vibrant streetscape.	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) over \$20 million (being the CIV applicable for applications lodged but not determined prior to 1 March 2018 under Clause 23 transitional provisions of the SEPP).</p> <p>As this DA has a CIV of \$39.3 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the Panel.</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 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.</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 Preliminary Site Investigation has been prepared and concludes that the site can be made suitable for the development due to the residential and commercial buildings that have historically occupied the site and subject to the following recommendations:</p> <ul style="list-style-type: none">• A hazardous materials assessment is undertaken prior to the demolition of on-site structures, to identify the presence of any harmful materials contained within the building fabric.• A detailed site investigation is undertaken to characterise soils and groundwater and ascertain the presence of any contamination on the site. <p>A hazardous materials assessment will be required prior to demolition of the existing building and a Phase 2 detailed site investigation will be required prior to commencement of construction.</p> <p>If the Phase 2 report identifies any contaminants above the National Environment Protection Measures (NEPM) 2013 guideline threshold levels, they will have to be removed to an off-site registered facility able to take these contaminants. A site validation report will then need to be prepared by a suitably qualified EPA recognised Geoscientist to confirm that the site is suitable for this mixed use development. These requirements have been reflected in the draft conditions of consent at attachment 8.</p>	Yes

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

Summary comment	Complies
<p>The planning policies and recommended strategies under SREP 20 are considered to be met through the stormwater detention and water quality controls of the Blacktown DCP.</p>	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 28(2) 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	<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p>	<p>The site is located close to the Mount Druitt CBD and shopping centres. It is approximately 800 m from Mount Druitt Train Station. It is close to religious facilities, schools and parks. The site adjoins a McDonald's Restaurant to the west and a child services facility to the east. It is therefore well served by public transport and amenities, including shops, schools and public recreation and green areas.</p> <p>A shop top building in this location is desirable in terms of the future character of the Mount Druitt CBD. Keeping the ground floor for retail/commercial units will reinforce the retail/commercial nature of the area. The immediate vicinity is already in transition as 2 other residential flat buildings are currently under construction on Mount Street and Zoe Place.</p>
2. Built form and scale	<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>The maximum height limit for this site is 32 m under the Blacktown LEP. The entire 8 storey building will be built within the height limit, being a total of 26.85 m high. The FSR control for the site is 3:1 and the proposed development complies with this requirement and therefore achieves a scale and bulk appropriate for the location. The setbacks proposed are compliant with BDCP 2015.</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 design includes a pair of twin towers above a 4 storey podium. This podium will reinforce the streetscape. The ground floor contains a retail/commercial podium across the whole site. A large area of communal open space is provided on Level 1 behind the street-front podium. The 2 towers rise above the podium. This includes an internal 3 m setback at Level 3. Additional communal open space is provided above the street-front section of the podium at Level 4 and there are communal roof terraces above both towers. The 2 towers will be located in such a way as to minimise overshadowing and ensure compliance with the building separation requirements.</p>
3. Density	<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. 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>The density that would be generated by this development is consistent with the controls and objectives for the site and complies with controls including minimum unit sizes.</p> <p>This site will be well served by existing infrastructure, amenities and schools. It is near Mount Druitt Train Station, bus stops, parks and shops. The additional dwellings will provide extra well designed housing for the area.</p>
4. Sustainability	<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 and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The apartments have been designed in a way that will maximise natural ventilation. The design provides a high proportion of corner units, resulting in a high number of north facing units with natural ventilation to minimise energy use. The design incorporates a metal portal frame structure with deep overhangs to windows and balconies that will maximise solar protection and minimise energy use. The proposal contains water collection and recycling initiatives for the garden areas.</p>
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>Several areas of outdoor landscaping are proposed. The public domain on Luxford Road contains outdoor dining with paving and planter boxes to define spaces. There is a large communal open space on Level 1 above the retail units which is accessible from both building cores. This area is a passive space and contains a central pergola. Another communal open space is located at Level 4 and contains more active uses including BBQs and dining. Additional landscaped communal terrace spaces are located on the roof of both towers.</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>	
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 achieves a suitable level of internal amenity due to the apartments being designed in line with the ADG/SEPP 65 requirements for solar access, natural ventilation, ceiling heights, apartment sizes, private open space and storage.</p> <p>The landscaped areas provide both active and passive outdoor areas to contribute to amenity, with activities for all age groups, such as a variety of seating areas, BBQ's and dining areas.</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 maintained and appropriate to the location and purpose.</p>	<p>A variety of security measures have been incorporated into the design of the apartment complex. The main entry space is overlooked by the units above. The basement parking provides security for residents and visitors arriving by car. Passive surveillance is provided by the street-front units and for the approach to the main apartment entry lobby areas.</p>
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 will provide an increase in the residential housing available in Mount Druitt which is consistent with the planned redevelopment of the area. The building will contain 131 apartments that are ADG compliant in size and will have access to similarly compliant private and public open spaces that will improve the quality of the dwelling units currently available in the area.</p> <p>The apartment mix includes 1, 2 & 3 bedroom apartments that could provide accommodation for a wide mix of occupants, including large families and retirees.</p>

		<p>Storage is provided both inside and outside each apartment and a dedicated storage space is located at basement level.</p> <p>The site is located on a busy road and close to a bus stop. It is within 10 minutes walk of Mount Druitt Station and a range of community facilities, parks and services.</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 massing of the building responds to its context and will be a landmark building in the area. The shape reinforces the streetscape and its location within the CBD.</p> <p>The building is predominantly clad in tinted glass and creates a sophisticated urban character. Full height glass doors to living areas and glass balustrades to balconies are proposed. Some areas of bedroom spandrels will be solid masonry painted dark to match the glazing as illustrated on Drawing number A850. The building is also clad in a lattice screen of white aluminium tubing. This screen gives a sculptural effect to the building.</p> <p>The length of the podium is broken up with a large recessed space in the middle, with uppermost podium levels setback which reduces the massing. This is reflected in the curving back of the lattice screen into this space. Pergolas with similar lattice shapes are proposed on Levels 1, 4 and the roof.</p> <p>It is considered that the design of the building is unique and will assist to create a benchmark for the design of future buildings in the Mount Druitt CBD.</p>

6.2 Compliance with Apartment Design Guide (ADG)

ADG requirement	Proposal	Compliance
<p>We have assessed the application against the relevant provisions of the ADG and the table below only identifies where compliance is not fully achieved.</p> <p>It is compliant with all other matters under the ADG.</p>		
Designing the building		
4D Apartment size and layout	<p>Open Plan Layouts that include a living, dining room and kitchen – maximum 8 m to a window.</p> <p>On levels 4 – 7, unit 15 has a depth of 9.3 m and unit 14 has a depth of 8.24 m.</p> <p>On the podium levels, unit 22 has a depth of 8.26 m.</p>	No, but the minor non-compliances are considered acceptable

		The dimensions of the open plan living areas within these apartments are similar to those provided elsewhere within the development, and there would be little overall benefit in complying with these controls. This arrangement also allows the occupants access to natural cross ventilation. The balcony area could be extended to achieve compliance with the requirements, however this would create little benefit to the overall design of the units and would increase the balcony depth, limiting internal solar access.	
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7 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 Contributing to the provision of services to meet communities' changing needs. 	Yes

8 Blacktown Development Control Plan 2015

Summary comment	Complies
BDCP 2015 applies to the site with regard to the proposed development. We have assessed the DA against the relevant provisions and found that it is compliant with all matters under BDCP 2015 subject to conditions.	Yes