

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:		Satisfactory
(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 (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, the Central City District Plan 2018, Blacktown Local Strategic Planning Statement 2020 and the Blacktown Local Environmental Plan 2015 (BLEP).</p> <p>The proposed development is a permissible land use within the R4 High Density Residential zone and satisfies the zone objectives outlined under BLEP 2015.</p> <p>The development does not comply with the maximum height of buildings development standard of 16 m. The roofline, rooftop lifts and stairs exceed the height by up to 5.6 m and with minor habitable space encroachment due to the natural ground level being the bed of the creek and the bulk earthworks to be undertaken will be similar to a greenfield site. 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>The 2 buildings generally comply with the design criteria of the Apartment Design Guide (ADG). The non-compliances are not considered sufficient to refuse consent for the application, subject to conditions.</p>	<p>Satisfactory</p> <p>No, but acceptable in the circumstances for minor encroachments and rooftop structures due to the unique circumstances of the site.</p> <p>No, but acceptable in the circumstances as the aims of this control are achieved.</p>
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	There is no draft EPI relevant to the site.	N/A
(iii) Any development control plan (DCP)	Blacktown Development Control Plan (BDCP) 2015 applies to the site. The proposed development is compliant with the numerical controls established under the DCP, with the exception of variations to side and front setbacks and car parking. Refer to further discussion under Key issues in the Assessment report.	No, but acceptable in the circumstances and subject to conditions.

Heads of Consideration	Comment	Complies
(iii a) Any Planning Agreement	<p>In August 2016, the applicant entered into a Voluntary Planning Agreement (VPA) on the subject site with Council which allowed Ministerial approval of the rezoning of the land to proceed. The VPA requires the applicant to undertake the works for realignment of the creek and associated landscape and dedicate the SP2 and RE1 zoned land as part of the Development Application process for residential flat buildings on the R4 zoned land.</p> <p>The applicant has provided engineering plans for the works required under the VPA (e.g. channel design, stormwater works and landscaping) as part of this application.</p> <p>Our Drainage and Development Engineering sections have reviewed the application and have raised no objections to the proposal subject to imposing deferred commencement conditions of consent to address Council's requirements.</p>	Yes, subject to conditions
(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, parking and access, design and presentation, flooding, bulk and scale, overshadowing, noise, privacy, waste management, flora and fauna, salinity, contamination and stormwater management have been satisfactorily addressed.</p> <p>In view of the above, it is believed that the proposed development will have minimal unfavourable social, economic or environmental impacts.</p>	Yes
c. The suitability of the site for the development	<p>The subject site is zoned R4 High Density Residential which permits residential flat buildings with consent. There is a height limit of 16 m under BLEP 2015. Some portions of the building exceed this height limit, due to the site's existing topography of the creek running through the site and some rooftop plant and equipment. The site is more akin to a greenfield site rather than an infill site in regard to site works that are required.</p> <p>The height exceedance relates to the lift overrun, stair core, the parapet and some habitable spaces at the top floor level. A Clause 4.6 request to vary from the building height standard has been provided, which is addressed separately at attachments 8 and 9.</p> <p>Residential flat buildings are a permissible form of development on the site with development consent and the site attributes support a proposal of this height, bulk and scale given that it is an isolated site with no immediate abutting residential zone.</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	The application was exhibited for comment for a period of 30 days and we received 71 individual submissions from the public. The issues raised in the submissions are addressed in detail in attachment 7.	
e. The public interest	The site is zoned for high density residential development but the proposal is only up to 5 storeys in height due to the 16 m	Yes

Heads of Consideration	Comment	Complies
	height plane. The proposal is permissible under the zoning. It will provide housing stock and diversity within the Blacktown area within close walking distance of public transport. Therefore, the proposal is considered to be in the public interest.	

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 \$30 million.</p> <p>As this DA has a CIV of \$40,987,204 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 (Infrastructure) 2007

Summary comment	Complies
<p>The development site contains a frontage to Sunnyholt Road to the west, which is a classified road and as a result it is necessary to consider the provisions of Clauses 101, 102 and 104 of the SEPP.</p> <p>Clause 101 requires that vehicular access be provided from a road other than a classified road. It is noted the vehicular access for entry and exit to the site will be via Vardys Road to the south of the site.</p> <p>Clause 102 requires a consent authority to consider the impact on the classified road of buildings used for residential purposes. In this case an Acoustic Assessment is required to accompany the Development Application to demonstrate that amenity for residents will be below the criteria specified within Clause 102(3). An Acoustic Assessment has been submitted with the application that has found that, subject to the implementation of mitigation measures under section 6 of the report, the criteria under Clause 102(3) will be achieved.</p> <p>Clause 104 of SEPP requires that the 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 application was referred to RMS (TfNSW) as the number of on-site car parking spaces exceeds 200 vehicles and the site is located in close proximity to Sunnyholt Road. RMS raised no objection to the proposed development subject to conditions, including standard conditions for sight distance, swept paths, layout of car parking, etc. The conditions also require all buildings and structures, together with any improvements integral to the future use of the site, to be wholly within the freehold property (unlimited in height or depth), along the Sunnyholt Road/North West Transitway boundary. These conditions will be imposed on the consent and are to be satisfied prior to issue of the Construction Certificate.</p> <p>The proposal has been referred to Endeavour Energy under Clause 45 of the ISEPP as it is in proximity to an overhead line on the eastern boundary of the site.</p> <p>Whilst there is no easement over the site benefitting Endeavour Energy, there is a 11 kV high voltage overhead power line running from Vardys Road to the north parallel to the eastern boundary of the subject site requiring a notional 9 m separation width, being 4.5 m to both sides of the power line.</p>	Yes, subject to conditions.

Summary comment	Complies
<p>The justification provided by the applicant in support of the variation sought for the side setback relies on a minimum 3 m setback to this eastern boundary of the site which forms part of the notional 4.5 m restricted area either side of the power line which is located on the reserve 1.7 m off the boundary. As a result, a minimum separation of 4.7 m will be provided to the power line, which complies with the Endeavour Energy minimum requirement of 4.5 m separation to both sides of the power line.</p> <p>Whilst the proposal complies with Endeavour Energy's minimum requirement of separation to the sides of the centre line, a condition is imposed on the consent requiring the applicant to liaise with Endeavour Energy and address the remaining concern raised in response to the applicant's response to Endeavour Energy related to the 'various other encroachments and activities proposed within the easement' prior to the issue of any Construction Certificate for the buildings.</p>	

4 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 the consent.</p>	Yes

5 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>The applicant submitted a Stage 2 Contamination Assessment prepared by Ground Technologies Pty Ltd with targeted testing including desktop study and collection of soil samples by a Geotechnical Engineer according to a sampling plan across the development site.</p> <p>The report states that filling was observed within the south-eastern and south-western corner of the site and testing of the fill was undertaken as a part of this investigation. Contaminants of concern within fill material include Heavy Metals, PAH, TPH, BTEX and asbestos. The laboratory results detailed levels of heavy metals to be well below the adopted assessment criteria, and levels of PAH, TPH, BTEX and asbestos were below the limits. The report also noted that the fill material in these areas will be excavated and removed from the site as General Solid Waste as part of the proposed basement excavations.</p> <p>The report concludes that the results of the desktop study and chemical analyses indicate that the site does not present a risk to human health or the environment in the exposure setting 'standard residential with garden/accessible soil ('A')' and no Remediation Action Plan is required. Council has however conditioned for the applicant to have an unexcepted finds protocol in the event of any contamination being found that requires remediation to residential standards in accordance with the National Environment Protection Measure (NEPM) 2013 Guidelines.</p>	Yes

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

Summary comment	Complies
The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of Blacktown Local Environmental Plan 2015.	Yes

7 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 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.</p>

7.1 Design quality principles

Principle	Control	Comment
7.1.1 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 within the Blacktown area, part of which has been rezoned to high density residential. The proposed residential flat buildings are proposed only on the land zoned R4 High Density Residential and so are permissible in this zone.</p> <p>The layout and design of the proposal responds well to the context of the site, including the flood affectation of the site, and is considered satisfactory with regard to the development standards and controls.</p> <p>The proposal also creates a generous landscaped buffer between existing low density residential properties to the north and the proposed higher density development. The distance between the proposed R4 High Density Residential zone and the neighbouring R2 Low Density Residential zone to the north is approximately 50 m. The landscaped buffer will reduce the potential impact on</p>

Principle	Control	Comment
		<p>the character of the existing low density area in Kings Langley.</p> <p>The proposed development is within 200 m walking distance of a T-Way bus stop. The vehicular access to the site will be via Vardys Road only and inaccessible from any local streets in Kings Langley, including Evan 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>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 proposed built form consists of 2 separate apartment buildings with a 5 storey building component. Each block is designed in a U-shaped built form that has incorporated physical articulation of the built form and reduces the overall bulk and mass of the building.</p> <p>Due to the U shaped design of the building and significant breaks between the buildings, the proposal achieves less bulk and massing facing Vardys Road, while still addressing the north facing drainage reserve for amenity and outlook of the apartments.</p> <p>The proposed development exceeds the permitted maximum 16 m height limit, noting that the majority of the departure is located on a portion of the site where the topography falls owing to the existing creek on the land. Therefore the variation will not be dominant when the building is viewed from the public domain given the 5 storey form. Furthermore, the visual impacts associated with the non-compliance with the height control is mitigated due to the lot being isolated in an island form and away from existing residential zoned land parcels.</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.</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>The residential component of the development comprises 178 apartments. Each apartment has been designed to achieve a suitable level of amenity for residents. The proposed density and resulting population are considered acceptable given the context and scale of the development.</p> <p>In terms of public transport, the site is within 200 m walking distance to the bus stop on the North West Transitway. The Transitway was constructed to provide a dedicated efficient bus service into the Blacktown CBD and railway station. The close distance from the site to the North West Transitway is desirable and supports an increase in residential density on the site.</p>

Principle	Control	Comment
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 design of the development and orientation of the building ensures that the development meets the minimum design criteria for solar access and natural cross ventilation, resulting in more than 70% of the apartments having adequate sun and at least 60% of the apartments achieving natural cross-flow ventilation.</p> <p>The applicant has submitted a BASIX Certificate for the proposed development. In achieving the required BASIX targets for sustainable water usage and energy efficiency, the proposed development will be required to achieve efficient use of natural resources, energy and water throughout its full life cycle, including during the construction stages.</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>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 proposal provides landscaping elements at ground level and which contributes to the streetscape in the neighbourhood. Additional communal open space will be provided on the rooftop. Deep soil zones will be provided throughout the development, and have increased in parts to ensure sufficient planting can be achieved, some of which is co-located with the internal courtyard communal open space areas.</p> <p>The realigned creek and the public open space area will be landscaped and will continue to provide an open space corridor through the site. The proposed landscape treatment will also soften the appearance of the building when viewed from Evan Place in a southerly direction.</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 wellbeing.</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 proposed development will ensure a high level of amenity for the future occupants.</p> <p>The design and orientation of the building maximises north facing apartments so that the majority of apartments receive the required levels of solar access and cross ventilation.</p> <p>The proposal will achieve a suitable level of internal amenity through providing appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space,</p>

Principle	Control	Comment
		outlook, efficient layouts and service areas.
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>The proposal will provide suitable casual surveillance of street frontages, and the public and communal areas of the site, through the glazed openings and balconies of the ground floor and upper level apartments.</p> <p>Conditions will be imposed to ensure that the communal spaces will be adequately lit and secure access will be provided to all internal areas and parking.</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 a mix of dwellings, which will respond to anticipated market and demographic demands in the area. However due to the car parking deficiency of 5 spaces, the unit mix will alter slightly as a result.</p> <p>10% adaptable units will be provided as required and identified on plans, for which resident disabled parking spaces are provided.</p> <p>The proposed rooftop communal open space area on the site is considered acceptable.</p> <p>The proposed common open space areas, including the rooftop space, will be accessed from various building points with provision for suitable sitting, shaded and BBQ areas in a landscaped setting.</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 proposal incorporates a variety of materials, including rendered and painted finishes for the facade walls, a combination of solid balustrades as well as glazed balustrade treatments, and special cladding for party walls.</p> <p>The landscaping will ensure the buildings are well integrated into their surroundings.</p>

7.2 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**.

ADG requirement	Proposal	Compliance	
It is compliant with all other matters under the ADG.			
Controls			
3C Public domain interface	Ground level courtyards to have direct access, if appropriate.	Due to the proposed design of the building which has a preference for landscaping within the front setback, direct access is not provided to the street for ground floor units, however appropriate access to all ground floor units is provided from Vardys Road and it is considered acceptable.	No, but acceptable in the circumstances
	Front fences to be visually permeable with maximum 1 m height and limited length.	No front boundary fencing is proposed due to the proposed landscape planting within the front setback and proposed active street frontage. This is considered satisfactory with respect to the visual amenity of the proposal and its streetscape presentation and where there is no access to the apartments from the street.	No, but acceptable in the circumstances
	Mail boxes to be located in lobbies, perpendicular to the street or within the front fence.	Mailboxes are located within the front setback. The NSW Police Force recommends that the proposed mailbox area should be altered to include a segregated mailbox room/foyer area. A condition is included requiring the mailboxes to be provided to satisfy the recommendations of the Police.	No, but can be resolved with a condition
	Where development adjoins public parks, open space or bushland, the design positively addresses this interface and uses a number of the following design solutions: street access, pedestrian paths and building entries which are clearly defined paths, low fences and planting that clearly delineate between communal/private open space and the adjoining public open space minimal use of blank walls, fences and ground level parking On sloping sites, protrusion of car parking should be minimised.	Whilst the development is facing open space to the eastern and western boundaries it does not have any direct access to the adjacent riparian zone. A condition has been recommended by our drainage engineers requiring a minimum 1.2 m high black palisade fence along the northern and western boundaries of the development site, being adjacent to the creek and along the 10 m riparian corridor. At the western end the fence is to continue along a straight line to Vardys Road. Due to the raised floor levels (as a result of revised flood modelling requirements required under the engineering deferred commencement matters) it is likely that the finished ground level of	No, but can be resolved with a condition

ADG requirement		Proposal	Compliance
		<p>the riparian zone adjacent to the basement will be lowered further, hence exposing more surface along the northern and western boundaries of the development site. This necessitates a feature retaining wall treatment.</p> <p>Whilst there will be minimal visual impact due to these walls facing the creek and open space, a condition is imposed on the consent requiring the proposed treatment of the walls to be submitted for Council's approval prior to the issue of any Construction Certificate, to mitigate any potential adverse visual impacts of the wall.</p> <p>The fencing proposed to the eastern boundary of the development site will be 1.8 m high with the first 1.1 m being a rendered finish and the top 700 mm being horizontal slats separating the Private Open Space (POS) of the units at the ground floor level from the sportsfield to the east of the development site.</p>	
3F Visual privacy	<p>Building Separation: refer to 2F above.</p> <p>Separation distances between buildings on the same site depending on the type of room as to reflect Figure 3F.2.</p>	<p>The development sits on its own island, noting the R4 zoned land does not bound any residential zoned land parcel and as such building separation to its boundaries is considered based on the site context.</p> <p>Considering that the site bounds a public reserve, the reduced building separation to the eastern boundary is not considered to have any adverse privacy impact and is considered acceptable as per the reasons discussed under Key issues in the Assessment report.</p> <p>The proposal meets the required building separation for the building on the same site, including 13 m separation at ground level to level 3 and also provides 18 m building separation on level 5 to mitigate any potential privacy impacts to future residents.</p> <p>Habitable windows which overlook the central courtyard at the ground floor are separated by planter boxes and landscaping to avoid loss of privacy. All other habitable</p>	<p>No, minor variation sought. However, acceptable as the aims of this control are still achieved</p>

ADG requirement		Proposal	Compliance
		rooms/POS are fully separated from common areas.	
Designing the building			
4E Private open space and balconies	<p>Studio > 4 m²</p> <p>1 bed > 8 m² and 2 m depth</p> <p>2 bed >10 m² and 2 m depth</p> <p>3 bed >12 m² and 2.4 m depth</p> <p>Ground level/podium apartments > 15 m² and 3 m depth</p>	<p>>4 m²</p> <p>>8 m²</p> <p>>10 m²</p> <p>>12 m²</p> <p>All ground level POS/balcony areas at the ground level have an area of 15 m² and above and comply.</p> <p>All POS at the ground level will have a depth of 3 m with the exception of 5 units having a depth of less than 3 m, ranging from 2.5 m to 2.7 m. The non-compliance is of a minor nature, noting the majority of units will be provided with appropriate private open space at ground level and will adjoin the existing landscaped area to the east, and future landscaped area to the north and west of the site.</p> <p>A/C units not indicated on plans. Apply condition</p>	<p>Yes</p> <p>Yes</p> <p>No, but acceptable in the circumstances</p> <p>Acceptable subject to a condition</p>
4L Ground floor apartments	<p>Maximise street frontage activity. Direct street access to ground floor apartments.</p> <p>Ground floor apartments to deliver amenity and safety for residents.</p>	<p>Due to the proposed design of the building providing landscaping within the front setback, direct access will not be provided to the street for ground floor units, however appropriate access to all ground floor units is provided from Vardys Road and this is considered acceptable.</p>	<p>No, but acceptable in the circumstances</p>
4Q Universal design	<p>20% liveable housing. Flexible design solutions to accommodate the changing needs of occupants.</p> <p>10% adaptable housing.</p>	<p>11% of apartments have been identified on the plans to incorporate the Liveable Housing Guideline's silver level universal design features. A condition will be imposed requiring a minimum of 20% of the apartments to be</p> <p>Included in the 178 apartments, which will be 18 (10%) adaptable dwellings with 18 associated accessible parking spaces.</p>	<p>No, but acceptable subject to conditions</p>

8 Blacktown Local Environmental Plan 2015

Summary comment	
<p>The Blacktown Local Environmental Plan 2015 (BLEP 2015) applies to the site. The table below provides a summary assessment of the development standards established within BLEP 2015 and the proposal's compliance with these standards. The development complies with the development standards contained within BLEP 2015, with the exception of building height.</p>	
Development standard	Complies
Part 4 Principal development standards	
<p>Cl. 4.3 Height of buildings Maximum 16 m The proposal seeks to vary the building height to 21.6 m or 5.6 m above the permissible height limit of 16 m, being a variation of 35%. Refer to attachment 9 for the Clause 4.6 discussion.</p>	<p>No – see Clause 4.6 justification at attachment 8 provided by the applicant. Our assessment is at attachment 9.</p> <p>The proposed building height variation is also discussed in detail under Section 7 of the report and is considered satisfactory in the circumstances.</p>
<p>Design excellence Development consent must not be granted to development involving the erection of a new building or external alterations to an existing building on any land unless the consent authority is satisfied that the development exhibits design excellence. The building has been architecturally designed with a mixture of vertical and horizontal features, including windows, projecting walls and balconies and framed elements and is generally consistent with the Apartment Design Guide. The proposed materials include rendered and painted finishes for the facade walls, a combination of solid balustrades as well as glazed balustrade treatments, Alucobond cladding for partial walls and timber cladding for architectural elements and parapet wall on the roof. Council's City Architect has reviewed the proposed schedule of materials and the submitted photomontage with the application and identified some concerns during his initial evaluation. It is advised that our preference is for the use of render to be limited and substituted for more robust materials (such as masonry) to ensure there are less ongoing maintenance requirements and improved longevity of the development.</p>	<p>Yes, subject to a condition imposed on the consent requiring the revised schedule of materials be provided to Council's City Architect's satisfaction as a deferred commencement condition for the residential flat buildings.</p>

9 Blacktown Development Control Plan 2015

Summary comment	Complies
<p>We have assessed the application against the relevant provisions of the Blacktown DCP. The proposal satisfies the requirements of the DCP with the exception of car parking which has a deficit of 5 car parking spaces in relation to DCP requirements.</p>	<p>No, but a deferred commencement condition should be imposed on the consent that requires the proposed development to be</p>

Summary comment	Complies
	amended (i.e. reducing the number of 3 bedroom units) to fully comply with the car parking requirement. This is discussed in detail in section 7 of the Assessment report as a key issue.

10 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

11 Blacktown Local Strategic Planning Statement 2020

Summary comment	Complies
<p>The Blacktown Local Strategic Planning Statement (LSPS) 2020 outlines a planning vision for the City over the next 20 years to 2041. The LSPS contains 18 Local Planning Priorities based on themes of Infrastructure and collaboration, Liveability, Productivity, Sustainability and Implementation.</p> <p>The DA is consistent with the following priority:</p> <ul style="list-style-type: none"> LPP5: Providing housing supply, choice and affordability with access to jobs, services and public transport 	Yes