

## Assessment against planning controls: section 4.15, summary assessment and variations to standards

### 1 Environmental Planning and Assessment Act 1979

#### 1.1 Section 4.22 'Concept Development Applications'

Summary comment	Complies
<p>This application is lodged under section 4.22 Concept Development Applications (DAs) under the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>As permitted by Clause 5, our consideration under section 4.15 of the Act as to the likely impact of the development the subject of the concept DA is limited to the likely impact of the concept proposal (the concept envelopes for the redevelopment of the site) and the first stage of the development only (Stage 1, being the construction and occupation of the 525 m<sup>2</sup> commercial tenancy above an existing commercial space).</p> <p>This application does not include consideration of the likely impacts of the carrying out of development that is the subject of the second stage of development, which is required to be the subject of a separate DA (being the expansion of the shopping centre, new apartment buildings and associated car parking within the proposed concept envelopes).</p>	Satisfactory

#### 1.2 Section 4.15 'Heads of Consideration'

Heads of Consideration	Comment	Complies
<p>a. The provisions of:</p> <p>(i) Any environmental planning instrument (EPI)</p>	<p>The proposal is considered to be consistent with the relevant EPIs, including SREP No. 30 – St Marys, 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 65 – Design Quality of Residential Apartment Development and the 9 'design quality principles' of SEPP 65 and the Central City District Plan 2018.</p> <p>The proposed 'multi-unit housing' and 'local retail or commercial premises' are permissible land uses with consent in the Urban zone and satisfy the zone objectives outlined under SREP St Marys.</p> <p>The proposal is generally consistent with the Eastern Precinct Plan and Development Control Strategy (DCS), with the exception of the number of storeys, as discussed below.</p> <p>The proposed concept envelopes support the revitalisation of the existing Village Centre by improving the supermarket and civic spaces for the benefit of the existing community, as well as offering additional housing options. Refer to Section 7 of the Assessment Report for further details.</p>	Satisfactory
<p>(ii) Any proposed instrument that is or has been the subject of public</p>	There is no draft EPI relevant to the site.	N/A

Heads of Consideration	Comment	Complies
consultation under this Act		
(iii) Any development control plan (DCP)	<p>The Eastern Creek Precinct Plan and Development Control Strategy (DCS) apply to the site. The proposal is generally consistent with the Eastern Precinct Plan and DCS, with the exception of the number of storeys.</p> <p>The maximum permitted number of storeys is 4. The proposed concept envelopes are for 6 storeys with a 7 storey appearance in part.</p> <p>The proposed development is centrally located within the site and it provides a transition to the recently constructed 4 storey mixed use buildings to the east, south and west, and the 2 storey dwellings beyond. This is a suitable transition from the proposal relative to the existing surrounding buildings. These concept building envelopes generate a cohesive and functional development outcome for the Ropes Crossing Village Centre.</p> <p>Relevant provisions of the Blacktown Development Control Plan (DCP) 2015 also apply to this site as called up by the above Strategy. The proposed development is compliant with the requirements established under the DCP. These matters relate to waste management and water sensitive urban design.</p>	Yes, with the exception of the number of storeys, which is satisfactory in this instance as discussed in section 7 of the Assessment report.
(iii a) Any Planning Agreement	On 13 December 2019, the applicant entered into a Planning Agreement with Council to make monetary contributions to support the additional dwellings in this Precinct in a manner which is consistent with those paid by Lend Lease for the Ropes Crossing area since 2002. The Planning Agreement obligates the developer to pay monetary contributions on a per dwelling basis to the enhancement of off-site public facilities and services, being for public library purposes, indoor recreation purposes and active recreation purposes.	Yes
(iv) The regulations	The DA is compliant.	Yes
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	<p>Under section 4.22(5) of the Act, and with regard to the likely impact of the development the subject of this concept proposal, it is considered that the likely impacts of the concept development and Stage 1, including traffic, access, parking, design and presentation, amenity, bulk and scale, overshadowing, noise, privacy, waste management, acoustic impacts, flora and fauna, salinity, contamination, stormwater management and bushfire management, can be satisfactorily addressed by way of conditions.</p> <p>A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties.</p> <p>In view of the above, it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts.</p>	Satisfactory
c. The suitability of the site for the development	The subject site is zoned 'Urban' which permits 'multi-unit housing' and 'local retail or commercial premises' with consent.	Satisfactory

Heads of Consideration	Comment	Complies
	<p>The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis and responds positively to the different types of land uses adjoining the site.</p> <p>Part of the site is identified as Buffer 1 bushfire prone land. As the site consists of an existing child care centre and the proposal seeks strata subdivision in future applications, the NSW Rural Fire Service issued its General Terms of Approval under Division 4.8 of the <i>Environmental Planning and Assessment Act 1979</i>, and issued a Bush Fire Safety Authority without any specific conditions under section 100B of the <i>Rural Fires Act 1997</i>.</p> <p>The site is therefore considered suitable for the proposed development.</p>	
d. Any submissions made in accordance with this Act, or the regulations	<p>The DA was exhibited for comment for a period of 14 days. 5 submissions were received objecting to the proposal.</p> <p>The submissions raised concern that there are already a number of unoccupied apartments and shops, the school is at capacity, increased crime and reduced/low rents due to a number of unoccupied apartments, adverse impacts on the children in the child care centre, privacy impacts from a 6 storey unit complex overlooking residents' backyards, and residents do not want this eyesore in their community.</p> <p>Issues also include excessive density, the design will spoil the aesthetics of the Central Precinct of Ropes Crossing and it is contrary to the original Master Plan concept submitted for the suburb by Delfin Lend Lease.</p> <p>Issues also include further traffic congestion, as residents exit the carpark onto Ropes Crossing Boulevard, preference for more retail stores and not apartments, inconsistent with the community consultation which envisaged 10 additional retail stores.</p> <p>2 submissions were received in support of the application for the following reason: more affordable homes for people in the west.</p> <p>Refer to attachment 10 for a detailed consideration of the issues raised in the submissions. The applicant has provided a response to the issues raised. The issues raised in the submissions are not considered to warrant the refusal of the application.</p>	Satisfactory
e. The public interest	<p>The proposal is consistent with the zoning for the site. The applicant has demonstrated that the proposed built form and uses are compatible with the residential and non-residential uses in the immediate and general vicinity.</p> <p>Appropriate conditions have been included to protect the interests of the surrounding properties.</p> <p>On balance, the proposal is considered to be in the public interest as the development will contribute to the diversity of residential accommodation, retail and employment opportunities in the St Marys Precinct and is recommended for approval.</p>	Yes

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

Summary comment	Complies
<p>SREP 20 requires a consent authority to take into consideration the general planning considerations set out in Clause 5 and the specific planning policies and recommended strategies in Clause 6. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of SREP No. 30 St Marys, the Precinct Plan and Development Control Strategy and relevant provisions of the Blacktown DCP 2015.</p> <p>The development complies with the development standards and controls established within SREP No. 30 St Marys, to enable the orderly development of the site. The proposed development has demonstrated consistency with the relevant controls and represents a site responsive development. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.</p>	Yes

## 3 Sydney Regional Environmental Plan No. 30 – St Marys

Summary comment	Complies
We have assessed the DA against the relevant provisions. The proposal is compliant with SREP No. 30 - St Marys. Consideration of the relevant provisions of the SREP is provided below.	Yes
The proposal is consistent with the Performance Objectives in Part 5 of the SREP. The site is classified as 'Urban zone.'	Satisfactory
<p>The proposal is consistent the following objectives of the Urban zone:</p> <ul style="list-style-type: none"> <li>(a) to ensure that buildings and works within the zone are primarily used for residential purposes and associated facilities, and</li> <li>(b) to limit the range and scale of non-residential uses to ensure that they are compatible with residential amenity and primarily serve local residents, and</li> <li>(c) to provide for local retailing and related services, including supermarkets, which will compliment established centres in the Blacktown City and Penrith City local government areas and not have a significant adverse effect on the viability of established retail centres, and</li> <li>(d) to provide for medium density residential development in locations which provide optimum access to employment, public transport and services, while ensuring residential amenity, and</li> <li>(e) to promote home based industries where such activities are unlikely to adversely affect the living environment of neighbours, and</li> <li>(f) to ensure that development adjacent to the Regional Park zone does not have a negative impact on biodiversity or conservation within that zone.</li> </ul>	Satisfactory
<p>The proposed 'multi-unit housing' is permissible with consent and is defined as follows:</p> <ul style="list-style-type: none"> <li>• multi-unit housing means 'a building or buildings containing 3 or more dwellings and includes forms of residential buildings commonly known as apartments, boarding houses, cluster housing, integrated housing, residential flat buildings, serviced apartments, row houses, terrace houses, townhouses or villas and the like.'</li> </ul> <p>The proposed 'local retail or commercial premises' is permissible with consent and is defined as follows:</p> <ul style="list-style-type: none"> <li>• local retail or commercial premises means retail or commercial buildings of a scale and nature appropriate to service the needs of people living or working on the land to which this plan applies, and may include but is not limited to things</li> </ul>	Yes

Summary comment	Complies
<p>such as supermarkets, newsagencies, butchers, fruit and vegetable or hairdressers shops, real estate agents premises, and banks.</p> <p>The applicant has indicated that the new commercial tenancy may be occupied as a medical centre, which is permissible with consent and defined as follows:</p> <ul style="list-style-type: none"> <li>medical centre means 'a building or place used for the purpose of providing professional health services (including preventative care, diagnosis, medical or surgical treatment and counselling) to out-patients only.'</li> </ul>	

## Part 7 Development Controls

<p><b>Clause 59 of the SREP states:</b></p> <p><b>59 Retail and commercial development restricted</b></p> <p>(1) The consent authority must not grant consent to development described in Schedule 4 on land zoned Urban unless -</p> <p>(a) the proposed development is located on land identified as suitable for use for the purpose of a retail centre by a precinct plan, and</p> <p>(b) the consent authority is satisfied that, if the proposed development is carried out, the total gross floor area of all buildings on land to which this plan applies that may be used for the purpose of shops will not exceed 13,000 m<sup>2</sup> approximately divided as follows -</p> <p>(i) Western Precinct - 7,500 m<sup>2</sup>,</p> <p>(ii) Central, Dunheved North and Dunheved South Precincts (combined) - 2,500 m<sup>2</sup>,</p> <p>(iii) Eastern and Ropes Creek Precincts (combined) - 3,000 m<sup>2</sup>.</p> <p>(2) However, subclause (1)(b) does not apply if the consent authority is satisfied that, after the proposed development is carried out, the total gross floor area (including the gross floor area of all other buildings used for retailing in the locality) will not be greater than the total required to reasonably service the local residential community and workforce.</p> <p>(3) Subclause (1) does not apply to the granting of consent for general stores.</p> <p>SREP 30 (including Clause 59) was first gazetted in 2001. Since that time the existing shopping centre has grown to have a GFA totalling 5,756 m<sup>2</sup>, well exceeding the initial 3000 m<sup>2</sup> envisaged for the precinct (Eastern and Ropes Creek combined). This figure also includes the non-retail uses within the centre, including the child care centre.</p> <p>We are satisfied that Clause 59(1)(b) does not apply as the resultant area will not be greater than the total required to reasonably service the local residential community and workforce. In particular, Coles has found the need to expand in order to continue to cater to residents not only from Ropes Crossing but also from nearby suburbs such as Willmot, Shalvey, Lethbridge Park and Tregear.</p>	Yes
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## 4 State Environmental Planning Policy (State and Regional Development) 2011

Summary comment	Complies
<p>The Sydney Central City Planning Panel (SPP) is the consent authority for all development with a capital investment value (CIV) of over \$30 million.</p> <p>As the DA has a CIV of \$67.7 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the Panel.</p>	Yes

## 5 State Environmental Planning Policy (Infrastructure) 2007

Summary comment	Complies
The SEPP ensures that Transport for NSW (TNSW) (formerly the Roads and Maritime Services) is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP. The development was referred to TNSW, who found the development acceptable subject to conditions of consent.	Yes

## 6 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 application is accompanied by a Detailed Site Investigation report prepared by EI Australia dated February 2020 that concludes that the site is considered suitable for the proposed development. The report recommends that, during redevelopment, the following is implemented:</p> <ol style="list-style-type: none"> <li>1 Any unexpected finds removed from the site should be classified for off-site disposal in accordance with the EPA (2014) Waste Classification Guidelines.</li> <li>2 Any material being imported to the site should be assessed for potential contamination in accordance with the NSW EPA guidelines as being suitable for the intended use.</li> </ol> <p>The report has been prepared in accordance with the strict requirements of the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, as amended 2013, for residential purposes without any limitations. The applicant has demonstrated that the site is suitable for residential and non-residential uses and the consent will be conditioned accordingly.</p>	Satisfactory, subject to conditions of consent.

## 7 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Summary comment	Complies
As permitted by section 4.22(5) of the Act, detailed consideration with regard to SEPP BASIX 2004 will be undertaken in the separate detailed DAs regarding the residential component of the development.	Not applicable for this Concept DA.

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

Summary comment	Complies
<p>As permitted by section 4.22 (5) of the Act, detailed consideration with regard to SEPP 65 will be undertaken in the separate detailed DAs.</p> <p>The development is considered capable of satisfying the 9 design quality principles and the relevant design concepts under SEPP 65 and the Apartment Design Guide. This will be considered in the separate DAs at the detailed design stage of the development.</p>	<p>Not applicable for this Concept DA.</p> <p>However, it is considered now to ascertain if any concerns are</p>

Summary comment	Complies
Despite this, the residential component of the proposal has been assessed against the 9 design quality principles and the numerical guidelines of the Apartment Design Guide (ADG) to ascertain if any concerns are raised.	raised. It is recommended that any departures from the ADG are addressed in the future Stage 2 detailed DAs.

SEPP 65 applies to the assessment of DAs for residential flat buildings 3 or more storeys and containing at least 4 dwellings.

Clause 30 of SEPP 65 requires a consent authority to take into consideration:

- the design quality principles
- the objectives specified in the Apartment Design Guide (ADG) for the relevant design criteria.

The tables below provide comments on our assessment of the 9 design quality principles and details where the numerical guidelines of the ADG are not fully complied with.

## 8.1 Design quality principles

Principle	Control	Comment
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### 8.1.1 Design quality principles

The development satisfies the 9 design quality principles.

<b>1. Context and neighbourhood character</b>	<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 context of the area is still in transition, with the adjoining mixed use developments being recently completed, and further residential development, subdivision and commercial premises being recently approved in the locality.</p> <p>The proposal responds to the context of this Village Centre by enhancing the scale and variety of shops and services.</p> <p>The site is serviced by a well connected bus service back to Mount Druitt Station.</p>
<b>2. Built form and scale</b>	<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 development is centrally located within the site and it provides a transition to the recently constructed 4 storey mixed use buildings to the east, south and west, and the 2 storey dwellings beyond. This is a suitable transition from the proposal relative to the existing surrounding buildings. These concept building envelopes will generate a cohesive and functional development outcome for the Ropes Crossing Village Centre.</p>

Principle	Control	Comment
<b>3. Density</b>	<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 proposal will result in a residential density which is anticipated in line with a site of this substantial size and with SREP 30 - St Marys. The proposed density of the development is regarded as sustainable and is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality.</p>
<b>4. Sustainability</b>	<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 proposal demonstrates appropriate waste management during the demolition, construction and ongoing use phases.</p> <p>Any future Stage 2 detailed DA is required to be supported by a BASIX Certificate to ensure that the development achieves satisfactory levels of sustainability and the efficient use of energy and water resources.</p>
<b>5. Landscape</b>	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long term management.</p>	<p>The site currently comprises a substantial amount of hardstand car parking area with minimal landscaping. The proposal seeks to revitalise the Ropes Crossing Village Centre by utilising the central hardstand area to provide a mixed use development that also maintains easily accessible access to the site and parking.</p> <p>The Concept Plan proposes to provide landscaped elements throughout the site at ground level, podium level and rooftop (of the northern building). The landscaping is accompanied by a concept building design which intends to provide decorative architectural elements and modern materials and colours which will create a lively and welcoming Village Centre experience.</p> <p>The proposed landscaping contributes to a 'greening effect' for the site, and also ensures that appropriate and safe sightlines are maintained for pedestrians and vehicles using the site.</p>
<b>6. Amenity</b>	<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</p>	<p>The concept building envelopes offer a development which does not fully satisfy the requirements of the Apartment Design Guide. Whilst providing suitably shaped and orientated building envelopes, they lack detail that can only be addressed in the Stage 2 DAs, such</p>

Principle	Control	Comment
	<p>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>as details regarding internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.</p> <p>This detail will be provided in the Stage 2 DAs and must comply with the ADG. This is included in conditions of consent.</p>
<b>7. Safety</b>	<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 is considered to be satisfactory in terms of future residential occupants overlooking public/shared spaces, while maintaining internal privacy.</p> <p>The proposal provides clear and legible entry points which benefit from casual surveillance.</p> <p>The proposed common open space areas on the podium and rooftop are accessible to all occupants, with secure access.</p> <p>Appropriate safety measures are proposed to manage parking and access for the retail/commercial component of the development.</p> <p>Overall, the development is capable of providing a high level of safety and security which deters unsafe behaviour.</p>
<b>8. Housing diversity and social interaction</b>	<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>This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community.</p> <p>The proposal provides 65 x 1 and 63 x 2 bedroom apartments.</p> <p>This is addressed in detail below under ADG controls.</p>
<b>9. Aesthetics</b>	<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 applicant's consideration of the design and massing of the concept envelopes are demonstrated on the Rationale Diagram plans at attachment 5.</p> <p>The proposal creates a lively pedestrian orientated urban environment that promotes casual social interaction.</p> <p>The extension of the shopping centre and construction of a new podium and tower mixed use development achieves a built form that is framed by existing perimeter mixed use and retail/commercial</p>

Principle	Control	Comment
		<p>buildings. The proposed building envelopes offer a balanced composition of elements and distinct external materials and finishes that are supported by architectural features and landscaping.</p> <p>The proposal comprises an interesting and visually appealing built form which is in line with the desired future character of the locality and improves the presentation and functionality of the existing Village Centre.</p>

## 8.2 Compliance with Apartment Design Guide (ADG)

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

It is compliant with all other matters under the ADG.

### Developing the Controls

<b>2F Building Separation</b>	Up to 4 storeys/12 m: 12 m between habitable rooms/balconies 9 m between habitable rooms/balconies and non-habitable rooms 6 m between non-habitable rooms	Achieved for the 2 <sup>nd</sup> , 3 <sup>rd</sup> and 4 <sup>th</sup> storeys (Levels 1, 2 and 3).	Yes
	5 to 8 storeys/up to 25 m: 18 m between habitable rooms/balconies 13 m between habitable rooms/balconies and non-habitable rooms 9 m between non-habitable rooms	Achieved for the 5 <sup>th</sup> & 6 <sup>th</sup> storeys (Levels 5 & 6), with the exception of the building separation to the existing 4 storey shop top housing development to the south, which provides only 17 m.	No. It is recommended that a condition of consent is imposed requiring building separation of at least 18 m is provided to the surrounding buildings.

### Siting the Development

<b>3C Public domain interface</b>	Entries to be legible.	Residential entries are small/narrow. The Stage 2 detailed DA is to demonstrate that entries and lobbies are legible with appropriate directional signage.	No, but capable of being satisfied. To be conditioned.
	Mail boxes to be located in lobbies, perpendicular to the street or within the front fence.	All mail boxes are located in the lobby of the northern building. The location and access to mail boxes are to be addressed in the Stage 2 detailed DAs, as required by	No, but capable of being satisfied. To be conditioned.

ADG requirement		Proposal	Compliance
		Australia Post and the NSW Police.	
<b>3E Deep soil zones</b>	Minimum area = 7% of site area. Preferred area = 15%. If over 1,500 m <sup>2</sup> then minimum dimensions of 6 m.	Site area: 3,185 m <sup>2</sup> . Minimum required 7% = 223 m <sup>2</sup> . Provided: None. The proposal does not provide any deep soil areas with minimum dimensions of 6 m. The applicant states that the proposal provides 24 trees with a minimum height of 3 - 4 m, as shown on the landscape plans. The site currently consists of a shopping centre and hardstand car parking area with minimal landscaping. The Concept Plan proposes to provide landscaped elements throughout the site at ground level, podium level and rooftop (of the northern building). The landscaping is accompanied by a concept building design which intends to provide decorative architectural elements and modern materials and colours which will create a lively and welcoming village centre experience.	No. However acceptable in this instance given the existing context of the site as the internal part of a Village Centre and the provision of landscaping at the ground level, podium and rooftop, where available. This issue is also discussed in Section 7 of the Assessment report.

#### Designing the building - Amenity

<b>4B Natural ventilation</b>	Number of naturally cross ventilated apartments > 60%.	58% of apartments are cross ventilated (74/128 apartments).	No. However, capable of being satisfied in the Stage 2 detailed DAs, to ensure that at least 60% of apartments are naturally cross ventilated. This is recommended to be conditioned to ensure full compliance with the ADG.
<b>4F Common circulation and spaces</b>	Direct and legible access. Tight corners and spaces to be avoided.	With regard to the east building, the concept plans indicate that the corridor on Levels 1 to 5 are indirect with tight corners. However, the applicant also states that separate DAs will be submitted seeking approval for the remainder of the works the subject of the concept application, including floor layouts.	No. However, capable of being satisfied in the Stage 2 detailed DAs to ensure internal corridors are appropriately designed. This is recommended to be conditioned to ensure full

ADG requirement		Proposal	Compliance
			compliance with the ADG.
<b>4H Acoustic privacy</b>	Noise sources from garage doors, driveways, services, communal open space and circulation areas to be 3 m from bedrooms. Separate noisy and quiet spaces. Provide double/acoustic glazing, acoustic seals, materials with low noise penetration.	The concept plans suggest that habitable rooms and bedrooms adjoin the communal open space areas at the podium level. The landscape plans indicate that a landscaped buffer is provided to separate these noisy and quiet spaces.	No, but this is capable of being satisfied in the Stage 2 detailed DAs to ensure habitable rooms and bedrooms are appropriately treated to protect their acoustic privacy. This is recommended to be conditioned to ensure full compliance with the ADG.
<b>4J Noise and pollution</b>	In noisy or hostile environments, the impacts of external noise and pollution are to be minimised through the careful siting and layout of buildings. To mitigate noise transmission: Limit the number and size of openings facing the noise sources. Use double or acoustic glazing, acoustic louvres or enclosed balconies (winter gardens). Use materials with mass and/or sound insulation (e.g. solid balcony balustrades, external screens or soffits).	The concept plans show 9 apartments in the north building which are orientated towards the outdoor space of the existing child care centre on Level 1 of the retail building.	No, but the Stage 2 detailed DAs are capable of ensuring that appropriate measures are in place to mitigate noise transmission to and from the child care centre. The proposed apartments and child care centre are considered to be compatible uses within the same development site. This is recommended to be conditioned to ensure full compliance with the ADG.

#### Designing the building - Configuration

<b>4K Apartment mix</b>	Provide a variety of apartment types. Flexible apartment mix.	Apartment mix indicated on the Concept Plan: 65 x 1 bedroom (51%) and 63 x 2 bedroom (49%) apartments. However, the applicant also states that separate DAs will be submitted seeking approval for the remainder of the works the subject of the concept application, including apartment mix.	No, but the Stage 2 detailed DAs are capable of ensuring that an appropriate variety of apartment types is provided, as recommended by the applicant's
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ADG requirement	Proposal	Compliance
	<p>The applicant states that 1 and 2 bedroom apartments will be provided to increase housing choice and affordability to respond to the needs of the existing and future community in the area.</p> <p>Notwithstanding this, the apartment mix will provide an affordable housing alternative to the current housing market in the Ropes Crossing area.</p> <p>The applicant's Social Impact Assessment, prepared by Urbis dated January 2020, provides the following recommendation to further manage the potential impacts from the proposal:</p> <ul style="list-style-type: none"> <li>• Consider a flexible residential floor plan that could enable 1 to 3 bedroom units in the future to contribute to a more diverse housing supply.</li> </ul> <p>This approach is capable of being satisfied in the detailed Stage 2 DAs.</p>	<p>Social Impact Assessment.</p> <p>This is recommended to be conditioned to ensure full compliance with the ADG.</p>
<p><b>4S</b> <b>Mixed use</b></p>	<p>Residential entries separate and clearly defined.</p> <p>The concept plans suggest that the north building comprises a single lift that services the 33 apartments in that building and lift access from the basement levels to the ground level of the retail/commercial tenancies. The lift is also accessed by a residential lobby that accommodates the mail boxes of all 128 apartments.</p> <p>This dual use of entry and circulation points is not appropriate and is not supported.</p>	<p>No, the Stage 2 detailed DAs are capable of ensuring that residential entries are separate to the access points to the retail/commercial tenancies, to provide security at entries and safe pedestrian routes.</p> <p>The detailed design of the access points and mail boxes is also to be consistent with the requirements of Australia Post and the NSW Police.</p> <p>This is recommended to be conditioned to ensure full compliance with the ADG.</p>

## 9 Precinct Plan and Development Control Strategy – Ropes Creek Precinct – St Marys

Summary comment	Complies
<p>We have assessed the DA against the relevant provisions of the Eastern Precinct Plan and Development Control Strategy (DCS). The proposal satisfies the requirements (or is capable of satisfying the requirements in the detailed Stage 2 DAs) of the Precinct Plan and DCS, with the exception of the maximum permitted number of storeys being 4, as discussed below.</p>	
<p><b>Part 3 Future Character Areas</b></p> <p>The site is in a part of the Precinct marked as 'Village Centre.' The proposal is consistent with the intended neighbourhood character of the Village Centre to provide retail, civic space and residential use of this land. The following is an assessment of the typical planning and design principles for the future character areas of the Village Centre:</p>	
A walkable pedestrian-friendly environment is to be established with generous footpaths fronted with active ground level uses.	No, but capable of being satisfied in the detailed Stage 2 DAs.
Accessibility is to be encouraged through design for all people to ground level uses (individual residential entries exempt).	No, but capable of being satisfied in the detailed Stage 2 DAs.
A main street is to be established, framed with 2 to 4 storey buildings.	A main street is already provided to the north of the site, being Central Place.
Parking is to be located primarily in small, shared parking areas located at the rear of buildings and on public streets.	Parking is appropriately provided centrally within the site.
Public transport is to service the Village Centre and connect with the existing regional public transport network and surrounding residential and industrial neighbourhoods.	Existing public transport is available.
Mixed use is to be a key element of the Village Centre.	The proposal maintains the mixed use nature of the Village Centre.
Mixed-use development is to consider the sensitive and tight integration of multiple land uses within one building or development.	This is demonstrated in the concept plans, and is capable of being satisfied in the detailed Stage 2 DAs.
The mixed-use component of the Village Centre is to focus on the Main Street area, and to transition to residential uses at the edge of the Village Centre.	The proposal maintains the location of retail uses at the northern part of the site near Main Street and provides centrally located residential apartments.
Upper level building uses may be established on certain specific sites, including residential, education, community, restaurant and office uses.	Commercial and residential uses are proposed on the upper levels.
Upper level setbacks are to be provided in building design in appropriate locations to provide for varied streetscapes and to allow for solar access.	Upper level setbacks are provided to the building envelopes for the east and west buildings, to provide variation in the built form and to allow for solar access.
Corner design elements which accentuate key street junctions and locations are encouraged.	Not applicable, as the proposed works are centrally located within the site.

Summary comment	Complies
Civic spaces are to be the focus for activities in the Precinct.	The proposal reinvigorates the civic spaces at the northern part of the site.
Consideration may be given within the Village Centre to have a multi-use playing field shared between school and community users, including a civic interface with the Main Street of the Village Centre.	Not applicable. There is no provision for a playing field in the Village Centre.
Landscaping is to be robust and contribute to the identity of the Village.	Landscaping is provided in the form of some ground level planting and podium planting for the communal open space area. The planting compliments the built form and function of the mixed use development.
High-quality street trees are to be used to provide shade and further enhance the use, enjoyment and character of streets in the Village Centre.	Not applicable. The works are not located at the perimeter of the site. Therefore, no new street trees are proposed.
Species selection for landscaping is to consider potential soil salinity issues/conditions.	Suitable landscaping species are proposed.
<b>Part 4 Movement network</b> The proposal maintains the established road network and hierarchy. Appropriate pedestrian and cycle access are also provided throughout the site.	Yes
<b>Part 6 Housing siting and design</b> – Apartments are to:	
Be established on sites where a greater density is appropriate and desirable for the creation of a balanced community.	Yes
Allow the creation of housing options for people looking for a low maintenance, more urban, and potentially a more affordable housing alternative to traditional detached housing forms.	Yes
Be located in areas of higher amenity including the Village Centre, and locations in proximity to public parks and bus stops.	Yes
Be designed to ensure that there is an appropriate stepping down relating to the height of adjoining buildings.	Satisfactory. The proposal is for a significant number of storeys, which creates a 'stepping down' effect relative to the existing shopping centre and surrounding 4 storey shop top housing developments.
Be provided in a range of sizes from small studios up to 3+ bedroom family apartments.	No, the proposal provides only 65 x 1 and 63 x 2 bedroom apartments.  In response, the applicant states that affordable housing will be provided at 5% in compliance with current legislation, however this is not in the ADG or SREP – St Marys. Notwithstanding this, the apartment mix of 1 bedroom and 2 bedroom units will provide a more affordable housing alternative to the current housing market in the Ropes Crossing area.  As discussed above, the range in size of apartments is capable of being satisfied in the detailed Stage 2 DAs.

Summary comment	Complies
Be compatible in scale with the mass and character of adjacent building types.	Yes. Refer to detailed consideration in Section 7 of the Assessment report.
Provide individual entry to ground floor apartments.	Not applicable.
Be designed to accommodate parking on site, including underground where appropriate.	Yes
The linen plan will not be released until all practical building works have been completed to Council's satisfaction.	Noted
<b>Controls for apartments</b>	
<p>Minimum principal private open space (PPOS) per dwelling: 10 m<sup>2</sup>.</p> <p>Note: The minimum PPOS per apartment may be provided as a balcony for units above ground floor level. Balconies must have a minimum width of 2.5 m. Communal open space (COS) may be provided on roofs or at ground level.</p> <p>COS may be provided in the form of balconies only if the balcony is provided as a communal facility and has not been included in any PPOS calculation.</p>	No, but capable of being satisfied in the detailed Stage 2 DAs through redesign.
Minimum width of principal private open space (PPOS): 2.5 m	No, but capable of being satisfied in the detailed Stage 2 DAs.
<p>Communal Open Space per dwelling:</p> <p>1 bed – 30 sqm</p> <p>2 bed – 40 sqm</p> <p>3 bed – 55 sqm</p>	No longer applicable as the ADG prevails - 25% of the site will have to be provided for Communal Open Space. It is capable of being satisfied in the detailed Stage 2 DAs.
Maximum 4 storeys	<p>No. The maximum permitted number of storeys is 4. The proposed concept envelopes are for 6 storeys, with a visual appearance of 7 storeys for the north building.</p> <p>However, this is supported in this instance as the proposed development is centrally located within the Village Centre and it provides a transition to the recently constructed 4 storey mixed use buildings to the east, south and west, and the 2 storey dwellings beyond. This is a suitable transition from the proposal relative to the existing surrounding buildings. The concept building envelopes generate a cohesive and functional development outcome for the Ropes Crossing Village Centre.</p>
<p>Car parking rates:</p> <p>Residential:</p> <p>1 bedroom dwelling: 1</p> <p>2 bedroom dwelling: 1.5</p> <p>Visitor: 1 per 3.5 units</p> <p>Non-residential:</p> <p>Supermarket :1 space per 22 m<sup>2</sup></p> <p>Specialist retail tenancy: 1 space per 30 m<sup>2</sup></p> <p>Child care:1 space per employee and 1 space per 6 children</p>	<p>Yes</p> <p>Residential requirement:</p> <ul style="list-style-type: none"> <li>159 resident spaces</li> <li>37 visitor spaces</li> </ul> <p>Non-residential requirement:</p> <ul style="list-style-type: none"> <li>Supermarket: 145 spaces</li> <li>Specialist retail tenancies: 58 spaces</li> <li>Level 2 commercial premises: 13 spaces</li> <li>Child care centre: 34 spaces</li> </ul>

Summary comment	Complies
Commercial premises: 1 space per 40 m <sup>2</sup>	Total required: 446 spaces 459 spaces are proposed, being a surplus of 13 spaces.
<b>Part 7 Environmental Controls</b>	
<b>7.1 Solar access</b> Dwellings should be designed to maximise solar access. Areas of private outdoor space should receive at least 3 hours of sunlight between 9 am and 3 pm at the winter solstice. Dwellings should also be designed to avoid overshadowing of adjacent properties and to protect sunlight access to any habitable room or private outdoor living space of adjacent buildings to less than 4 hours between 9 am and 3 pm at the winter solstice.	Capable of being satisfied in the detailed Stage 2 DAs.
<b>7.2 Visual and Acoustic Privacy</b> Objectives <ul style="list-style-type: none"> <li>• Ensure buildings are designed to achieve the highest possible levels of visual and acoustic privacy.</li> <li>• Protect visual privacy by minimising direct overlooking of habitable rooms and private open space.</li> <li>• Contain noise within dwellings and minimise noise from outdoor areas.</li> <li>• Noise sensitive areas are to be located away from noise emitting sources.</li> </ul>	Will be assessed in the detailed Stage 2 DAs.
<b>7.3 External materials – private domain</b> Details of external materials and finishes are to be submitted with a DA.	No, but capable of being satisfied in the detailed Stage 2 DAs.
<b>7.4 Energy efficiency</b> Objectives <ul style="list-style-type: none"> <li>• To ensure ecologically sustainable development.</li> <li>• To incorporate best practice energy management and implement energy efficient principles to fulfil several objectives: <ul style="list-style-type: none"> <li>- To maximise the benefits of passive solar design.</li> <li>- To improve the energy efficiency of dwellings.</li> <li>- To minimise the need for mechanical heating and cooling appliances.</li> <li>- To promote the installation of greenhouse responsive hot water systems and other energy efficient appliances.</li> <li>- To maximise the use of natural light and limit energy use for interior lighting.</li> </ul> </li> <li>• To minimise unnecessary waste production during design and construction.</li> </ul>	Not capable of being assessed at this stage. Will be subject to BASIX certification.

Summary comment	Complies
<ul style="list-style-type: none"> <li>To recycle, reuse and reprocess waste locally.</li> <li>To minimise adverse impacts on air quality.</li> </ul>	
<b>7.5 Streetscape</b> Objectives <ul style="list-style-type: none"> <li>To achieve housing forms of a scale and character in keeping with the desired future character for the Eastern Precinct.</li> <li>To ensure development conserves or enhances items and areas of special social, cultural or historical interest.</li> <li>To ensure a safe environment by promoting crime prevention through good urban design.</li> <li>To ensure that development recognises predominant streetscape qualities.</li> <li>To ensure development contributes to cohesive streetscapes and desirable pedestrian environments.</li> <li>The encouragement of pedestrian use of streets is intended to fulfil several objectives: <ul style="list-style-type: none"> <li>Enhance their safety and security.</li> <li>Encourage an active and healthy lifestyle to be maintained as people age.</li> <li>Promote casual social interaction among neighbours, fostering social networks.</li> <li>Reduce car dependence and encourage walking and cycling for short trips within the village.</li> </ul> </li> </ul>	Will be assessed in the detailed Stage 2 DAs stage.
<b>7.6 Fences and walls</b> Objectives <ul style="list-style-type: none"> <li>To ensure fences and walls improve amenity for existing and new residents and contribute positively to streetscape and adjacent buildings.</li> <li>To ensure boundary fences and walls between allotments provide visual privacy without affecting the amenity of those allotments in terms of views, sunlight and air movement.</li> <li>To ensure materials used in fences and walls are of a high quality and in keeping with the existing streetscape character and character of the dwelling type.</li> <li>To ensure fences and walls are sympathetic to the topography.</li> <li>The use, design and materials of front fences and walls are compatible with attractive fences and walls in the streetscape.</li> </ul>	Will be assessed in the detailed Stage 2 DAs stage.
<b>7.7 Garages</b> Objectives <ul style="list-style-type: none"> <li>Design of garages must not dominate the frontage of the house.</li> </ul>	Will be assessed in the detailed Stage 2 DAs stage.
<b>7.8 Safety</b> Objectives	Will be assessed in the detailed Stage 2 DAs stage.

Summary comment	Complies
<ul style="list-style-type: none"> <li>Ensuring that the siting and design of buildings and spaces contributes to the actual and perceived personal and property safety of residents, workers and visitors and decreases the opportunities for committing crime in an area.</li> <li>Ensure development encourages people to use and interact in streets, parks and other public places without fear or personal risk.</li> <li>Increase the perception of safety in public and semi-public space including streets, shopping centres, car parks and parks.</li> <li>Maximise actual and perceived safety within the community.</li> <li>Encourage the incorporation of principles of crime prevention through urban design and landscaping into all developments.</li> <li>Pedestrian and communal areas are to have sufficient lighting to ensure a high level of safety. These areas must be designed to minimise opportunities for concealment.</li> <li>All developments are to incorporate the principles of Crime Prevention through Environmental Design. When assessing applications, Council must give consideration to Planning NSW guidelines for Crime Prevention and the Assessment of Development Applications.</li> <li>Avoid the creation of areas for concealment and blank walls facing the street.</li> </ul>	
<b>7.9 Servicing</b> Objectives <ul style="list-style-type: none"> <li>To ensure that adequate provision is made for site facilities.</li> <li>To ensure that site facilities are functional and accessible to all residents and are easy to maintain.</li> <li>To ensure that site facilities are thoughtfully integrated into development and are unobtrusive.</li> </ul>	Will be assessed in the detailed Stage 2 DAs stage.
<b>7.10 Landscaping</b> Objectives <ul style="list-style-type: none"> <li>To contribute to effective management of stormwater, biodiversity, and energy efficiency; and to improve visual amenity.</li> <li>To encourage the use of native species of flora and low maintenance landscaping.</li> <li>To retain and integrate existing landscape elements such as vegetation and topographic features, in the design of new development.</li> <li>To assist in the management of salinity.</li> </ul>	Will be assessed in the detailed Stage 2 DAs stage.

## 10 Blacktown Development Control Plan 2015

Summary comment	Complies
We have assessed the application against the relevant provisions of the Blacktown DCP, as called up by Appendix A 'Relationship between DCS and Blacktown City Council Planning Controls' of the Precinct Plan. The proposal satisfies the requirements of the DCP as discussed below.	
Part G – Site Waste Management and Minimisation The proposal provides appropriate waste management and minimisation measures.	Yes
Part J - Water Sensitive Urban Design and Integrated Water Cycle Management The proposal has been assessed by our Engineering Section and the proposal is supported subject to conditions of consent.	Yes

## 11 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: <b>Liveability</b> <ul style="list-style-type: none"> <li>Improving access to jobs and services</li> <li>Improving housing choice</li> <li>Improving housing diversity and affordability</li> <li>Creating great places.</li> </ul>	Yes

## 12 Blacktown Local Strategic Planning Statement 2020

Summary comment	Complies
The LSPS applies to the site, with 18 Priorities and 61 Actions contained within the plan to support the vision for our City and to guide development, balancing the need for housing, jobs and services with the natural environment. The LSPS builds on the framework established under the Blacktown Community Strategic Plan <i>Our Blacktown 2036</i> and also gives effect to the NSW Government's Greater Sydney Region Plan and Central City District Plan. The DA is consistent with the following Priorities: <ul style="list-style-type: none"> <li>LPP5 Liveability: Providing housing supply, choice and affordability with access to jobs, services and public transport.</li> <li>LPP6 Creating and renewing great places and centres.</li> </ul>	Yes