

## 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'

| Consideration                                                                                                                                                                                                                                                                                                               | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Complies                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| <p>(a) The provisions of:</p> <ul style="list-style-type: none"> <li>(i) Any environmental planning instrument (EPI)</li> <li>(ii) Any proposed instrument that is or has been the subject of public consultation under this Act</li> <li>(iii) Any development control plan (DCP)</li> <li>(iv) The regulations</li> </ul> | <p>The proposal has been considered against the relevant EPIs, such as BLEP 2015, SEPP BASIX 2004 and the 9 'design quality principles' of SEPP 65.</p> <p>The proposed development is permissible in the B4 Mixed Use zone and satisfies the zone objectives.</p> <p>Under BLEP 2015, the maximum height limit for the site is 40 m. The proposed development will incorporate an overall building height of 40.55 m, which exceeds the maximum limit by 0.55 m (1.4%). The applicant has submitted a request to vary this development standard under Clause 4.6 of BLEP 2015 and the proposed variation is acceptable.</p> <p>SEPP 65 applies to the development. Under the transitional provisions of the SEPP, the following is relevant:</p> <ul style="list-style-type: none"> <li>31 Transitional provisions for State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development (Amendment No. 3)</li> <li>(3) If a development application or an application for the modification of a development consent has been <b>made after</b> the notification on the NSW legislation website of the making of State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (Amendment No 3) and the application has not been finally determined before the commencement of that amendment, <b>the application must be determined under this Policy as amended by that amendment.</b></li> </ul> <p>Under subclause (3) the amendment to the SEPP was made on 19 June 2015. The DA was lodged on 12 May 2020. In this instance, the relevant provisions under the Apartment Design Guide apply only to the elements being altered under this application.</p> | <p>Acceptable.</p> <p>Refer to attachments 7 and 8 for detailed Clause 4.6 justification.</p> |
| <p>(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>                                                                                                                                               | <p>It is considered that the likely impacts of the development, including traffic, noise, parking and access, design, bulk and scale, overshadowing, privacy, waste management and stormwater management have been satisfactorily addressed in conjunction with the original approval by the Panel and its subsequent modifications.</p> <p>The proposed development will have minimal impacts on surrounding properties. The proposed additional</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Yes</p>                                                                                    |

| Consideration                                                            | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Complies |
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|                                                                          | <p>bulk and scale is integrated throughout different areas of the building and is contained in the approved building envelope.</p> <p>In view of the above, it is believed that the proposed development will not have any unreasonable social, economic or environmental impacts.</p>                                                                                                                                                                                                                                                                                                                                               |          |
| (c) The suitability of the site for the development                      | <p>The scale of the proposed development is appropriate for the site. The proposal ensures adequate provision of amenity for future building occupants, maintains design compatibility as originally approved and is consistent with the desired CBD character for Mount Druitt.</p> <p>The site is surrounded by commercial businesses and also nearby Mount Druitt Hospital, Westfield Mount Druitt shopping centre and bus/rail interchange. It also has access to the regional road network along Carlisle Avenue to the Great Western Highway and M4 and M7 motorways, making it suitable for higher residential densities.</p> | Yes      |
| (d) Any submissions made in accordance with this Act, or the regulations | No submissions were received.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | N/A      |
| (e) The public interest                                                  | It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides high quality housing stock and provides for a range of housing diversity in the Mount Druitt CBD area. The minor variations sought are not considered sufficient to compromise the public interest.                                                                                                                                                                                                                                                                                                          | Yes      |

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

| Summary comment                                                                                                                                                                                                                                                                                                                  | Complies |
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| <p>The Sydney Central City Planning Panel (SCCPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million.</p> <p>As this DA has a CIV of \$31,099,718, 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 |
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| The SEPP ensures that Transport for NSW is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP. The proposal to create an additional 96 apartments is not considered a traffic generating development under this Schedule. | N/A      |

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

| Summary comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Complies |
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| <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 revised current 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.</p> | Yes      |

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

| Summary comment                                                                                                                               | Complies |
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| <p>The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of BLEP 2015.</p> | Yes      |

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

| Summary comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <p>SEPP 65 applies to the assessment of DAs 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"> <li>advice (if any) obtained from the design review panel</li> <li>design quality of the residential flat development when evaluated in accordance with the design quality principles</li> <li>the Apartment Design Guide (ADG).</li> </ul> <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> |

### 6.1 Design quality principles

| Principle | Control | Comment |
|-----------|---------|---------|
|-----------|---------|---------|

#### 6.1.1 Design quality principles

The development satisfies the 9 design quality principles.

|                                                      |                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>1. Context and neighbourhood character</b></p> | <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</p> | <p>The proposed development is suitable and meets the objectives of the B4 Mixed Use zone and contributes to the social and economic diversity of the Blacktown local area through the provision of residential apartments. The proposed buildings in their modified latest plans now respond to the streetscape and will</p> |
|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| Principle                      | Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Comment                                                                                                                                                                                                                                                                                                                                                                               |
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|                                | 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.                                                                                                                                                                                                                                                                                                                                                                                   | provide an active street frontage and adequate building separation.                                                                                                                                                                                                                                                                                                                   |
| <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> | The design responds to the surrounding context, maintaining the existing building envelopes as approved.                                                                                                                                                                                                                                                                              |
| <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>                                                                                                                                                            | The proposed development is a density that is appropriate to its site context in a CBD.                                                                                                                                                                                                                                                                                               |
| <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 will provide for a mix of dwellings, contributing to the housing diversity within the locality. The proposed development satisfies the Apartment Design Guide requirements for solar access and cross ventilation.</p> <p>The proposal also demonstrates satisfactory levels of sustainability, waste management and efficient use of energy and water resources.</p> |
| <b>5. Landscape</b>            | 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.                                                                                                                                                                                                                                      | The original approved landscaping is retained in this DA. No changes to the approved landscaping were proposed by the applicant. However, our City Architect has recommended additional landscaping be provided on the level 11 balconies to assist with relief from heat by way of planter boxes. This                                                                               |

| Principle                                          | Control                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                    | <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>requirement will be incorporated in the consent conditions.</p> <p>The landscape design will provide for suitable screening to adjoining properties, create usable spaces for future residents and improve the overall quality of the development.</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 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 reconfigurations to levels 9 and 10, and the proposed additional units on levels 11 and 12, will provide a high level of amenity through a carefully considered spatial arrangement and layout.</p> <p>The proposal achieves a suitable level of internal amenity by providing 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> |
| <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 satisfactory in this regard. Public and private spaces will be clearly defined and suitable safety measures are integrated into the development.</p> <p>The proposal ensures suitable casual surveillance of the public domain.</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>The proposed apartment mix is acceptable and relevant to current market trends.</p>                                                                                                                                                                                                                                                                                                                                                                                                            |

| Principle            | Control                                                                                                                                                                                                                                                                                                                                                                                                             | Comment                                                                                                                                                                                                                                                                                                                     |
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| <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 proposed development is appropriate in terms of the composition of building elements, textures, materials, finishes and colours.</p> <p>The distinct and contemporary design will assist in setting a high quality standard for the transitioning character of this locality and create a desirable streetscape.</p> |

## 6.2 Compliance with Apartment Design Guide (ADG)

| ADG requirement | Proposal | Compliance |
|-----------------|----------|------------|
|-----------------|----------|------------|

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

It is compliant with all other matters under the ADG.

### Controls

|                               |                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                           |
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| <b>2F Building Separation</b> | <p><b>Nine storeys and above/over 25 m:</b></p> <p>24 m between habitable rooms/balconies</p> <p>18 m between habitable rooms/balconies and non-habitable rooms</p> <p>12 m between non-habitable rooms</p> | <p>Levels 9 and 10 between habitable rooms and balconies:</p> <ul style="list-style-type: none"> <li>between Blocks A and B = 15 m to 17.2 m, but is an existing approved non-compliance</li> <li>between Blocks B and C = 6.2 m, however, windows are offset.</li> </ul> <p>Level 11 between habitable rooms and balconies:</p> <ul style="list-style-type: none"> <li>between Blocks A and B = 15 m to 17.6 m but main courtyard areas do not directly overlook one another, otherwise planter boxes are proposed. Consent conditions are included that reiterate the need for the applicant to provide additional relief and improved privacy</li> <li>between Blocks B and C = 6.2 m, but main courtyard areas do not directly overlook one another</li> </ul> <p>Level 12 between habitable rooms and balconies:</p> <ul style="list-style-type: none"> <li>between Blocks A and B = 16.2 m and 21.8 m.</li> </ul> <p>It is recommended that highlight windows are proposed along the eastern window of apartment B1211's</p> | <p>No, but acceptable in the circumstances and subject to conditions.</p> |
|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|

| ADG requirement |  | Proposal                                                                                                                                                                                                                                                                                     | Compliance |
|-----------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
|                 |  | <p>living area, and also along the western bedroom window of apartment A1201. A sliding louvre to the maximum width of 2 m along the western side of apartment A1201's balcony will also be beneficial to improve privacy.</p> <p>These requirements will be conditioned in the consent.</p> |            |

### Siting the Development

|                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                   |                      |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------|
| <b>3F<br/>Visual<br/>privacy</b> | <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>Direct lines of sight should be avoided for windows and balconies across corners.</p> <p>Appropriate design solutions should be in place to separate POS and habitable windows to common areas.</p> <p>Note: When adjacent to a lower density residential zone an additional 3 m rear side setback is required.</p> <p>Note: When adjacent to a lower density residential zone an additional 3 m rear side setback is required.</p> | Measures can be imposed to ensure adequate privacy, detailed in Section 2F above. | No, but satisfactory |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|----------------------|

### Designing the building

|                                                        |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                |                                                                                                                          |
|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>4D<br/>Apartment<br/>size and<br/>layout</b>        | <p>2 bed &gt; 70 m<sup>2</sup><br/>+ 5 m<sup>2</sup> for each unit with more than 1 bathroom.</p> <p>3 bed &gt; 90 m<sup>2</sup><br/>+ 5 m<sup>2</sup> for each unit with more than 1 bathroom.</p> | <p>2 x 2 bedroom units (A902 and A1002) are proposed at 74m<sup>2</sup> when the minimum size is 75 m<sup>2</sup>.</p> <p>4 x 3 bedroom units (C907, C1007, B905 and B1005) are proposed between 86 to 92 m<sup>2</sup>, when the minimum size should be 95 m<sup>2</sup>.</p> | No, but acceptable in that the functionality of those units is adequately achieved notwithstanding the undersized areas. |
| <b>4E<br/>Private open<br/>space and<br/>balconies</b> | <p>Studio &gt; 4 m<sup>2</sup></p> <p>1 bed &gt; 8 m<sup>2</sup> and 2 m depth</p> <p>2 bed &gt; 10 m<sup>2</sup> and 2 m depth</p> <p>3 bed &gt; 12 m<sup>2</sup> and 2.4 m depth</p>              | <p>4 units on levels 9 and 10 do not comply with the expected requirements for 3 bedroom units, as follows:</p> <p>B905, B1005, A901 and A1001 - do not comply with the minimum</p>                                                                                            | No, but acceptable as the proposed non-compliant areas are minor (between 1 and 2 m <sup>2</sup> ) and will not          |

| ADG requirement |                                                                   | Proposal                                                                                                  | Compliance                                                                                        |
|-----------------|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
|                 | Ground level/ podium apartments > 15 m <sup>2</sup> and 3 m depth | 12 m <sup>2</sup> (providing only 10 and 11 m <sup>2</sup> ) but comply with the minimum 2.4 m dimension. | impact on the functionality which is not considered to detriment the amenity of future occupants. |

## 7 Blacktown Local Environmental Plan 2015

### Summary comment

Blacktown Local Environmental Plan 2015 (BLEP 2015) applies to the site.

We have assessed the application against the relevant provisions and the table below identifies where compliance is **not fully achieved**.

The application is compliant with all other matters under BLEP 2015.

| Development Standard                           | Proposal                                 | Complies                                                                                                                       |
|------------------------------------------------|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <b>4.3 Maximum height of buildings</b><br>40 m | The proposed building height is 40.55 m. | No, but acceptable for the reasons as discussed in Section 7.2 of the Assessment report and also as discussed in attachment 8. |

## 8 Blacktown Development Control Plan 2015

### Summary comment

BDCP 2015 applies to the site, but the relevant controls of the Apartment Design Guide prevail.

### Complies

N/A, as ADG applies

## 9 Central City District Plan 2018

### Summary comment

While the Act does not require consideration of District Plans in the assessment of Development Applications, the DA is consistent with the following overarching planning priorities of the Central City District Plan:

#### Liveability

- Improving housing choice
- Improving housing diversity and affordability

### Complies

Yes

## 10 Blacktown Local Strategic Planning Statement 2020

| Summary comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Complies |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <p>The Blacktown Local Strategic Planning Statement (LSPS) 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 priorities:</p> <ul style="list-style-type: none"><li>• LPP5 - Providing housing supply, choice and affordability with access to jobs, services and public transport.</li></ul> | Yes      |