

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

1 Environmental Planning and Assessment Act 1979

1.1 Section 4.15 'Heads of Consideration'

Heads of Consideration	Comment	Complies
a. The provisions of: (i) Any environmental planning instrument	<p>The proposal is considered to be consistent with the relevant environmental planning instruments, including:</p> <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy BASIX 2004 State Environmental Planning Policy No. 19 – Bushland in Urban Areas State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and its 9 'design quality principles' of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Central City District Plan 2018 Blacktown Local Planning Statement 2020. <p>The proposed development is a permissible land use within the R3 Medium Density Residential zone and satisfies the zone objectives outlined under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</p> <p>Provided the residential units currently encroaching over the 12 m height plane are deleted of the plans.</p> <p>The temporary access road proposed from Cudgegong Road to Stage 1 of the development is also compatible with the objectives of the RE1 Public Recreation zoning as it will only have limited life.</p> <p>The proposal is consistent with the Area 20 Precinct Plan, with the exception of the height of buildings development standard. The maximum permitted building height is 12 m but the proposal includes heights across the 4 buildings of up to 14.4m for proposed Lot 1 and 15.1 m for proposed Lot 2. Council has no objections to minor encroachments over the height plane for plant and equipment and roof top communal open space features only but not for any residential units that exceed the height plane.</p> <p>The applicant has submitted a Clause 4.6 variation request and this is discussed in more detail in section 7 of the covering report and also attachment 8 to the report.</p>	<p>Satisfactory</p> <p>Satisfactory subject to a deferred commencement condition</p> <p>Satisfactory subject to conditions</p> <p>No, acceptable in the circumstances but only for the minor plant encroachments not residential units.</p>

Heads of Consideration	Comment	Complies
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act		
	<p>Proposed Design and Place State Environmental Planning Policy</p> <p>The proposed Design and Place State Environmental Planning Policy will use a principle-based approach to guide the design and assessment of new development proposals of all kinds and all scales. A principle-based approach will encourage innovation and a stronger focus on better outcomes. Each of the 5 principles will be supported by a set of design and planning considerations – some of them mandatory and some depending on location and local needs and strategies. The principles and considerations will provide a clear and consistent framework that allows proponents to develop contextual and innovative design responses.</p> <p>The proposed Design and Place State Environmental Planning Policy will:</p> <ul style="list-style-type: none"> • start with Country as a foundation for place-based design and planning • deliver healthy and prosperous places that support the wellbeing of people, community and country • enable the delivery of quality design, integrated outcomes and meaningful innovation for people and places in NSW • create a strong and consistent framework for the design of the NSW built environment - focusing on sustainability and resilience • standardise methods to evaluate good design and consolidate the State's approach to design review. <p>The documents are pre-draft documents and relevant controls have not been outlined yet.</p>	Not imminent or certain
	<p>Amendments to Clause 4.6 of the Standard Instrument</p> <p>Under the proposed revised Clause 4.6, which is currently on exhibition, the consent authority must be directly satisfied that the applicant's written request demonstrates the following essential criteria to vary a development standard:</p> <ul style="list-style-type: none"> • The proposed development is consistent with the objectives of the relevant development standard and land use zone. • The contravention will result in an improved planning outcome when compared with what would have been achieved if the development standard was not contravened. <p>In deciding whether a contravention of a development standard will result in an improved planning outcome, the consent authority is to consider the public interest, environmental outcomes, social outcomes or economic outcomes.</p>	Yes

Heads of Consideration	Comment	Complies
	<p>The proposed development has been assessed against the amendments to Clause 4.6 of the Standard Instrument and it meets the proposed revised test for assessing Clause 4.6 variations for the point encroachments of plant and equipment and roof top communal open space features only. However, the units with habitable areas above the 12 m height plane are in breach of the height plane and cannot be supported so we have conditioned all these units to be deleted. .</p>	
	<p>Draft State Environmental Planning Policy (Environment)</p> <p>The draft State Environmental Planning Policy (Environment) was exhibited between October 2017 and January 2018 and seeks to simplify the NSW planning system and reduce complexity without reducing the rigour of considering matters of state and regional significance.</p> <p>The draft policy effectively consolidates several state environmental planning policies including:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy 19 Bushland in Urban Areas • State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 • Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 – 1997) • Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment <p>and removes duplicate considerations across environmental planning instruments.</p>	Not applicable
	<p>Draft State Environmental Planning Policy (Remediation of Land)</p> <p>Draft State Environmental Planning Policy (Remediation of Land) was exhibited from January to April 2018 and seeks to repeal and replace State Environmental Planning Policy SEPP 55 - Remediation of Land in relation to the management and approval pathways for contaminated land.</p> <p>The draft policy will:</p> <ul style="list-style-type: none"> • provide a state-wide planning framework for the remediation of land • maintain the objectives and reinforce those aspects of the existing framework that have worked well • clearly list the remediation works that require development consent • categorise remediation work based on the scale, risk and complexity of the work • require environmental management plans relating to post remediation, maintenance and management of on-site remediation measures to be provided to Council. 	<p>Yes.</p> <p>This proposal is consistent with the provisions of this draft policy subject to conditions that will be imposed</p>
	<p>Explanation of Intended Effect for Draft Design and Place State Environmental Planning Policy</p> <p>The draft Design and Place State Environmental Planning Policy will repeal and replace:</p>	<p>Yes.</p> <p>This proposal is considered to be consistent with the provisions of</p>

Heads of Consideration	Comment	Complies
	<ul style="list-style-type: none"> State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. <p>The Explanation of Intended Effect of the draft policy was publicly exhibited in March/April 2021 and aims to improve the design, quality and environmental performance of development. Following submissions on the Explanation of Intended Effect, the draft Design and Place State Environmental Planning Policy will be on public exhibition in late 2021.</p>	the Explanation of Intended Effect for the draft policy.
	<p>Exhibited draft amendment to the Growth Centres State Environmental Planning Policy 2006 to residential density</p> <p>The above is relevant to the consideration of the proposed development.</p> <p>The current residential density control allows a minimum of 25 dwellings per hectare, and the applicant's proposed dwelling density complies as it currently shows that it will provide 215 dwellings per hectare.</p> <p>The draft proposed amendments to the residential density controls applying to the site are a minimum of 25 dwellings and maximum of 35 dwellings per hectare residential density. The draft amendment also proposes a minimum lot size of 1,500 m² for residential flat buildings in the R3 zone, with which this proposal still complies.</p> <p>The making of the draft amendment is not imminent, nor is the content of the final controls clear, and hence this has less weight in the consideration of this proposal.</p>	No, but satisfactory given the draft amendment is not imminent or certain.
(iii) Any development control plan	<p>Blacktown Growth Centres Precincts Development Control Plan 2010 applies to the site.</p> <p>The proposed development is compliant with the applicable numeric controls established under the Development Control Plan if not superseded by the State Environmental Planning Policy No. 65 controls.</p>	Yes
(iii a) Any Planning Agreement	Not applicable	Not applicable
(iv) The regulations	The application complies with the regulations	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>It is considered that the likely impacts of the development, including traffic, access, parking, overshadowing, noise, privacy, waste management, flora and fauna, salinity, contamination, heritage, bushfire protection and stormwater management, have been satisfactorily addressed.</p> <p>However, the design, bulk and scale and density of the development is not satisfactory in terms of the units proposed to encroach above the 12 m height plane with no compensatory offset to warrant consideration of the departure. The impact of the breach would have a serious impact in the area and set a serious precedent.</p>	Yes, but subject to conditions to delete encroaching units above the 12 m height plane.

Heads of Consideration	Comment	Complies
c. The suitability of the site for the development	<p>The majority of the site is zoned R3 Medium Density Residential with a 12 m building height limit under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Residential flat buildings are permissible on the site with development consent.</p> <p>The eastern part of the site is zoned RE1 Public Recreation and will accommodate a temporary access road to provide access from Cudgegong Road to Stage 1 of the development. This is a suitable arrangement, as the access road will be removed once the surrounding road network is in place.</p> <p>The site is located within proximity to the future Tallawong Local Centre and is near to public transport links. It is in the vicinity of complementary land uses, including facilities, schools and recreational areas. The site will be well serviced, and is suitable for this form of development and residential density.</p> <p>The site is therefore considered suitable for the proposed development.</p>	Yes, subject to conditions
d. Any submissions made in accordance with this Act, or the regulations	No submissions were received from the public.	Not applicable
e. The public interest	The proposal in its final amended form will be in the public interest as it will provide additional housing, close to planned commercial areas and community facilities.	Yes

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

Summary comment	Complies
<p>The Sydney Central City Planning Panel is the consent authority for all development with a capital investment value of over \$20 million (being the capital investment value applicable for applications lodged but not determined prior to 1 March 2018 under Clause 23 transitional provisions of this State Environmental Planning Policy).</p> <p>As this development application has a capital investment value of \$60,062,004. Council is responsible for the assessment and determination is to by the Panel.</p>	Yes

3 State Environmental Planning Policy (Infrastructure) 2007

Summary comment	Complies
<p>State Environmental Planning Policy (Infrastructure) 2007 ensures that the Transport for NSW is given the opportunity to comment on development nominated under Schedule as 'traffic generating development'.</p> <p>The development was referred to Transport for NSW, which found the development acceptable. Vehicular access to the site will be via a temporary road which will connect the site to Cudgegong Road until alternative public road access becomes available upon which the temporary road is to be closed.</p>	Yes, subject to conditions

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

Summary comment	Complies
<p>The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, including BASIX certification.</p> <p>A BASIX Certificate was submitted with the development application in line with the provisions of this policy. The BASIX Certificate demonstrates that the proposal complies with the relevant sustainability targets and will implement those measures required by the certificate. This will be conditioned in any consent granted.</p>	Yes, subject to conditions

5 State Environmental Planning Policy No. 55 – Remediation of Land

Summary comment	Complies
<p>State Environmental Planning Policy 55 – Remediation of Land 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 was accompanied by a Stage 1 Preliminary Site Investigation Report and a Stage 2 Detailed Site Investigation Report, report no. 2718-ER-1-2, both prepared by Alliance Geotechnical Pty Ltd dated 7 December 2016 and 19 December 2016. The reports confirm that no visible indicators of contamination were observed including asbestos containing materials, hydrocarbon odours or staining. Minor fill material was observed in localised areas but these areas were considered to not pose an aesthetic issue at the site.</p> <p>The report has been reviewed by our Environmental Health Officer who advised that the site can be made suitable for residential use. Conditions of consent are recommended to be imposed including getting a fresh addendum report as a deferred commencement condition to confirm that the status of the land since the original report was done in 2016 has not changed also to ensure that if any contaminated soil is found to be located on the site that it is disposed of appropriately in accordance with an approved Remediation Action Plan and that a final site contamination validation statement is submitted prior to any issue of a construction Certificate.</p> <p>The recommendations of the Stage 2 DSI report must be carried out, including in the situation of any unexpected finds protocol. The environmental consultant engaged for this project is to be on site for regular monitoring of the approved site works. This is to ensure compliance with the requirements the Residential Standard in the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999 as amended 2013.</p>	Yes, subject to conditions

6 State Environmental Planning Policy No. 19 - Bushland in Urban Area

Summary comment	Complies
<p>The State Environmental Planning Policy No. 19 - Bushland in Urban Area aims to protect and preserve bushland within urban areas, including Blacktown. Clause 9 states that where a public authority proposes to grant approval or development consent in relation to development on land to which this clause applies, the public authority shall not grant the approval or development consent unless it has taken into account:</p>	Yes

Summary comment	Complies
<p>(c) the need to retain any bushland on the land,</p> <p>(d) the effect of the proposed development on bushland zoned or reserved for public open space purposes and, in particular, on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland, and</p> <p>(e) any other matters which, in the opinion of the approving or consent authority, are relevant to the protection and preservation of bushland zoned or reserved for public open space purposes.</p> <p>With regard to the eastern part of the site zoned RE1 Public Recreation that is to form part of a future Council local park, the proposal seeks to remove 7 trees as they are identified by the arborist report as dead to facilitate the temporary access road. The remaining 25 trees will be protected and cordoned off from any work and access requirements This work has been approved by council's recreation and design planner.</p> <p>This temporary access road will be removed once the surrounding road network is a dedicated Council public road network.</p> <p>This arrangement is supported by our internal sections, including Access and Transport Management, Recreation Planning and Design, and Civil and Open Space Infrastructure.</p> <p>Therefore, the proposal is considered satisfactory with regard to clause 9 of this policy.</p>	

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

Summary comment	Complies
The planning policies and recommended strategies under Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River are considered to be met through the development controls of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.	Yes

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

Summary comment
<p>State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development applies to the assessment of development applications for residential flat buildings 3 or more storeys in height and containing at least 4 dwellings.</p> <p>Clause 30 of the policy requires a consent authority to take into consideration:</p> <ul style="list-style-type: none"> advice (if any) obtained from the design review panel design quality of the residential flat development when evaluated in accordance with the design quality principles the Apartment Design Guide. <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>

8.1 Design quality principles

Principle	Control	Comment
8.1.1 Design quality principles The development satisfies the 9 design quality principles.		
1 Context and neighbourhood character	<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well-designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p>	<p>The site is located in a greenfield context, in the Area 20 Precinct of the North West Growth Area. The surrounding locality proposes increased residential density as well as the creation of RE1 Public Recreation zoned land.</p> <p>The future Cudgegong Local Centre and Tallawong Metro Station are to the south-east of the site.</p> <p>The layout and design of the proposal has to be amended to meet the context of the site and to make it comply with the prevailing development standards and controls. This has been conditioned accordingly as a deferred commencement matter.</p> <p>The buildings have been architecturally designed and are considered compatible with the social, economic and environmental identity of this Precinct.</p>
2 Built form and scale	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</p>	<p>The built form, height and scale of the proposed development will have to be amended to bring all the residential units below the 12 m height plane. This will better ensure that the proposal meets the surrounding context, topography environmental characteristics, and amenity of the area..</p> <p>The height of the buildings whilst stepping with the sloping topography of the site and the only variations to the maximum permitted height control Council will support will be for only plant and equipment and roof to common open space features. The residential units with habitable space above the height plane have to be deleted. The building façade design, combined with a range of different materials and aesthetics, have been applied to buildings across the site to provide further visual interest and to break up the bulk and scale of the built form.</p>
3 Density	<p>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</p> <p>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to</p>	<p>The proposal currently is for 200 apartments, being 215 dwellings per hectare.</p> <p>Each apartment has been designed to achieve a suitable level of amenity for residents. The proposed density and resulting population increase is consistent with that currently envisaged by the gazetted Growth Centre Precinct</p>

Principle	Control	Comment
	jobs, community facilities and the environment	<p>controls for this site. The proposed subdivision is consistent with the Area 20 Precinct indicative layout plan and seeks to provide residential development and new lots that will:</p> <ul style="list-style-type: none"> • provide new public roads of sufficient capacity to provide street parking opportunities • cater for the access points to basements of this proposed development for parking and waste collection • benefit from temporary road access from Cudgegong Road through the part of the site zoned RE1 with regard to Stage 1 of the development, until such time as the surrounding road network is available. <p>Bus services are available in the general vicinity from Schofields Road and Rouse Road. Tallawong Railway Station will provide further opportunities for public transport.</p>
4 Sustainability	<p>Good design combines positive environmental, social and economic outcomes.</p> <p>Good sustainable design includes use of natural cross ventilation and sunlight for the amenity and liveability of residents and passive thermal design for ventilation, heating and cooling reducing reliance on technology and operation costs. Other elements include recycling and reuse of materials and waste, use of sustainable materials and deep soil zones for groundwater recharge and vegetation.</p>	<p>The proposal is supported by a BASIX Certificate. The commitments are incorporated into the design of the buildings. The proposal demonstrates satisfactory levels of sustainability, waste management and efficient use of energy and water resources. However, amended BASIX is included in the draft conditions to reflect the changes as a result of deletion of those units above the height plane.</p>
5 Landscape	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p>	<p>A landscape plan has been submitted with the proposal, which incorporates a variety of planting that contributes to the amenity of the development.</p> <p>Deep soil zones will be provided throughout the development, including the internal courtyard communal open space areas to ensure sufficient planting can be achieved.</p> <p>The design comprises landscaped through-site connections and open spaces, to provide residents with easy access to a variety of different environments for recreation, relaxation and entertaining, including exercise equipment along a walking path.</p>

Principle	Control	Comment
	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.	
6 Amenity	<p>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident wellbeing.</p> <p>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility.</p>	<p>Subject to proposed conditions, the proposal meets the Apartment Design Guide standards for internal amenity for solar access, natural ventilation, room sizes, layouts and access.</p> <p>The design of the proposal will provide an acceptable level of amenity through a carefully considered spatial arrangement and layout.</p> <p>The proposal will achieve a suitable level of 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>A high level of residential amenity will be achieved within the future development: 62.5% of the currently proposed 200 units overall will achieve cross-ventilation.</p> <p>In relation to solar access, 75% of units overall will achieve a minimum of 2 hours of sunlight on 21 June. Across Lot 1, 81 of 195 units (77%) and in Lot 2 69 of 95 units (73%) achieve the required solar access.</p> <p>Living areas and balconies have been designed to address north, east and west aspects as much as possible. Internal shading devices have also been used to prevent excessive heat load in summer.</p> <p>The proposal is designed with suitable consideration for solar access to habitable rooms, private open space and communal open space areas. This is considered to be appropriate given the adjoining site to the north is also capable of redevelopment and will overshadow parts of this site.</p>
7 Safety	<p>Good design optimises safety and security within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</p> <p>A positive relationship between public and private spaces is achieved through</p>	<p>The proposal is satisfactory in terms of future residential occupants overlooking communal spaces while maintaining internal privacy. Public and private spaces are clearly defined and suitable safety measures are integrated into the development.</p> <p>The proposal provides suitable casual surveillance of the public domain from</p>

Principle	Control	Comment
	clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.	<p>balconies and windows and communal open space areas.</p> <p>It is noted that communal open space areas are located at ground level between buildings on levels 3 and 4 buildings A1 and A2 on proposed Lot 1, and at the rooftop level of building B2 on proposed Lot 2. The proposed communal open space areas will be suitably located to maximise the opportunity for solar access and to increase useability.</p> <p>Appropriate conditions are proposed for the provision of and compliance with a crime prevention through environmental design assessment.</p>
8 Housing diversity and social interaction	<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>The proposal currently consists of a mix of dwellings which are responsive to anticipated market and demographic demands.</p> <p>The proposal intends to provide additional housing choice which is in the vicinity of public transport and the future local centre.</p> <p>The proposal provides housing diversity with an appropriate unit mix, including 50 x 1 bedroom, 141 x 4 bedroom, 9 x 3 bedroom apartments. Adaptable units and accessible parking will be provided that meet the Apartment Design Guide requirements.</p> <p>Outdoor communal open spaces will be provided, and the site is immediately adjacent to a future public park.</p>
9 Aesthetics	<p>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</p> <p>The visual appearance of a well-designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</p>	<p>Apart from the need for the applicant to delete units with habitable space above the 12 m height plane the proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials, finishes and colours and reflects the use, internal design and structure of the 4 buildings which are located across 2 lots, in a setting that will overlook the future public park with frontage to Cudgegong Road.</p> <p>The external design and materials of the façades will be broken up into distinct sections. This will provide some articulation and modulation. Two tones of grey, white and terracotta are proposed with glazed balustrades.</p> <p>Building materials will include face brick in dark grey, timber-look metal privacy screens, , glass balustrades, decorative</p>

Principle	Control	Comment
		<p>metal screens in accent colour, dark grey render and pearl white render.</p> <p>The buildings will be broken up into distinct sections to create focal points and break up their scale, which will be supported by a combination of vertical and horizontal elements.</p> <p>The site and building design elements increase privacy without compromising access to light and air. Shading elements are also provided to address heat load in summer.</p> <p>Outlook and views from habitable rooms and private open spaces have been provided. The contemporary design assists in setting a suitable appearance for the transitioning character of this locality and creates a desirable streetscape.</p>

8.2 Compliance with Apartment Design Guide

Summary comment

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

It is compliant with all other matters under the Apartment Design Guide.

ADG requirement		Proposal	Compliance
2F Building Separation	<p>Up to 4 storeys/12 m:</p> <p>12 m between habitable rooms/balconies</p> <p>9 m between habitable rooms/balconies and non-habitable rooms</p> <p>6 m between non-habitable rooms</p>	<p>The proposal will have 6 m setbacks / building separation to the boundaries of the site. With the other 6 m to be provided by adjacent development to achieve a total of 12 m.</p> <p>There are balconies with a projection into the minimum required building separation but there will be offset by breaks in the façade or recessed parts of the building.</p> <p>All 4 buildings are similar in footprint, layout and design, and are placed in a row across the site with open space areas between the 2 buildings on each lot. The width between the buildings reflects the minimum required building separation distances under the Apartment Design Guide and provides for a separation of 12 m; and where blank walls are utilised, there is a separation of 7.45 m, which is acceptable.</p>	No, but acceptable in the circumstances as measures are proposed.

		The proposal will provide suitable areas for communal open spaces, deep soil zones and landscaping despite these minor encroachments.	
Siting the development			
3F Visual privacy	Building Separation: refer to 2F above. Separation distances between buildings on the same site depending on the type of room as to reflect Figure 3F.2.	See 2F above re comments on building separation. Direct lines of sight/sound between units across some corners. Building A2 will have blank walls facing those balconies on Building A1 within the 12 m separation area.	No, but acceptable
Designing the building			
4D Apartment size and layout	<p>Studio > 35 m² 1 bed > 50 m² 2 bed > 70 m² 3 bed > 90 m² + 5 m² for each unit with more than 1 bathroom.</p> <p>Open Plan Layouts that include a living, dining room and kitchen – maximum 8 m to a window.</p>	<p>A2-1F03 and B2-1F10 both have internal area of 49 m² The shortfall of 1 m² is considered acceptable as these units have compliant room size, depth, width of an open plan layout, balcony size and depth and storage are all compliant with the controls under the Apartment Design Guide.</p> <p>The maximum depth of a habitable room from a window in an open plan layout for the following apartments exceed 8 m: A1-GF07, A1-GF08, A1-GF09, A1-1F09, A2-1F02, A2-1F06, A2-1F07, A2-1F08, A1-2F09, A2-2F06, A2-3F06, A2-4F06, B2-GF09, B2-1F04, B2-2F04 and B2-3F04 These apartments exceed the required 8 m by 0.01 m and 0.1 m. The variation is fairly minor and will not negatively impact on the quality of residential amenity for these apartments regarding daylight, sunlight and cross ventilation.</p>	<p>No, but acceptable as only minor</p> <p>No, but acceptable as only minor</p>
4E Private open space and balconies	<p>Studio > 4 m² 1 bed > 8 m² and 2 m depth 2 bed > 10 m² and 2 m depth 3 bed > 12 m² and 2.4 m depth Ground level/ podium apartments > 15 m² and 3 m depth</p>	<p>The private open space on the ground floor and its depth, of the following apartments do not comply: A1-GF01, A1-GF02, A1-GF04, A1-GF05, A1-GF08, A1-GF09, A1-GF10, A1-GF11, A1-GF12 and A2-GF01 have courtyards less than the required 15 m².</p>	No, but acceptable as only minor variation.

		<p>The area of the private open space for these apartments range between 8 m² and 13 m².</p> <p>These courtyards have a depth ranging between 2 m and 2.6 m.</p> <p>The shortfall is acceptable as these apartments are in close proximity to common open space provided on the ground level.</p>	
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9 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Summary comment

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

It is compliant with all other matters under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

Part 4 Principal development standards

<p>Cl. 4.3 Height of buildings</p> <p>Maximum 12 m</p>	<p>The development has a proposed maximum building height of 14.4 m for Lot 1, and upto 15.1 m as a point encroachment for Lot 2. The maximum height of buildings development standard is 12 m.</p> <p>The proposed non-compliance relates to roof slab, lift overruns, with some breaches to the habitable space of some units on Lot 1 on Buildings A1 and A2. For Lot 2, the breach also relates to the habitable space of the uppermost portion of the units, roof slab, the communal open space structures and lift overruns of Buildings B1 and B2. These exceed the height by up to 2.4 m or 20% for proposed Lot 1 and 3.1 m or 25.8% for proposed Lot 2.</p> <p>Consequently, the proposed building height is 14.4 m for proposed Lot 1 and 15.1 m for proposed Lot 2 at the highest point (lift overruns). The habitable floor space over the height limit of Lot 1 is 1,188 m² or 13.7% of the top floors of buildings A1 and A2 and for Lot 2 it is 174 m² or 2% of the top floor buildings B1 and B2.</p> <p>. The Applicant has submitted a request to vary this development standard under Clause 4.6 of the Growth Centres State Environmental Planning Policy.</p> <p>The design provides for all units on the ground level to be at street level.</p> <p>A range of different materials and aesthetics have been applied to buildings across the site to provide further visual interest and to break up the bulk and scale of the built form.</p>	<p>No.</p> <p>The applicant seeks to vary this development control which is not acceptable for the encroachment of habitable floor space of some of the residential units and will not be supported by Council. Refer to Section 7 of Assessment Report and attachments 7 and 8.</p>
<p>Cl. 4.6 Exceptions to development standards</p>	<p>The applicant has submitted a Clause 4.6 justification in support of a variation to height, which is at attachment 8. The buildings' heights referenced by the applicant are measured from the existing ground level in line with the development of this precinct within the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.</p> <p>Council's consideration of the request is at section 7 of the assessment report and attachment 8. The buildings' heights that we reference are measured from the ground levels created by the new roads required by the indicative layout plan in the State Policy.</p>	<p>The Clause 4.6 request is only satisfactory for plant and equipment and roof top communal open space features encroachments only but not for</p>

Summary comment		
		the habitable area of the units in breach of the height plane

10 Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (Growth Centre DCP)

Summary comment
We have assessed the development application against the relevant provisions. It is compliant with the relevant matters under the Blacktown City Council Growth Centres Precinct Development Control Plan 2010 (Growth Centre DCP).

11 Central City District Plan 2018

Summary comment	Complies
<p>While the Act does not require consideration of District Plans in the assessment of development applications, the Development Application is consistent with the following overarching planning priorities of the Central City District Plan:</p> <p>Liveability</p> <ul style="list-style-type: none"> Improving housing choice Improving housing diversity and affordability Improving access to jobs and services Creating great places 	Yes

12 Blacktown Local Strategic Planning Statement

Summary comment	Complies
<p>The Blacktown Local Strategic Planning Statement outlines a planning vision for the City over the next 20 years to 2041. The Blacktown Local Strategic Planning Statement contains 18 Local Planning Priorities based on themes of Infrastructure and collaboration, Liveability, Productivity, Sustainability and Implementation.</p> <p>The Development Application is consistent with the following priorities: :</p> <ul style="list-style-type: none"> Local Planning Priority 5: providing housing supply, choice and affordability with access to jobs, services and public transport. 	Yes