

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 (EPI)	The proposal is considered to be generally consistent with the relevant EPIs, including SREP No. 20 – Hawkesbury-Nepean River, SEPP (State and Regional Development) 2011, SEPP (Infrastructure) 2007, SEPP (Educational Establishments and Child Care Facilities) 2017, SEPP BASIX 2004, SEPP No. 55 – Remediation of Land, SEPP No. 65 – Design Quality of Residential Apartment Development and the 9 'design quality principles' of SEPP 65, Blacktown LEP 2015, Blacktown DCP 2015, the Central City District Plan 2018 and Blacktown Local Strategic Planning Statement 2020. The proposal is consistent with the Apartment Design Guide (ADG), with the exception of building separation, deep soil zones, solar access and cross ventilation. The proposed development comprises permissible land uses within the B4 Mixed Use zone and satisfies the zone objectives outlined in Blacktown LEP 2015.	Satisfactory No, However, acceptable in this instance, as discussed below and in section 7 of the Assessment report. Satisfactory
(ii) Any proposed instrument that is or has been the subject of public consultation under this Act	Prior to the lodgement of this application, the CBD Planning Proposal was exhibited to amend Blacktown LEP 2015 with regard to the Blacktown Central Business District (CBD) as follows: • remove floor space ratio controls • increase building heights • Introduce incentive heights for key sites and gateway sites. The proposed amendments were exhibited between 16 August 2017 and 28 September 2017 and were gazetted in August 2020. The amendments removed the floor space ratio control on the site which was 6.5:1 and increased the height of buildings allowance from 56 m to 80 m. The development complies with the previous development standards for floor space ratio and height of buildings.	Yes
(iii) Any development control plan (DCP)	The Blacktown DCP 2015 applies to the site. The proposed development is compliant with the numerical controls established under the DCP, with the exception of the eastern	No, but acceptable in this instance.

Heads of Consideration	Comment	Complies
	part of the podium structure exceeding the maximum scale referenced under the DCP by 1 storey. Refer to further discussion at section 7 of the Assessment report.	
(iii a) Any Planning Agreement	This application is not accompanied by a voluntary planning agreement.	N/A
(iv) The regulations	The proposal is consistent with the Regulation, including Clause 92 regarding demolition of the existing building and the Education and Care Services National Regulations regarding the proposed child care centre.	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	It is considered that the likely impacts of the development, including traffic, parking and access, bulk and scale, overshadowing, design, noise, privacy, waste management, salinity, contamination and remediation, and stormwater management, have been satisfactorily addressed. A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. In view of the above, we believe that the proposed development will not have any unfavourable social, economic or environmental impacts.	Yes
c. The suitability of the site for the development	The part of the site the subject of this application is zoned B4 Mixed Use with an 80 m building height limit. Shop top housing development and child care centres are permissible on the site with development consent. The site forms part of the Blacktown CBD and is located in close proximity to the Transitway and Blacktown Railway Station. 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 street frontage adjoining the site.	Yes
d. Any submissions made in accordance with this Act, or the regulations	2 submissions were received following notification of the application. The issues raised include failing to comply with the Apartment Design Guide with regard to building separation, solar access and cross ventilation. The issues raised also include the impact on an existing tree on the adjoining site, the suitability of the quantum of floor space proposed, suitability of the zoning of the site and the suitability of providing a child care centre on the site. Refer to further detail, and our response to the issues raised, in attachment 7. The issues raised do not warrant the refusal of the application.	Yes
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 retail tenancies and a child care centre. The proposal also offers additional housing stock and provides housing diversity within the Blacktown CBD.	Yes

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

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

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

Summary comment	Complies
The Sydney Central City Planning Panel (SCCPP) is the consent authority for all development with a capital investment value (CIV) of over \$30 million. As this DA has a CIV of \$124.9 million, Council is responsible for the assessment of the DA and determination of the application is to be made by the Panel.	Yes

4 State Environmental Planning Policy (Infrastructure) 2007

Summary comment	Complies
The SEPP ensures that Transport for NSW (Roads and Maritime) is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP. The development was referred to Transport for NSW, who found the development acceptable.	Yes
This SEPP also requires concurrent approval to be provided by Sydney Trains as the proposed development is classified as 'Integrated Development' under Clause 86 'Excavation in, above, below or adjacent to rail corridors' of State Environmental Planning Policy (Infrastructure) 2007. The DA was referred to Sydney Trains, who has provided concurrence conditions. - Sydney Trains is the electrical supply authority for a 33 kV high voltage aerial transmission line immediately adjacent to the southern boundary of the site. - Sydney Trains advised that the proposed development has been assessed in accordance with the requirements of Clause 86(4) being: a) <i>the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:</i> i) <i>the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and</i> ii) <i>the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and</i> b) <i>what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.</i> - Sydney Trains has granted concurrence to the development subject to Council imposing the operational conditions listed in Attachment A of its concurrence letter. - Sydney Trains imposed a condition advising that a 33 kV High Voltage Aerial Transmission Line is in close proximity to the proposed works and all works within 6 m of the nearest transmission line conductor must comply with their Guideline for the Management of Activities within Electricity Easements and Close to Electricity Infrastructure. It was also advised that all landscaping within 10 m of the 33 KV High Voltage Aerial Transmission Line is to be in accordance with the Sydney Trains High Voltage Powerline Tree Management Plan, including limiting tree height to a maximum of no more than 3 m at mature height.	Yes, subject to concurrence conditions

5 State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

Summary comment

Complies

This SEPP aims to ensure a consistent approach to facilitating the provision of child care services across NSW and establishes Design Guidelines consistent with the requirements of the National Quality Framework (NQF). In this regard, any distance separation requirements, design requirements, limit on number of places, site area and site coverage standards contained within a DCP do not apply, so as to ensure that a DCP cannot contain requirements that exceed the National Quality Framework or are more onerous.

The proposal is consistent with the SEPP and the National Quality Framework, as demonstrated in the table below.

Part 3 Controls	Proposal	Complies
22 Centre-based child care facility - concurrence of Regulatory Authority required for certain development Development Applications that do not comply with the unencumbered indoor and outdoor space requirements of the NQF will require the concurrence of the Secretary of the Department of Education. Clauses 107 and 108 of the Education and Care Services National Regulations contains strict space requirements for child care facilities: - at least 3.25 m² of unencumbered indoor space must be provided for each child; - at least 7.0 m² of unencumbered outdoor space must be provided for each child.	Provided <u>Indoor</u> 567 m² of unencumbered indoor space <u>Outdoor</u> 601 m² of unencumbered outdoor space	Required <u>Indoor</u> 3.25 m² x 85 = 276.25 m² – Yes <u>Outdoor</u> 7 m² x 85 = 595 m² – Yes
23 Centre-based child care facility - matters for consideration by consent authorities Before determining a Development Application for development for the purpose of a centre-based child care facility, the consent authority must take into consideration any applicable provisions of the Child Care Planning Guideline in relation to the proposed development.	See the assessment below	
25 Centre-based child care facility - non-discretionary development standard (1) The object of this clause is to identify development standards for particular matters relating to a centre-based child care facility that, if complied with, prevent the consent authority from requiring more onerous standards for those matters. (2) The following are non-discretionary development standards for the purposes of section 4.15 (2) and (3) of the Act in relation to the carrying out of development for the purposes of a centre-based child care facility: (a) location - the development may be located at any distance from an existing or proposed early education and care facility (c) site area and site dimensions - the development may be located on a site of any size and have any length of street frontage or any allotment depth (d) colour of building materials or shade structures - the development may be of any colour or	Noted Noted Noted	Satisfactory

Summary comment

Complies

colour scheme unless it is a State or local heritage item or in a heritage conservation area. (3) To remove doubt, this clause does not prevent a consent authority from: (a) refusing a Development Application in relation to a matter not specified in subclause (2), or (b) granting development consent even though any standard specified in subclause (2) is not complied with.	Noted	
26 Centre-based child care facility - development control plans (1) A provision of a Development Control Plan that specifies a requirement, standard or control in relation to any of the following matters (including by reference to ages, age ratios, groupings, numbers or the like, of children) does not apply to development for the purpose of a centre-based child care facility: (a) operational or management plans or arrangements (including hours of operation), (b) demonstrated need or demand for child care services, (c) proximity of facility to other early education and care facilities, (d) any matter relating to development for the purpose of a centre-based child care facility contained in: (i) the design principles set out in Part 2 of the <i>Child Care Planning Guideline</i>, or (ii) the matters for consideration set out in Part 3 or the regulatory requirements set out in Part 4 of that Guideline (other than those concerning building height, side and rear setbacks or car parking rates). (2) This clause applies regardless of when the Development Control Plan was made.	Noted	Satisfactory

Child Care Planning Guideline August 2017, NSW Department of Planning, Industry & Environment

Regulation	Proposal	Complies
104. Fencing or barrier that encloses outdoor spaces Outdoor space that will be used by children will be enclosed by a fence or barrier that is of a height and design that children preschool age or under cannot go through, over or under it.	The proposal comprises a 1.4 m high wall	Yes
106. Laundry and hygiene facilities The proposed development includes laundry facilities or access to laundry facilities Facilities are to be located where they do not pose a risk to children	On-site facilities provided	Yes
107. Unencumbered indoor space The proposed development includes at least 3.25 sqm of unencumbered indoor space for each child	Required area: 276 sqm Provided area: 567 sqm	Yes

Summary comment		
Complies		
108. Unencumbered outdoor space The proposed development includes at least 7 sqm of unencumbered outdoor space for each child. Where a covered space such as a verandah is to be included in outdoor space it should: • be open on at least one third of its perimeter • have a clear height of 2.1 m • have a wall height of less than 1.4 m where a wall with an opening that forms the perimeter • have adequate flooring and roofing • be designed to provide adequate protection from the elements.	Required area: 595 sqm Provided area: 601 sqm The proposal comprises a partially covered verandah at the northern part of the site as outdoor space. The applicant has confirmed that the design requirements are met.	Yes. In February 2020, the applicant submitted amended plans reducing the number of child care spaces from 90 to 85, and providing sufficient unencumbered outdoor space that satisfies the design requirements for providing outdoor space on a verandah.
109. Toilet and hygiene facilities The proposed development includes adequate, developmentally and age appropriate toilet, washing and drying facilities. The location and design of the toilet, washing and drying facilities enable safe and convenient use by the children.	The proposal is capable of providing washers, dryers, laundry sinks and storage within a dedicated laundry room. The applicant states that the fitout will be addressed in a separate DA.	Yes
110. Ventilation and natural light The proposed development includes indoor spaces to be used by children that: • will be well ventilated • will have adequate natural light and • can be maintained at a temperature that ensures the safety and wellbeing of children.	Full mechanical ventilation is provided and natural ventilation is achieved by door and window openings. The podium design allows for natural light. An appropriate temperature can be maintained.	Yes
111. Administrative space The proposed development includes an adequate area or areas for the purposes of conducting the administrative functions of the service and consulting with parents of children and conducting private consultations.	The proposal has suitable areas dedicated to administrative functions. The applicant states that the fitout will be addressed in a separate DA.	Yes
112. Nappy change facilities The proposed development includes an adequate area for construction of appropriate hygienic facilities for nappy changing including at least one properly constructed nappy changing bench and hand cleansing for adults in the immediate vicinity of the nappy change area. The proposed nappy change facilities can be designed and located in a way that prevents unsupervised access by children.	The proposal is capable of providing nappy changing and bathing rooms, designed to ensure appropriate hygienic standards and prevention of unsupervised access by children. The applicant states that the fitout will be	Yes

Summary comment Complies		
	addressed in a separate DA.	
113. Outdoor space – natural environment The proposed development includes outdoor space that will allow children to explore and experience the natural environment.	The outdoor space comprises a design that encourages active play in the natural environment.	Yes
114. Outdoor space – shade The proposed development includes adequate shaded areas to protect children from overexposure to ultraviolet radiation from the sun.	The outdoor space features a perforated metal screen along part of the northern façade of the podium to provide sun protection.	Yes
115. Premises designed to facilitate supervision The proposed development (including toilets and nappy change facilities) are designed in a way that facilities supervision of children at all times, having regard to the need to maintain the rights and dignity of the children.	The proposal provides rooms and facilities designed to ensure the supervision of children at all times (whilst having regard to the need to maintain their rights and dignity). This includes landscape screening and privacy screens to ensure that the occupants of the apartments and common open space areas on the levels above do not have direct sight lines into the outdoor space.	Yes
97 & 168. Emergency and evacuation procedures Regulation 168 sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail for what those procedures must cover including: • instructions for what must be done in the event of an emergency • an emergency and evacuation floor plan, a copy of which is displayed in a prominent position near each exit • a risk assessment to identify potential emergencies that are relevant to the service. Multi-storey buildings with proposed child care facilities above ground level may consider providing additional measures to protect staff and children. An emergency and evacuation plan should be submitted with a DA.	The DA is accompanied by a preliminary Emergency Management Manual and a Concept Fire Safety Strategy prepared by Warrington Fire dated July 2019. During the operational stage of the development and child care facilities, a safety management system will be established by implementation of an Emergency Management Manual and Evacuation Plan. The applicant has accepted the imposition of a condition of consent to ensure that a safety management system is implemented.	Yes. It is also noted that the Emergency Management Manual will need to address the outcomes of the Safety Management Study to be prepared in consultation with Caltex (refer to attachment 4 for further details).

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

Summary comment	Complies
The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this SEPP, including BASIX certification. A BASIX Certificate was submitted with the Development Application in line with the provisions of this SEPP. The BASIX Certificate demonstrates that the proposal complies with the relevant sustainability targets and will implement those measures required by the certificate. This will be conditioned in any consent granted.	Yes

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

Summary comment	Complies
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. DA-19-01719 has already dealt with the site works and addressed site contamination. On this basis there will be a condition on this consent requiring full compliance with the conditions of the development consent issued for DA-19-01719 which includes the submission of a site contamination validation report upon completion of the site works. This report will be prepared in accordance with the strict requirements of the <i>National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999</i>, as amended 2013, for residential purposes without any limitations.	Yes, subject to conditions

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

Summary comment
SEPP 65 applies to the assessment of DAs for residential flat buildings 3 or more storeys in height and containing at least 4 dwellings. Clause 30 of SEPP 65 requires a consent authority to take into consideration: • advice (if any) obtained from the design review panel • design quality of the residential flat development when evaluated in accordance with the design quality principles • the Apartment Design Guide (ADG). We do not have a design review panel. The tables below provide comments on our assessment of the 9 design quality principles and details where the numerical guidelines of the Apartment Design Guide are not fully complied with.

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.

Principle	Control	Comment
1. Context and neighbourhood character	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. 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.	The design responds to the context of the site within the Blacktown CBD. The development complies with the new height limit prescribed by Blacktown Local Environmental Plan 2015. The development 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 retail tenancies, a child care centre and residential apartments. The building responds to the streetscape, providing an active street frontage and a design that reinforces this highly visible corner location.
2. Built form and scale	Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. 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. 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.	The design responds to the surrounding context, providing a development that complies with the building height and floor space requirements prescribed by Blacktown Local Environmental Plan 2015. The supermarket and retail tenancies are an appropriate response given the site's location in the CBD. The podium and tower form above are generally consistent with Council's controls and the creation of a suitable streetscape for this highly visible corner location.
3. Density	Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context. Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	The scale of the development, being part 15 / 16 storeys, is consistent with the height limit for the area and is consistent with the desired density of the area. In addition, the site is located within 400 m of Blacktown railway station and is located within the Blacktown CBD. It is therefore considered a suitable density that can be sustained with existing infrastructure.
4. Sustainability	Good design combines positive environmental, social and economic outcomes. 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.	The design of the development ensures that the development meets the minimum design criteria for solar access and natural cross ventilation. The proposal provides for a mix of dwellings, contributing to housing diversity within the locality. The proposal demonstrates appropriate waste management during the demolition, construction and ongoing use phases. The proposal is supported by a BASIX Certificate. The commitments are incorporated into the design of the

Principle	Control	Comment
		building. The proposal demonstrates satisfactory levels of sustainability and the efficient use of energy and water resources.
5. Landscape	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. 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. 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.	A landscape plan was submitted with the DA, which incorporates a variety of planting that contributes to the amenity of the development. The proposal does not provide any deep soil zones. However, this is consistent with the majority of other similar developments in the CBD. The proposal provides appropriately sited landscaping elements which are of a high quality design and are capable of being sustained and maintained. The landscaping compliments the presentation of the built form as viewed from the public domain and enhances the amenity of the private and common open space areas.
6. Amenity	Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being. 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.	The design of the proposal is considered to provide a suitable level of amenity through a carefully considered spatial arrangement and layout. In light of the future occupants within the site, as well as the surrounding properties, the proposal achieves a suitable level of internal amenity through providing appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.
7. Safety	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. 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.	The proposal is considered to be 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. The proposal provides suitable casual surveillance of the public domain.

Principle	Control	Comment
8. Housing diversity and social interaction	Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. 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.	The proposal consists of a mix of dwellings which are responsive to anticipated market and demographic demands. The proposal provides additional housing choice in close proximity to public transport and is located within the Blacktown CBD.
9. Aesthetics	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. 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.	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 resultant buildings. The distinct and contemporary architecture assists in setting a high quality standard for the transitioning character of this CBD locality and creates a desirable streetscape.

8.2 Compliance with Apartment Design Guide (ADG)

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

It is compliant with all other matters under the ADG.

ADG requirement		Proposal	Compliance
Controls			
2F Building Separation	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	Not fully achieved to the western boundary of the west tower as there will be minor window elements that encroach 0.5 m onto the 6 m setback to the western boundary.	No. However, acceptable in this instance, as discussed in section 7 of the Assessment report.
	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	Not achieved to the western boundary as this is a black wall it is only required to be 9 m under ADG. The applicant proposes 6 m with only minor angled window elements 0.5 m as point encroaches units.	No. However, acceptable in this instance, as discussed in section 7 of the Assessment report.
	Nine storeys and above/over 25 m:	Not fully achieved to the western boundary as again this is a solid	No. However, acceptable in this

ADG requirement		Proposal	Compliance
	24 m between habitable rooms/balconies 18 m between habitable rooms/balconies and non-habitable rooms 12 m between non-habitable rooms	blank wall with only angled windows, with setback being 6 m to the boundary. The eastern building only has a 6 m setback to the centreline of Humphries Lane to the north.	instance, as discussed in section 7 of the Assessment report.
3E Deep soil zones	Minimum area = 7% of site area. Preferred area = 15% If over 1,500 m ² then minimum dimensions of 6 m.	Site area: 4,617 m ² . Minimum required 7% = 323 m ² . Provided: None. The applicant has justified this stating that this control is not applicable as the site is 100% impervious, and that the ADG makes provision for sites that are located within a CBD where the site has 100% site coverage, non-residential uses at ground floor, acceptable stormwater management and alternate forms of planting on structures. The proposal provides raised planters that accommodate planting on the podium.	No. However, acceptable in this instance as the site is in a CBD location that is built to the street edge and accommodates non-residential uses at the ground level. The proposed podium landscaping improves the residential amenity or the development and is supported.
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. Direct lines of sight should be avoided for windows and balconies across corners.	The proposed separation distance between the towers is 11 m, being a shortfall of 1 m. However, the applicant has created a 'blank wall effect' between the habitable rooms of the residential apartments by providing angled windows to ensure direct lines of sight are avoided. Therefore, the proposal achieves satisfactory visual privacy within the site.	Yes. The proposal applies angled windows to achieve a 'blank wall effect.'
4A Solar and daylight access	Maximum number with no sunlight access < 15%.	19% of apartments receive no direct sunlight at mid-winter. The applicant justifies this shortfall of 4% (9) apartments stating that they compensate for this by providing a design that maximises the number of north facing apartments per floor and locates larger apartments at the corners of the building.	No. However, the apartments which are orientated to the south benefit from an open outlook across George Street and the rail corridor as discussed in section 7 of the Assessment report.
4B Natural ventilation	Number of naturally cross ventilated units in the first 9 storeys > 60%.	60% of apartments are cross ventilated, allowing for the alternative technique of roof vents.	No. However, acceptable in this instance as discussed in section 7 of the Assessment report.

9 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: Productivity - Driving the growth of the Central City - Delivering job targets in strategic and district centres - Improving access to a greater number of jobs and centres within 30 minutes Liveability - Improving access to jobs and services - Contributing to the provision of services to meet communities' changing needs. - Improving housing choice - Improving housing diversity and affordability - Creating great places.	Yes

10 Blacktown Local Strategic Planning Statement (LSPS) 2020

Summary comment
We have assessed the DA against the LSPS planning vision for the City over the next 20 years to 2041 regarding how we are going to manage the forecast growth in our City. The proposal is consistent with 18 Local Planning Priorities based on themes of Infrastructure and collaboration, Liveability, Productivity, Sustainability and Implementation, and the Actions that will deliver the Planning Priorities. The DA is consistent with the following priority: LPP5 Providing housing supply, choice and affordability with access to jobs, services and public transport.

11 Blacktown Local Environmental Plan 2015

Summary comment	Complies
BLEP 2015 applies to the site. The proposed shop top housing development and centre-based child care facility are permissible land uses in the B4 Mixed Use zone and provides land uses which are compatible with the zone objectives. The proposal demonstrates compliance with BLEP 2015.	Yes
7.7 Design excellence (1) The objective of this clause is to ensure that development exhibits design excellence that contributes to the natural, cultural, visual and built character values of Blacktown. (2) This clause applies to land identified as "Design excellence" on the Design Excellence Map. (3) Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence. (4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters -	Yes, our City Architect confirms that this proposal meets the Design Excellence parameters and the development as currently designed does achieve the design excellence objectives of the LEP and on that

Summary comment	Complies
(a) whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved, (b) whether the form and external appearance of the development will improve the quality and amenity of the public domain, (c) whether the development detrimentally impacts on view corridors, (d) whether the development detrimentally impacts on any land protected by solar access controls established in the Blacktown Development Control Plan, (e) the requirements of the Blacktown Development Control Plan, (f) how the development addresses the following matters - (i) the suitability of the land for development, (ii) existing and proposed uses and use mix, (iii) heritage issues and streetscape constraints, (iv) the relationship of the development with other development (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, (v) bulk, massing and modulation of buildings, (vi) street frontage heights, (vii) environmental impacts such as sustainable design, overshadowing, wind and reflectivity, (viii) the achievement of the principles of ecologically sustainable development, (ix) pedestrian, cycle, vehicular and service access and circulation requirements, (x) the impact on, and any proposed improvements to, the public domain.	basis the DA should be supported. The proposal responds appropriately to its location within the CBD through a podium form that addresses the eastern edge of the CBD in a strong and well defined manner, whilst the form, materiality and detailing of the proposal will have a positive contribution to the CBD skyline.

12 Blacktown Development Control Plan 2015

Summary comment		
The provisions of BDCP, including Part A – Introduction and Design Guidelines, Part D – Development in the Business Zones, Part G – Site Waste Management and Minimisation and Part J – Water Sensitive Urban Design and Integrated Water Cycle Management are relevant to the site and proposed shop top housing development and child care facility. The proposal complies with the relevant provisions of BDCP, except as follows.		
DCP requirement	Proposal	Compliance
Part 5.3.1 Residential/mixed use development – Specific controls of Part D of the DCP permits a zero setback to the front boundary for the ground floor and 1-2 levels above, i.e. the podium. Levels above the podium are to be set back.	The proposal satisfies this control, with the exception of providing an additional podium level (Level 3) at the eastern side of the development. Applicant's justification: “The site is situated at a prominent corner location along the edge of the Blacktown CBD. The podium format is 2 storeys in height, with the exception of the 2 – 3 residential levels on the eastern tower, that match the setback alignment of the podium. Residential apartments on Levels 2 – 3 are provided with larger terraces as the podium peels back and steps down along George Street and Humphries Lane to the west. The height of the podium is increased at the corner of George Street and Sunnyholt Road to define this key location and create a marker, which signifies the entrance to the northern side of Blacktown CBD.	No. However, we consider that the proposed 3 storeys podium of the building creates a landmark address to the street corner at Sunnyholt Road and George Street and is a suitable design outcome for this site. The design is supported by our City Architect. Refer to the discussion at

DCP requirement	Proposal	Compliance
	Due to its corner location and distance to adjoining residential properties separated by Sunnyholt Road, there are no foreseeable privacy or built form impacts associated with the increased podium at this location.”	section 7 of the Assessment report.