

## 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 State Environmental Planning Policy No. 65 -Design Quality of Residential Apartment Development and the 9 'design quality principles of State Environmental Planning Policy 65, State Environmental Planning Policy (Resilience and Hazards) 2021, State Environmental Planning Policy BASIX 2004, State Environmental Planning Policy (Transport and Infrastructure) 2021, and Blacktown Local Environmental Plan 2015.</p> <p>The applicant seeks a minor variation to the maximum height control under Blacktown Local Environmental Plan 2015.</p>	<p>Yes, with the exception of:</p> <ul style="list-style-type: none"> <li>- separation distances in SEPP 65 and</li> <li>- height of buildings control in BLEP 2015.</li> </ul> <p>Variations are supported.</p>
ii. Any proposed instrument that is or has been the subject of public consultation under this Act	<p><b>Draft State Environmental Planning Policy (Environment)</b></p> <p>The draft Environment State Environmental Planning Policy 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 State Environmental Planning Policy effectively consolidates several State Environmental Planning Policies including 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) and Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment and removes duplicate considerations across Environmental Planning Instruments.</p>	<p>Yes.</p> <p>This proposal is not inconsistent with the provisions of this draft State Environmental Planning Policy.</p>
iii. Any development control plan	<p>Blacktown Development Control Plan 2015 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development is compliant with the applicable numeric controls established under the Development Control Plan if not superseded by the controls of State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development.</p>	<p>Yes.</p>
iv. a) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter	<p>Not applicable.</p>	<p>Not applicable.</p>

Heads of Consideration	Comment	Complies
into under section 7.4,		
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, noise, parking and access, bulk and scale, stormwater, waste management and solar access, amenity and construction and operation functions have been satisfactorily addressed.</p> <p>It is considered that the proposed development will not result in detrimental social, economic or environmental impacts.</p>	Yes.
c. The suitability of the site for the development	<p>The subject site is zoned B4 Mixed Use with a 64m building height limit and no floor space ratio control.</p> <p>Mixed use developments are a permissible form of development on the site with development consent and the overall bulk and scale, notwithstanding the proposed height non-compliance, is acceptable.</p> <p>The proposal complies with the majority of controls and objectives, except for minor variations to the height of buildings for discrete elements of the rooftop and variations to internal separation distances for Stages 1 and 2 which have been resolved by attention to detailed design.</p> <p>The site is suited to the form of development proposed in conjunction with the Stage 2 building to be linked to the proposal via vehicle access and a shared loading bay.</p> <p>The design and setout respond to the desired future character of high density mixed use development within the Northern Precinct of the Blacktown CBD.</p>	Yes.
d. Any submissions made in accordance with this Act, or the regulations	One (1) submission was received. The submission did not raise any specific planning-related issues with the proposed development that cannot be resolved by recommended conditions of consent.	Yes.
e. The public interest	The proposal is in the public interest as it will provide additional housing, serviced apartments and a variety of commercial premises amongst other mixed uses and community facilities in the Blacktown CBD.	Yes.

## 2 State Environmental Planning Policy (Resilience and Hazards) 2021

Summary comment	Complies
<p>Chapter 4, Remediation of land, to the State Environmental Planning Policy (Resilience and Hazards) 2021 requires a consent authority to consider whether the subject land of any development application is contaminated. If the land requires remediation, the consent authority must ensure that it is made suitable for a proposed use. The consent authority must be satisfied that the land can and will be remediated before the land is used for the proposed purpose.</p> <p>The approved development on the site under development consent JRPP-16-03305 was supported by a Stage 2 Detailed Site Investigation prepared by EBG Environmental Geoscience dated February/March 2018. This report provided a contamination</p>	Yes, subject to conditions

Summary comment	Complies
<p>assessment of the site in line with SEPP (Resilience and Hazards) and has been resubmitted with the subject application.</p> <p>The investigation identified all past and present potentially contaminating activities, potential contamination types and site conditions, and provides a preliminary assessment of site contamination.</p> <p>Based on the recommended approach by EBG Environmental Geoscience, the report considers the site can be made suitable for the proposed use subject to the inclusion of appropriate conditions of consent.</p>	

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

Summary comment	Complies
<p>The proposed development includes BASIX affected buildings and therefore requires assessment against the provisions of this State Environmental Planning Policy, including BASIX certification.</p> <p>A BASIX Certificate was submitted with the development application in line with the provisions of this State Environmental Planning 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

### 4 State Environmental Planning Policy (Transport and Infrastructure) 2021

Summary comment
<p>The State Environmental Planning Policy ensures that the roads authority TfNSW is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the State Environmental Planning Policy.</p> <p>The application was referred to TfNSW in line with this policy. At the date of preparation of this assessment report TfNSW had not provided a response.</p>

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

Summary comment
<p>State Environmental Planning Policy 65 applies to the assessment of development applications for residential apartments in buildings of 3 or more storeys and containing at least 4 dwellings.</p> <p>Clause 30 of State Environmental Planning Policy 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>Blacktown Council does not have a design review panel.</p> <p>The application and revised plans have been reviewed by Council's City Architect and is considered to be satisfactory.</p>

## Summary comment

The tables below provide assessment comments on the 9 design quality principles of the ADG and the guidelines of the Apartment Design Guide.

### 5.1 Design quality principles

Principle	Control	Comment
<b>5.1.1 Design quality principles</b> The development satisfies the 9 design quality principles.		
<b>1. Context and neighbourhood character</b>	<p>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</p> <p>Responding to context involves identifying the desirable elements of an area's existing or future character. Well- designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood.</p> <p>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The design of the proposal satisfactorily responds to the conditions of the site and the desired future character of the Blacktown CBD Northern Precinct.</p> <p>The proposed changes to Stage 1 of the approved development will facilitate redevelopment of an underutilised site that contributes to the Northern Precinct of the Blacktown CBD with increased housing supply, serviced apartments and new commercial spaces, whilst improving the interface with the public domain. The enhancement of the pedestrian experience within the public realm is a primary objective of the DCP for the Northern Precincts of the Blacktown CBD.</p> <p>There will be an increase in the active frontages created with Stage 1 and improved landscaping and pavement treatment of the public domain in comparison to the already approved JRPP-16-03305.</p> <p>The development will contribute to the quality and identity of the area which is undergoing transition and redevelopment.</p> <p>The proposed Stage 1 building will be compatible with the economic and social plan for the Blacktown CBD and responds to the recent LEP amendments seeking to promote uplift and redevelopment in the Blacktown CBD.</p>
<b>2. Built form and scale</b>	<p>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</p> <p>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</p> <p>Appropriate built form defines the public domain, contributes to the character of</p>	<p>The additional 3 levels proposed to the already approved 18 storey mixed use development responds to the uplift in planning controls for the site facilitated through recent LEP amendments that removed FSR controls and increased height. The Stage 1 building represents a height, bulk and scale of development which is consistent with the desired future character of the Blacktown CBD Northern Precinct and the height and scale of new buildings existing and anticipated on neighbouring sites.</p>

Principle	Control	Comment
	streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.	<p>The building is designed well for its mixed use purposes.</p> <p>A variety of ground floor commercial premises will activate both street facades with a consistent setback to the street frontages suitable to provide recessed shopfronts for outdoor eating, display of goods and planted areas separated from the main through-route of the public footpath with weather protection awnings for pedestrians.</p> <p>Upper storeys are well articulated with a zero setback to the street and facades detailed with balconies and windows. A prominent streetscape element has been created by introducing a 5m x 5m splay to the corner of the building at all levels adjacent to the intersection of Second Avenue and Prince Street.</p> <p>Commercial premises have been provided with connectivity to shared waste storage areas and the shared loading bay.</p> <p>Commercial premises are of adequate dimension and ceiling height to accommodate a variety of future uses.</p> <p>Commercial and residential spaces are mostly well separated with access to the ground floor communal open space shared with residents, serviced apartments and commercial tenants. Rooftop open space is only accessible to residents.</p> <p>Fine grained design detail has been incorporated into the layout and orientation of apartments and private open spaces at upper levels to improve privacy and natural light in comparison to the approval JRPP-16-03305.</p> <p>The design of the building, including the architectural roof feature and treatment of the façade, ensures an articulated built form that positively contributes to the streetscape.</p> <p>The general compliance achieved with most planning controls demonstrates that the proposal is of a bulk and scale that is compatible with the existing and intended built form of this locality.</p>
<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.</p> <p>Appropriate densities can be sustained by</p>	<p>The density is appropriate for the Blacktown CBD Northern Precinct.</p> <p>The proposed alterations and additions will increase the density approved with JRPP-16-</p>

Principle	Control	Comment
	existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.	03305 as now facilitated by the increase in the LEP height control.  The Northern Precinct of the Blacktown CBD has been identified to accommodate for the CBD expansions and to enhance the service delivery to the existing CBD as well as encourage residential development in close proximity to the railway station.
<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 improvements to internal separation of buildings with attention to design detail will have positive outcomes for future residents.</p> <p>The layout of the ground floor area will improve the operational efficiency of the commercial premises with clear paths of movement for back of house functions and increased visibility of shop fronts.</p> <p>The proposal meets energy saving and water efficiency measures in BASIX assessments.</p> <p>Shared use of the loading dock and vehicle access and egress between Stages 1 and 2 is maintained as per the original approval granted by the Panel</p> <p>The provision of two consolidated areas of common open space at ground level and on the rooftop ensures all future building occupants will have access to outdoor recreational spaces.</p>
<b>5. Landscape</b>	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity and provides for practical establishment and long-term management.</p>	<p>The proposal improves upon the landscaping of the public domain in comparison to JRPP-16-03305. The landscaping of the ground floor communal open space includes fewer changes in levels and more consolidated planting and useable areas in comparison to JRPP-16-03305.</p> <p>This proposal creates appropriate opportunities for landscaping on the site and is considered appropriate for a site within the B4 Mixed Use zone.</p> <p>The adjustment to the building footprint will also increase the solar access for the ground floor communal open space area.</p> <p>The proposal provides quality landscaping at the communal rooftop area, which receives good solar access. Rooftop landscaping includes appropriately designed spaces for future residents such as BBQ area and outdoor seating, planter beds, turfed and paved areas.</p>
<b>6. Amenity</b>	Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity	The proposed design facilitates good amenity for future occupants and improves on privacy with attention to design detail and

Principle	Control	Comment
	<p>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>improved apartment layout in comparison to JRPP-16-03305.</p> <p>The proposed development offers a range of units that provide appropriate dimensions, solar access, visual and acoustic privacy, and both indoor and outdoor private spaces, as well as quality communal open spaces. The proposal provides a suitable number of adaptable units.</p> <p>Apartment mix in Stage 1 is limited to one and two bedrooms.</p> <p>Stage 2 contains 13 x three bedroom apartments.</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 ground floor layout has been significantly improved in terms of controlled access points and separation of spaces for commercial and residential uses within Stage 1. The ground floor communal open space is accessible for users of the commercial premises, serviced apartments and residential apartments which enhances amenity for serviced apartment users and commercial users. Residents have exclusive use of the roof top communal open space for social interaction with other residents and their visitors.</p> <p>Premises have been provided for an on-site manager who will be available to all commercial and residential users and will have a role in maintaining the premises and managing shared spaces and security of access.</p> <p>The development is not considered to result in any publicly accessible spaces with poor sight lines.</p> <p>The proposal has been designed to achieve passive surveillance to 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 apartment mix of the Stage 1 Building approved with JRPP-16-03305 was:</p> <p>50 x 1 bedroom 162 x 2 bedroom 15 x 3 bedroom</p> <p>The proposed Stage 1 building proposes:</p> <p>58 x 1 bedroom (18%) 266 x two bedroom (82%)</p> <p>The Statement of Environmental Effects submitted with the application states the change in apartment mix is a response to projected decreases in household size. There will still be 3 bedroom units in Stage 2 . Blacktown also has the Fairwater Estate near</p>

Principle	Control	Comment
		to this Northern Precinct which also caters for the 3 bedroom housing market for families that want to live close to the CBD.  The proposal provides quality communal opens spaces for future occupants to gather and socialise, inclusive of the roof top terraces.
<b>9. Aesthetics</b>	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 includes good quality durable finishes and materials consistent with the approval on the site.  Design amendments have been made in response to assessment feedback from Council's City Architect to improve the visual appearance, visual privacy and streetscape contribution.

## 5.2 Compliance with Apartment Design Guide (ADG)

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

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

### Controls

<b>2F Building Separation</b>	<b>Up to 4 storeys/12 m:</b> 12 m between habitable rooms/balconies 9 m between habitable rooms/balconies and non-habitable rooms 6 m between non-habitable rooms	The proposal provides compliant building setbacks to neighbouring properties with the exception of the setbacks to the eastern boundary shared with already approved Stage 2 of JRPP-16-03305.  Internal separation to some apartments is non-compliant for a minority of apartments.	Where numerical non-compliance is proposed, fine grained design solutions are applied to create visual privacy and protect amenity of future residents in an acceptable manner.
	<b>5 to 8 storeys/up to 25 m:</b> 18 m between habitable rooms/balconies 13 m between habitable rooms/balconies and non-habitable rooms 9 m between non-habitable rooms	A compliant building separation of more than 9m is provided to the northern (rear) boundary.  A separation of 6m is provided to the eastern boundary shared with Stage 2 of JRPP-16-03305.  The proposed separation is considered appropriate given the eastern façade windows are to be treated with fixed angled hoods, with windows facing north and south, away from the adjoining Stage 2 building.	Where numerical non-compliance is proposed, fine grained design solutions are applied to create visual privacy and protect amenity of future residents in an acceptable manner.



ADG requirement		Proposal	Compliance
	<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>A compliant building separation of more than 12m is provided to the northern boundary.</p> <p>A separation of 6m is provided to the eastern boundary shared with Stage 2 of JRPP-16-03305.</p> <p>The proposed separation is considered appropriate given the eastern boundary windows are to be treated with fixed angled hoods, with windows facing north and south, away from the adjoining Stage 2 building and the Stage 2 building does not have windows in its western facade.</p>	<p>Where numerical non-compliance is proposed, fine grained design solutions are applied to create visual privacy and protect amenity of future residents in an acceptable manner.</p>

### Siting the Development

<b>3D Communal and public open space</b>	Communal open space >25% of the site.	The proposed development provides a total area of communal open space of 1,959sqm which equates to 63% of the total site area.	Yes.
	Direct sunlight to >50% of communal open space for 2 hours between 9 am and 3 pm.	<p>The communal open space within the proposed development continues to achieve in excess of the solar access requirements.</p> <p>Due to the site orientation, street corner frontage and active frontages for commercial premises and the potential for multistorey development adjoining the north of the site, the ground floor communal open space area will receive limited direct solar access. Nevertheless, it is provided with quality landscaping and useable areas throughout that are suited to being shared with all building occupants.</p> <p>Residents will have exclusive use of the rooftop open space which is 988 m<sup>2</sup> and will receive year-round solar access.</p> <p>The proposed Stage 1 building will result in additional shadow cast onto the rooftop open space of the Stage 2 building. These impacts will occur from 2pm midwinter. The shadow impacts are shown on Page 3 to the Shadow and Solar Access report dated November 2022 but also demonstrates that the additional shadowing will not compromise Stage 2 compliance with ADG requirements for direct sunlight to</p>	

ADG requirement		Proposal	Compliance
		more than 50% of the space from 9am and 2pm.	
<b>3E Deep soil zones</b>	Deep soil zones are to meet the following minimum requirements: 7%	The site is located within a commercial CBD and is zoned for high density mixed use. Deep soil is not required to be provided on the site in these circumstances.  Nevertheless, the proposal provides opportunities for landscaping at the ground and rooftop levels which are considered appropriate to complement the built form.	Yes.

#### Configuration

<b>4K Apartment mix</b>	Provide a variety of apartment types. Flexible apartment mix.	The proposal provides the following apartment mix: 58 x 1 bedroom (18%) 266 x 2 bedroom (82%) The proposed Stage 1 building will not contain 3 bedroom apartments. The applicant proposes smaller dwellings which are justified based on population projections for smaller household sizes.  The Stage 2 building will still contain 13 x 3 bedroom dwellings which is considered an acceptable outcome.	Yes, the objectives are met.
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## 6 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><b>Liveability</b></p> <ul style="list-style-type: none"> <li>Improving housing choice</li> <li>Improving housing diversity and affordability</li> <li>Improving access to jobs and services</li> <li>Creating great places</li> <li>Contributing to the provision of services to meet communities' changing needs.</li> </ul>	Yes.

## 7 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"> <li>LPP5 providing housing supply, choice and affordability with access to jobs, services and public transport.</li> </ul>	Yes.

## 8 Blacktown Local Environmental Plan 2015

Summary comment
<p>We have assessed the development application against the relevant provisions. The table below only identifies matters where compliance is not fully achieved.</p> <p>The proposal is compliant with all other matters under the Blacktown Local Environmental Plan 2015.</p>

### 8.1 LEP Compliance Table

Clause	Proposal	Complies
Cl4.3 Height of buildings	<p>The departure at the greatest extent is 4.98m (7.78% variation) to the architectural roof feature. The lift overruns of the result in a variation of 3.75m (5.85% variation), and part of the roof edge has a maximum exceedance of 0.5m (0.78% variation).</p> <p>The proposed building height is considered acceptable given the proposal presents an appropriate bulk and scale of development in the locality, is consistent with the desired character of the locality and absent of any adverse amenity impacts on surrounding development.</p>	No, but satisfactory through an acceptable Clause 4.6 variation request
Cl4.6 Exceptions to development standards	A Clause 4.6 variation request was submitted by the applicant that addresses the requirements of subclauses 4.6(3) and (4) and is considered satisfactory to allow the variation to the height of building development standards in this circumstance. A detailed assessment of the Clause 4.6 variation request is contained in <b>attachment 7</b>	Yes.

## 9 Blacktown Development Control Plan 2015

Summary comment
<p>We have assessed the Development Application against the relevant provisions and the table below only identifies where compliance is not fully achieved.</p> <p>It is compliant with all other matters under Blacktown Development Control Plan 2015.</p>

### 9.1 Part D - Section 5.0 Sub-Regional Centres

DCP requirement		Proposal	Complies
Side and rear setbacks	<p>A zero setback to the side and rear boundaries is permitted for the ground floor and the 1 - 2 levels above, i.e. the podium.</p> <p>For the levels of the building above the podium, each development site shall be examined on its individual merits with the absolute minimum setback being 6 metres.</p>	<p>The ground floor commercial frontages are recessed from the street boundaries to create spaces for planting, outdoor seating and individual shopfront entries.</p> <p>Levels 1 and 2 of the podium are set back 6m from the eastern side boundary shared with Stage 2.</p>	Yes.
Common open space	<p>Common Open Space for the use of all residents of the development shall be provided at the minimum rate of 42% of the sum of the following:</p> <p>(a) 40sqm for each 1 bedroom dwelling;</p> <p>(b) 50sqm for each 2 bedroom dwelling; and</p> <p>(c) 70 sqm for each 3 or more bedroom dwelling</p>	<p>In accordance with the calculations, the proposal technically requires 6,560.4sqm of communal open space. <b>However these controls are superceded by the ADG requirements</b></p> <p>The proposed development provides 1,959sqm, compliant with the criteria under the ADG, and consistent with the approved development on the site.</p>	No, but satisfactory given compliance with the ADG which prevails over the DCP.