

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	State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes
	State Environmental Planning Policy (Planning Systems) 2021 As this development application has a capital investment value of \$317,836,344, Council is responsible for the assessment, but determination of the application is to be made by the Sydney Central City Planning Panel.	Yes
	State Environmental Planning Policy (Precincts – Central River City) 2021 The proposed development will be an overall building height of 28.08 m, which exceeds the maximum building height by 2.08 m (8%). The applicant has submitted a request to vary this under Clause 4.6. The proposed variation is considered acceptable. See attachment 9 for Council's detailed comments on variation	No, but considered acceptable
	State Environmental Planning Policy (Resilience and Hazards) 2021	Yes
	State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes
	State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Yes
	State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development	No, non-compliance outlined below and considered acceptable
ii. Any proposed instrument that is or has been the subject of public consultation under this Act	Draft State Environmental Planning Policy (Environment) 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. The State Environmental Planning Policy effectively consolidates several State Environmental Planning Policies including State Environmental Planning Policy 19 Bushland in	Yes. This proposal is not inconsistent with the provisions of this draft State Environmental Planning Policy.

Heads of Consideration	Comment	Complies
	<p>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>Draft State Environmental Planning Policy (Remediation of Land)</p> <p>The draft Remediation of Land State Environmental Planning Policy was exhibited from January to April 2018 with the intent that it repeal and replace State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) in relation to the management and approval pathways for contaminated land. SEPP 55 has since been repealed and its provisions were consolidated into the State Environmental Planning Policy (Resilience and Hazards) 2021, Chapter 4. However, Chapter 4 of this new policy does not include the changes that were exhibited in 2018 and those provision are still under review.</p> <p>The draft Remediation of Land State Environmental Planning 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. This proposal is not inconsistent with the provisions of this draft State Environmental Planning Policy subject to conditions that will be imposed</p>
	<p>Draft Density Bands in State Environmental Planning Policy (Sydney Region Growth Centres) 2006</p> <p>Prior to the lodgement of this application, a draft amendment to the Growth Centres SEPP 2006 was exhibited by the Department of Planning and Environment (DPE) in May 2017, referred to as the 'North West Draft Exhibition Package.'</p> <p>This exhibition was undertaken to coincide with the release of the Land Use and Infrastructure Implementation Plan (the purpose of which is to guide new infrastructure investment, make sure new development does not impact on the operation of the new Western Sydney Airport, identify locations for new homes and jobs close to transport, and coordinate services in the area).</p> <p>A key outcome sought by the Department of Planning and Environment (DPE) is the establishment of minimum and maximum densities for all residential areas that have been rezoned under the SEPP (i.e. density bands). Currently the planning controls nominate only a minimum density. This proposal will have a significant influence on the ultimate development capacity (i.e. yield) of the precincts.</p>	<p>The draft SEPP is uncertain and not imminent. This proposal complies with the current prevailing requirements.</p>

Heads of Consideration	Comment	Complies
	<p>The density bands for land zoned R3 Medium Density Residential in the Riverstone East Precinct are proposed to be a:</p> <ul style="list-style-type: none"> • minimum of 55 dwellings per hectare which equates to 222.64 dwellings in total for this site of 4.048 hectares • maximum of 100 dwellings per hectare which equates to 404.8 dwellings (currently no maximum). <p>This proposal is for 911 apartments, which equates to 225 dwellings per hectare. This results in 506.2 more apartments being provided than anticipated by the exhibited maximum density band.</p> <p>As the proposed amendments have not proceeded to be finalised, there is no certainty that they will have legislative effect. They are therefore not a consideration for this DA.</p>	
	<p>Relevant planning proposals</p> <p>The subject site was the subject of Planning Proposal LEP-17-0003 which came into force on 30 September 2021. The Proposal increased the Height of Building control for the subject site in the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 from 16 m to 26 m, and also introduced a site-specific maximum car parking rate.</p>	Yes
iii. Any development control plan	<p>Blacktown City Council Growth Centre Precincts Development Control Plan 2010</p> <p>Schedule Eight – Riverstone East</p> <p>Refer to section 13 below for detailed assessment</p>	Yes
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 into under section 7.4,	<p>On 29 January 2019, as part of the Planning Proposal LEP-17-0003, mentioned above, the Department of Planning and Environment requested it be updated to address the need for open space and community infrastructure for the additional residential yield.</p> <p>As a result, the applicant and Council entered a Voluntary planning agreement that required a 2,200 m² parcel of open space to be publicly accessible but remain in private ownership. The Voluntary planning agreement also included a restriction on the number of car parking spaces stating that the developer must not lodge a development application which proposes more off-street car parking spaces than the RTA Guide to Traffic Generating Developments recommends. The Voluntary planning agreement was executed on 14 September 2021. This remains valid and applicable to this development. The proposed development complies with the Voluntary Planning Agreement.</p>	Yes
v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph),	<p>Refer to Part 4, Division 1 of the Regs 2021 Clause 61</p> <ul style="list-style-type: none"> • Demolition of a building - the consent authority must consider the Australian Standard AS 2601—2001: The Demolition of Structures. 	Yes
b. The likely impacts of the development,	<p>It is considered that the likely impacts of the development, including traffic, parking and access, design, bulk and scale,</p>	Yes

Heads of Consideration	Comment	Complies
including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	overshadowing, noise, privacy, waste management, tree removal, salinity, contamination and stormwater management have been satisfactorily addressed. In view of the above it is considered that the proposed development will not have any unfavourable social, economic or environmental impacts.	
c. The suitability of the site for the development	The subject site is zoned 'R3 - Medium Density Residential' with a 26 m building height under State Environmental Planning Policy (Precincts - Central River City) 2021. The development is in line with the desired future character of the area and would not result in any significant adverse impacts on the amenity of the locality. Accordingly, the site is considered to be suitable for the development.	Yes
d. Any submissions made in accordance with this Act, or the regulations	The application was exhibited for a period of 30 days. We received 1 submission during the notification period. The application was revised and the submitter was again notified for a further 14 days. It is considered that the matters raised in the submission were addressed and do not warrant refusal of the application.	Yes
e. The public interest	The proposal will assist to deliver higher density housing options to the area by introducing a range of apartment dwellings. Due to the minimal environmental impacts of the development and its socio-economic benefits, the proposal is considered to be in the public interest.	Yes

2 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Summary comment	Complies
<p>The proposal complies with the new State Environmental Planning Policy (Biodiversity and Conservation) 2021 which includes the provisions of the Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River which was in force at the time of application.</p> <p>A consent authority must take into consideration the general planning considerations set out in Clause 9.4 of this policy and the specific planning policies and recommended strategies in Clause 9.5. The planning policies and recommended strategies are considered to be met through the development controls of State Environmental Planning Policy (Precincts - Central River City) 2021 and Blacktown City Council Growth Centre Precincts Development Control Plan 2010.</p>	Yes

3 State Environmental Planning Policy (Planning Systems) 2021

Summary comment	Complies
The Sydney Central City Planning Panel is the consent authority for all regionally significant development with a capital investment value of over \$30 million or Council related or Crown developments with a capital investment value of over \$5 million.	Yes

Summary comment	Complies
As this development application has a capital investment value of \$317,836,344, Council is responsible for its assessment and determination is to be made by the Panel.	

4 State Environmental Planning Policy (Resilience and Hazards) 2021

Summary comment	Complies
<p>Chapter 4, Remediation of Land</p> <p>Clause 4.6 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>A Stage 2 Detailed Contamination Assessment was prepared for the proposal by Geotechnique Pty Ltd.</p> <p>The assessment included a site reconnaissance, review of site historical, geological and hydrogeological information, sampling and testing.</p> <p>Geotechnique's report concludes that the site can be made suitable for the residential land use subject to the implementation of recommendations prior to site preparation and earthworks as summarised below:</p> <ul style="list-style-type: none"> • Slash dense vegetation/long grass to enable detailed site investigation of the entire site. • Assess soil in the footprints of former and existing site features after demolition and removal to determine contamination status and make recommendations regarding any remediation works, if required. • Assess the soil within the boundaries of previous dams. • Assess the imported fill that has been placed within the site. In the event of contamination, detailed assessment, remediation and validation will be required. • Assess the identified locations of soil contaminated with asbestos and benzo(a)pyrene (BaP) to delineate the extent of contamination • Following delineation of the contamination, prepare a Remedial action plan to provide details for remediation and validation. • Following remediation, in line with the Remediation action plan, site validation is to be undertaken to ensure the success of remediation. <p>Council has reviewed the Detailed Contamination Assessment and is satisfied that the site can be made suitable for residential use subject to conditions including compliance with the recommendations above and the validation of the site to meet the Natural Environmental Protection Measure Guidelines 2013.</p>	Yes, subject to conditions

5 State Environmental Planning Policy (Transport and Infrastructure) 2021

Summary comment	Complies
<p>This State Environmental Planning Policy ensures that Transport for NSW is given the opportunity to comment on development nominated as 'traffic generating development' in line with its Schedule 3.</p> <p>Comment: The application was referred to Transport for NSW for comment. This is addressed at section 8.3 in our covering Assessment report.</p>	Yes, subject to conditions

Summary comment	Complies
<p>Clause 2.99 of this State Environmental Planning Policy requires the consent authority to consider the effect of rail or noise vibration when a development is located on land in or adjacent to a rail corridor. The consent authority must take into consideration any Guidelines issued by the secretary, and be satisfied that appropriate noise levels are not exceeded in residential accommodation.</p> <p>Clause 2.119 also requires the consent authority to consider the impact of noise or vibration on non-road development that is on land in or adjacent to roads with an annual average daily traffic volume of more than 20,000 vehicles (based on Transport for NSW data).</p> <p>The subject site is located adjacent to the Sydney Metro train line, and close to Schofields Road, therefore the abovementioned 2 clauses apply.</p> <p>These were considered in the acoustic report prepared for the application by Stantec. Stantec have assessed the potential noise impact of the development upon the nearest most-affected noise-sensitive receivers and also the potential impacts of external noise sources on the proposed development.</p> <p>The assessment included a noise survey to understand the local noise environment and establish noise impacts on the development and set noise criteria as off-site noise sensitive receivers surrounding the site.</p> <p>An assessment of the impact of train noise and vibration of the nearby rail corridor has been conducted in line with the Department of Planning and Environment's 'Development Near Rail Corridors and Busy Roads Interim Guideline'. The assessment also covered noise impacts plant and equipment, loading docks and commercial tenancies.</p> <p>Stantec provides recommendations on the above and find that the development can comply with all applicable standards and regulations. These recommendations have been included as a condition of consent.</p> <p>Council's Environmental Health team reviewed the application and raised no objections, subject to the imposition of conditions. Therefore, the units will have to be noise attenuated to meet the Acoustic consultant's recommendations using materials and finishes that will block out noise from traffic and trains to meet EPA Guidelines. This is included in Environmental Health conditions in the consent.</p>	

6 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 this State Environmental Planning Policy, including BASIX certification.</p> <p>BASIX Certificates were submitted with the development application in line with the provisions of this State Environmental Planning Policy. The BASIX Certificates demonstrate 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

7 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 flat buildings 3 or more storeys in height and containing at least 4 dwellings.</p>

Summary comment

Clause 30 of State Environmental Planning Policy 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.

We do not have a design review panel. However, 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.

7.1 Design quality principles

Principle	Control	Comment
7.1.1 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>Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</p>	<p>The site is located close to the Tallawong Metro Station. This area is undergoing a physical transformation from established rural land to a local centre with surrounding land transitioning to medium - high density residential, and mixed-use developments.</p> <p>The proposal is consistent with the intentions of the Riverstone East Indicative Layout Plan and adjacent Area 20 Indicative layout plan and is appropriately located within walking distance of the Tallawong Metro Station.</p> <p>The proposed buildings are well-designed and the connectivity to the public realm, plus the inclusion of a publicly accessible plaza will offer good amenity for residents and visitors of the site and responds to the future character.</p> <p>The landscape design includes rain gardens with species that link the site to its past bushland and waterway setting.</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 design of the development is of a scale that is consistent with the desired future character of the street and surrounding buildings located close to the Tallawong Metro Station.</p> <p>The mass and length of buildings will be moderated through breaks in buildings, landscaping and a balanced composition of elements. The elements of each building include a 2-storey off-form concrete base for the ground and lower ground levels, double height lobbies, a setback top with soffit overhangs, and strong expression of horizontal components through painted off-form</p>

Principle	Control	Comment
		<p>'beam banding' to balance the vertical elements.</p> <p>The proposed built form will define the public domain, through orientation towards the street, and the direct access from ground floor terraces.</p> <p>The architectural elements are well suited to the scale of the overall building and context of the site.</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 jobs, community facilities and the environment.</p>	<p>The proposed development for 911 apartments is appropriate in terms of the density requirement applicable to the site.</p> <p>The development will provide a high level of amenity to residents through well-designed private and communal open spaces, the provision of exercise fitness equipment in a 'health hub', and a publicly accessible plaza that will connect the site to the Tallawong Metro Station area.</p> <p>The higher density development is suitable due to the site's proximity to Tallawong Metro Station, which will provide public transport access, and to the local centre, which will provide access to retail and commercial facilities.</p> <p>The site is also within walking distance of public open space.</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 design of the development meets the minimum criteria for solar access and cross ventilation. The proposal is supported by BASIX Certificates, and the commitments are incorporated into the design of the building.</p> <p>The proposal demonstrates satisfactory levels of sustainability, waste management and efficient use of energy and water resources.</p> <p>The proposal also includes deep soil zones within setbacks and communal open spaces areas, as well as high quality landscaping including rainwater gardens.</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</p>	<p>A landscape plan has been submitted with the proposal, which will provide for a variety of planting and contributes to the amenity of the development.</p> <p>Deep soil zones will be provided throughout the development that ensure sufficient planting can be achieved.</p> <p>Dense landscaping and tree lined streetscapes are incorporated into the design, which provides privacy for residents on the lower levels and an</p>

Principle	Control	Comment
	<p>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>attractive development when viewed from the street.</p> <p>The landscaping design creates usable spaces for future residents that is integrated into communal open space areas.</p>
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>The design of the proposal will provide a good level of amenity through the layout of buildings and rooms.</p> <p>The proposal will achieve a suitable level of amenity through appropriate room sizes, dimensions and shapes, access to sunlight, ventilation, visual and acoustic privacy, storage, indoor and outdoor space. The Apartment Design Guide requirements for ventilation and solar access will generally be achieved.</p> <p>The proposal will provide a variety of unit layouts and sizes to suit a range of people.</p> <p>The landscaping will provide active and passive areas, with activities for a range of age groups including seating, BBQ areas, children's play equipment, pool and gym.</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 clearly defined secure access points and well-lit and visible areas that are easily maintained and appropriate to the location and purpose.</p>	<p>The proposal will provide passive surveillance through future residential occupants overlooking communal open spaces while maintaining internal privacy.</p> <p>The orientation of buildings and provision of balconies will provide casual surveillance of the public domain.</p> <p>All landscaped spaces and pedestrian paths within the site will be well lit to maximise personal security.</p> <p>Public and private spaces will be clearly defined and suitable safety measures will be integrated into the development. Apartment lobbies and parking areas are accessed via card reader.</p> <p>Riverstone Police is satisfied with the contents of the Crime prevention through environmental design report provided, and has issued conditions which have been included in the proposed consent.</p>
8. Housing diversity and social interaction	<p>Good design achieves a mix of apartment sizes, providing housing choice for</p>	<p>There is a variety of unit layouts and sizes to suit different requirements of future occupants. The proposal will</p>

Principle	Control	Comment
	<p>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>provide a mix of 1 bed, 2 bed and 3 bed apartments accessible by lifts from the lobbies and basements.</p> <p>The proposal will provide communal spaces including indoor and outdoor areas, 'health hub' gym facilities and a pool, which will provide opportunities for social interaction among residents.</p> <p>The proposed publicly accessible plaza will also provide the opportunity for social interaction between residents and visitors.</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>The proposed development will include a variety of materials, colours and textures. The built form will have a balanced composition of elements including a 2-storey off-form concrete base for the ground and lower ground levels, double height lobbies, a set back top with roof overhangs, and strong expression of horizontal components through painted off-form 'beam banding' to balance the vertical elements.</p> <p>Each building will have a distinct colour that which will feature on panels set back from the face of each beam band, in lobby exterior frames and in the overhangs of the roof.</p> <p>The landscaped areas within the building setbacks and planting of trees will ensure that the buildings are well integrated into their surroundings.</p>

7.2 Compliance with Apartment Design Guide (ADG)

ADG requirement	Proposal	Compliance
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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.

Controls

2F Building Separation	<p>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</p>	All buildings up to 4 storeys are separated by at least 12 m or more.	Yes
	<p>5 to 8 storeys/up to 25 m: 18 m between habitable rooms/balconies</p>	Buildings A, B, C, D, E, F and G provide 18 m separation for floors 5 to 8.	No, but considered acceptable in this instance.

ADG requirement		Proposal	Compliance
	13 m between habitable rooms/balconies and non-habitable rooms 9 m between non-habitable rooms	<p>However, buildings H & J, only provide for a 14 m separation between habitable rooms/balconies for floors 5 to 8.</p> <p>To address this non-compliance,</p> <ul style="list-style-type: none"> • windows falling within 18 m separation have been reoriented and replaced by blank wall • balconies falling within the 18 m separation have been visually isolated by providing fixed privacy screens. 	
	Nine storeys and above/over 25 m: 24 m between habitable rooms/balconies 18 m between habitable rooms/balconies and non-habitable rooms 12 m between non-habitable rooms	<p>Buildings A and D comply.</p> <p>Other buildings' non-compliance between habitable rooms/balconies varies as follows:</p> <p>Non-compliance between Building: B & C - 20.4 m H & F - 19.5 m, a privacy screen is proposed for Building H E & G - 20 m, a privacy screen is proposed for Building G. G & J - 20 m, a privacy screen is proposed for Building G. H & J - 21.8 m</p> <p>Buildings J, G and E - 9 m to rear boundary (adjoining site to the south)</p>	No, however considered acceptable in this instance.

Designing the building

4F Common circulation spaces	Corridors greater than 12 m from the lift core to be articulated by more foyers, or wider areas/higher ceiling heights at apartment entry doors.	Corridors are generally 12 m in length. Corridors longer than 12 m generally contain a corner, and will include natural light slots.	No, but considered acceptable.
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8 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 	Yes

9 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"> Liveability 	Yes

10 Draft State Environmental Planning Policy (Environment)

Summary comment	Complies
This proposal is not inconsistent with the provisions of this draft State Environmental Planning Policy.	Yes

11 Draft State Environmental Planning Policy (Remediation of Land)

Summary comment	Complies
This proposal is not inconsistent with the provisions of this draft State Environmental Planning Policy subject to conditions that will be imposed	Yes

12 State Environmental Planning Policy (Precincts - Central River City) 2021

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 the State Environmental Planning Policy (Precincts - Central River City) 2021.</p>

12.1 General development standards

Development standard	Complies
Part 4 Principal development standards	
<p>Cl. 4.3 Height of buildings</p> <p>The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p>	<p>No, but considered acceptable in this instance</p>

Development standard		Complies
Cl. 4.6 Exceptions to development standards	See 4.3 above.	No, but considered acceptable in this instance

13 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 and the table below only identifies where compliance is **not fully achieved**.

It is compliant with all other matters under this Development Control Plan.

13.1 Part 4.0 – Development in the Residential Zones (from main body of Development Control Plan)

13.1.1 Specific residential flat building controls

DCP requirement	Proposal	Complies
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Additional controls for certain dwelling types (section 4.3)

(Sub section 4.3.5 Controls for residential flat buildings)

Deep soil zone in the side and rear setback	The first 3 m of the side and rear setback must be a deep soil zone.	Deep soil zone of 6 m is provided along all boundaries of the southern precinct. The Northern precinct complies apart from the southern boundary where the basement car park encroaches into this area.	No, the southern boundary of the northern precinct does not provide a deep soil zone. However, this is considered acceptable as other side and rear setbacks are deep soil zones.
Structures clear of setback areas	Basements and basement parking areas are not permitted in the setback. Vehicle access ramps running parallel to the boundary must be setback 3 m from side and rear boundaries.	The northern precinct basement car park is located within the southern boundary setback. All other sides comply with the 3m setback. The southern precinct basement car park complies on all sides. No ramps run parallel to the boundary.	No, the basement of the northern precinct encroaches upon the setbacks to the southern boundary. However, the basement is setback from all other boundaries.

13.1.2 Controls for all residential development

DCP requirement	Proposal	Complies
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Site Responsive Design (Section 4.1)

DCP requirement		Proposal	Complies
4.1.2 Cut and fill	<p>Maximum 500 mm cut/fill. Validation Report for imported fill.</p> <p>Where cut on the boundary, retaining walls must be integrated with its construction, otherwise minimum 450 mm from boundary.</p> <p>Maximum 600 mm high walls.</p> <p>Maximum 1,200 mm combined wall height.</p> <p>Minimum 0.5 m between each step.</p>	An excess of 500 mm of cut is required for basement construction. This is considered acceptable as the basement is required to provide plant rooms, storage space, on-site car parking and to achieve in-basement waste collection.	No, but considered acceptable in this instance.

Schedule 8 - Riverstone East Precinct

6.2 Environmental Management

6.2.1 Noise mitigation for development adjacent to the Sydney Metro Trains Facility

Pre development application lodgement consultation must occur with Transport for NSW to obtain up-to-date noise impact information	<p>It is not clear whether the applicant obtained the up-to-date noise impact information from Transport for NSW prior to lodgement. However, the submitted acoustic report included noise monitoring to collect data from the site.</p> <p>The report notes that the noise measurements were conducted during the COVID-19 isolation period and may not be representative of 'normal or typical' conditions for the site and surrounding areas. However, the background and ambient noise results obtained at logger locations L1, L2 and L3 (as indicated in Figure 1 of the Noise Impact Assessment prepared by Stantec) were benchmarked against Australian Standard – 'AS 1055 Acoustics – Description and measurements of environmental noise'.</p>	No, but considered acceptable.
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