

## 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	<b>State Environmental Planning Policy (Biodiversity and Conservation) 2021</b> The site is in the Hawkesbury-Nepean Catchment. A consent authority must take into consideration the general planning considerations set out in Clause 6.13 of this SEPP, which are considered to be met through the development controls of the State Environmental Planning Policy (Precincts – Central River City) 2021 and Blacktown City Council Growth Centre Precincts Development Control Plan 2010.	Yes.
	<b>State Environmental Planning Policy (Planning Systems) 2021</b> As this development application has a capital investment value of \$87,923,198, Council is responsible for the assessment, but determination of the application is to be made by the Sydney Central City Planning Panel.	Yes.
	<b>State Environmental Planning Policy (Precincts – Central River City) 2021</b> One of the buildings in this development is proposed to have an overall building height of 20.7 m, which exceeds the maximum building height of 16 m by 4.7 m (29.4%), with other buildings also proposing non-compliances to the lift overruns in the range of 1 m and 1.3 m (6% - 8.1% variation) and in the range of 0.5 m and 1.5 m (3.1% - 9.4% variation) to the roof parapets. The applicant has submitted a request to vary this 16 m height standard under Clause 4.6 to allow point encroachments only for plant and equipment, roof parapets, and small slivers of ceiling to wall areas of habitable spaces. The proposed variations are considered acceptable. See attachment 7 for our detailed response to these variations.	No, but considered acceptable in the circumstances.
	<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b> Chapter 4, Remediation of Land 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. A recent preliminary site investigation report (dated 24 October 2023 and prepared by Geotesta) indicates a medium risk of widespread soil contamination, but that the	Yes, subject to conditions.

Heads of Consideration	Comment	Complies
	<p>site can be made suitable for the proposed high-density residential development. On this basis, Clause 4.6 of the SEPP has been met.</p> <p>Council's Environmental Health Officer is satisfied that a Detailed Site Investigation including results of Data Gap Contamination Assessment can be submitted prior to Construction Certificate and that the site can be made suitable for residential use. The required validation of the site must meet the Natural Environmental Protection Measure Guidelines 2013.</p>	
	<p><b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b></p> <p>Schedule 3 of the State Environmental Planning Policy requires that Transport for NSW is given the opportunity to comment on development nominated as 'traffic generating development', as it is proposing more than 300 dwellings and including a subdivision that creates a new public road.</p> <p>The application was referred to Transport for NSW for comment. No objection was raised subject to conditions.</p>	Yes, subject to conditions.
	<p><b>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</b></p> <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 (BASIX Certificate No. 1325004M dated 24 October 2022 and prepared by BCA Energy) was submitted with the development application. The BASIX Certificate demonstrates that the proposal complies with the relevant sustainability targets and will implement those measures required by the certificate. This will be conditioned in any consent granted.</p>	Yes, subject to conditions.
	<p><b>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</b></p> <p>The proposal has been assessed against the 9 design quality principles. A Design Verification Statement dated 18 October 2022 has also been prepared by a nominated architect Joe El-Sabbagh (registration no. 8707) from Design Corp Architects.</p> <p>The proposal complies with the Apartment Design Guide provisions excepting 2F regarding Building Separation, which is discussed further at 8.2 of the Assessment Report and in Section 3.2 of this attachment.</p>	No, but acceptable subject to conditions of consent being implemented.
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 proposed Policy effectively consolidates several other policies including:</p>	<p>Yes.</p> <p>This proposal is not inconsistent with the provisions of this draft State Environmental Planning Policy.</p>

Heads of Consideration	Comment	Complies
	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy 19 Bushland in Urban Areas,</li> <li>• State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011,</li> <li>• Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No. 2 – 1997),</li> <li>• Greater Metropolitan Regional Environmental Plan No 2 – Georges River Catchment,</li> </ul> <p>and removes duplicate considerations across Environmental Planning Instruments.</p> <p><b>Draft State Environmental Planning Policy (Remediation of Land)</b></p> <p>The draft Remediation of Land State Environmental Planning Policy was exhibited from January to April 2018 with the intent that it would repeal and replace State Environmental Planning Policy 55 - Remediation of Land (SEPP 55) in relation to the management and approval pathways for contaminated land.</p> <p>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"> <li>• Provide a state-wide planning framework for the remediation of land.</li> <li>• Maintain the objectives and reinforce those aspects of the existing framework that have worked well.</li> <li>• Clearly list the remediation works that require development consent.</li> <li>• Categorise remediation work based on the scale, risk and complexity of the work.</li> <li>• Require environmental management plans relating to post remediation, maintenance and management of on-site remediation measures to be provided to Council.</li> </ul>	<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>iii. Any development control plan</p>	<p><b>Blacktown City Council Growth Centre Precincts Development Control Plan 2010</b></p> <p><b>Schedule One – Alex Avenue Precinct</b></p> <p>The proposed subdivision is consistent with the Indicative Layout Plan.</p>	<p>Yes, subject to conditions.</p>
<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 into under section 7.4</p>	<p>N/A</p>	<p>N/A</p>

Heads of Consideration	Comment	Complies
v. the regulations (to the extent that they prescribe matters for the purposes of this paragraph)	N/A	N/A
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, design, bulk and scale, 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.	Yes.
c. The suitability of the site for the development	The subject site is zoned 'R3 - Medium Density Residential' with a 16 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 proposal was notified to 608 properties in the locality between 7 December 2022 and 12 January 2023. The development application was also advertised in the 'Have your say' section of our website and a sign was erected on the site. We received no submissions.	Yes.
e. The public interest	The proposal will assist delivery of higher density housing options to the area by introducing a range of apartment types. With 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 (Precincts - Central River City) 2021

### Summary comment

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

It is compliant with all other matters under the State Environmental Planning Policy (Precincts - Central River City) 2021.

### 2.1 General development standards

Development standard	Complies
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#### Part 4 Principal development standards

Development standard		Complies
<b>Cl. 4.3 Height of buildings</b> Maximum 16 m	Clause 4.3 of the SEPP specifies a building height limit of 16 m, which is proposed to be exceeded by up to 4.7 m as point encroachments only. A copy of the applicant's Clause 4.6 submission is at attachment 8 and our assessment of the request is at attachment 7 which recommends it to be supported.	No, but acceptable.

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

#### Summary comment

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.

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.

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.

#### 3.1 Design quality principles

Principle	Control	Comment
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##### 3.1.1 Design quality principles

The development satisfies the 9 design quality principles.

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 approximately 500 m to the east of Schofields Railway Station.</p> <p>This area is undergoing a physical transformation to a local centre with surrounding land transitioning to medium - high density residential and mixed-use developments. The proposal is consistent with the visions of the Alex Avenue Precinct Plan.</p> <p>The proposed buildings are well-designed and the connectivity to the public realm will offer good amenity for residents and visitors of the site and responds to the future character of the area.</p>
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</p>	<p>The scale of the development is in line with the Apartment Design Guide.</p> <p>The proposed building, with recommended conditions, can be a satisfactory response for the site. Its purpose, in terms of building alignment, proportions and combination of</p>

Principle	Control	Comment
	<p>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>architectural elements are acceptable for the area.</p> <p>The proposed materials and finishes add to the visual interest of the development. Façade indentations and treatment minimise the bulk and scale of the proposed building.</p>
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 308 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.</p> <p>The higher density development is suitable due to the site's proximity to Schofields Railway 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 (approximately 150 m west of the site) of a future public open space (Reserve 890, Schofields).</p>
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 a BASIX Certificate, 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 quality landscaping areas.</p>
Landscape	<p>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well-designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</p> <p>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating water and soil management, solar access, micro-climate, tree canopy, habitat values and preserving green networks.</p> <p>Good landscape design optimises useability, privacy and opportunities for social interaction, equitable access, respect for</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 attractive development when viewed from the street.</p> <p>The landscaping design creates usable spaces for future residents that are integrated into communal open space areas.</p>

Principle	Control	Comment
	neighbours' amenity and provides for practical establishment and long-term management.	
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, and indoor and outdoor space. The Apartment Design Guide requirements for ventilation and solar access will be achieved.</p> <p>The proposal will provide a variety of apartment 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, and children's play equipment.</p>
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 that have been included in the proposed consent.</p>
Housing diversity and social interaction	<p>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</p> <p>Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</p> <p>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.</p>	<p>There is a variety of apartment layouts and sizes to suit different requirements of future occupants. The proposal will 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 ground floor outdoor areas and also rooftop communal open space, providing opportunities for social interaction among residents.</p>

Principle	Control	Comment
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.</p> <p>The built form will have a balanced composition of elements including a 2-storey off-form double height lobbies and strong expression of horizontal components through painted concrete to balance the vertical brick elements.</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>

### 3.2 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 Apartment Design Guide and the table below identifies only where compliance is **not fully achieved**.

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

#### Controls

<b>2F Building Separation</b>	<p><b>Up to 4 storeys/12 m:</b></p> <p>12 m between habitable rooms/balconies</p> <p>9 m between habitable rooms/balconies and non-habitable rooms</p> <p>6 m between non-habitable rooms</p>	<p>The proposal provides the required 12 m separation between habitable rooms and balconies with the exception of the master bedroom of Unit A004 and the courtyard area of B006 on the ground floor, which have a building separation of 11.825 m.</p> <p>As B006 is also located 2.4 m higher than A004, the courtyard area should be reduced in depth.</p> <p>Amended plans will be conditioned to demonstrate a minimum setback of 12 m. While this will result in the courtyard area not complying with the 3 m depth (currently 3.041 m, to be reduced to 2.7 m), it will still achieve a compliant size of 18.9 m<sup>2</sup> (minimum requirement is 15 m<sup>2</sup>).</p>	No, but will be made compliant by consent condition.
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## 4 Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (Growth Centre DCP)

#### Summary comment

We have assessed the DA against the relevant provisions and it is compliant with all other matters where the Apartment Design Guide does not prevail over the Blacktown City Council Growth Centre Precincts Development Control Plan.



## 5 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.

## 6 Blacktown Local Strategic Planning Statement

Summary comment	Complies
<p>The Blacktown Local Strategic Planning Statement outlines a planning vision for the City 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.