

Priority 5
Record Only

8A
ATTACHMENT 3

FDC
2010 CELEBRATING 20 YEARS

22 - 24 Junction Street
Forest Lodge NSW 2037 Australia
T 61 2 9566 2800 | F 61 2 9566 2900
www.fdcbuilding.com.au

Sydney | Melbourne | Brisbane

2nd July 2011

Sara Smith
Assistant Team Leader - South
Blacktown City Council
PO Box 63
Blacktown, NSW 2148

Dear Sara,

REF: []

FILE WITH: Singh A

LETTER NO: 11-25768

RECEIVED - 5 JUL 2011

B.C.C.

RECEIVED B.C.C. 6 JUL 2011

APPLICATION NO:
PROPERTY:

JRPP 11/158
CNR GREAT WESTERN HIGHWAY AND CARLISLE AVENUE, MINCHINBURY

OBJECTION PURSUANT TO STATE ENVIRONMENTAL PLANNING POLICY NO. 1 - DEVELOPMENT STANDARDS

A Development Application relating to the abovementioned property was submitted to Council on 4 February 2011. This application involves the construction of a home improvement store, ancillary office, car parking, landscaping and land use for an 'Oxygen Store'. The proposed development has frontage to both Great Western Highway and Carlisle Avenue which are both designated roads in the context of the *Blacktown Local Environmental Plan 1988*. This correspondence responds to Council's request for a formal SEPP 1 objection to the proposed access driveways from the Great Western Highway and Carlisle Avenue.

State Environmental Planning Policy No. 1 - Development Standards (SEPP 1) aims to provide flexibility in the application of development standards where strict compliance would in a particular case, be unreasonable and unnecessary or tend to hinder the attainment of the objects of the *Environmental Planning and Assessment Act 1979*.

An objection made pursuant to this policy must be in writing and support a case that strict adherence to the standard is unreasonable or unnecessary in the circumstances of the case, and specifies grounds for objection. The following objection details the case, and sets out the grounds to support the objection.

Clause in Question

Clause 22 of the *Blacktown Local Environmental Plan 1988* outlines the following:

- 1) In this clause, designated road means land within Zone No 5 (b) or Zone No 5 (c), excluding land so zoned in Pearce Road, Quakers Hill, and Lalor Road west of Hambledon Road.
- 2) Subject to subclauses (3) and (4), a person shall not carry out development on land which adjoins a designated road unless vehicular access to the land from that road is made by way only of another road (not being a designated road).
- 3) Where, except for this clause, development may be carried out, the council may, in relation to that development, allow temporary vehicular access to a designated road.
- 4) Where, except for this clause, development may be carried out, the council may, in relation to that development, allow permanent vehicular access to a designated road, if, in the opinion of the council, alternative access to that development is neither practicable nor provided by another road or a proposed road identified in a development control plan.
- 5) (Repealed)



Objectives of this Clause

Although there are no defined objectives for this clause, it is clear that Council's main objective is to limit access to designated roads to mitigate potential traffic impacts from future development.

The Great Western Highway and Carlisle Avenue are both zoned 5(b) and are therefore designated roads. The RTA is responsible for both of these major roads.

Clause 22(4) provides Council with the opportunity to consider permanent vehicular access to a designated road where alternative access to that development is neither practicable nor provided by another road. The following information outlines why the proposed access to both Carlisle Avenue and Great Western Highway is considered reasonable in the context of the site and locality.

Reasons why compliance is unreasonable and unnecessary....

Clause 22 significantly affects the development potential of the abovementioned site. The Great Western Highway and Carlisle Avenue form the northern and eastern boundaries respectively and are therefore the site's main frontages. The proposed extension of John Hines Avenue will provide a third, but less significant street frontage for the site.

While access is proposed via John Hines Avenue for both light and heavy vehicles, access points are also proposed to Carlisle Avenue and the Great Western Highway (for light vehicles only). These driveways closely reflect a previous approval issued by Council and the Roads and Traffic Authority (RTA) for a bulky goods development on the same site in 2007.

The proposed deceleration land on the Great Western Highway has been designed to ensure that vehicles can leave the road safely before entering the site. Colston Budd has undertaken a detailed assessment of the proposed access point and has presented data to both Council and the RTA indicating that the proposed deceleration lane can operate without unreasonably impacting the operation of the Great Western Highway. The RTA has previously approved this concept and has more recently reviewed and provided concurrence for the deceleration lane as part of the current Development Application.

The proposed driveway to Carlisle Avenue would provide both access and egress for the development. Both Council and the RTA have considered this driveway previously and issued development consent. The proposed driveway has been designed to ensure compliance with the relevant RTA Guidelines and Australian Standards. Colston Budd has also undertaken an assessment of the proposed driveway and has indicated that it, and the development, will not result in any unreasonable impacts on the surrounding road network. The RTA has more recently provided concurrence for the proposed driveway on the basis of conditions that require upgrade works at the Great Western Highway / Carlisle Avenue intersection (to facilitate egress from the site).

A heavy vehicle driveway providing access to the proposed loading dock is located on the extended John Hines Avenue and thus minimises the potential for heavy vehicle conflicts on both Carlisle Avenue and Great Western Highway. A second driveway is proposed along the extension of John Hines Avenue to provide an alternative access / egress path for light vehicles.

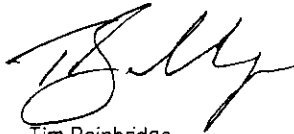
It would therefore be considered unreasonable for Council to deny access to both Carlisle Avenue and Great Western Highway for the following reasons:

- Council's (and RTA's) consideration and approval of similar access / egress points as part of a previous Development Application;
- The RTA's acceptance of the proposed access driveways on the basis of appropriate conditions (in relation to Carlisle Avenue). This concurrence is crucial given that the RTA owns and manages the Great Western Highway and Carlisle Avenue;
- An assessment has been undertaken by a qualified traffic engineer (Colston Budd) and provides evidence that the proposed development will not generate any unreasonable impact on Carlisle Avenue or the Great Western Highway;

- The scale of the site requires more than one access driveway (from John Hines Avenue) to ensure that traffic generated by development is evenly spread throughout the road network. It will also ensure that the internal movement of vehicles through the site can operate efficiently;
- It is a reasonable expectation to provide a sensible level of access / egress to an activity such as that proposed, particularly given the sites potential for further bulky goods development; and
- The proposed development represents a significant improvement of the site and locality. It will generate important opportunities for economic growth within the Minchinbury locality and will also result in the creation of many employment opportunities for the local and regional community. The proposed access points are critical to the proposed development and will contribute to the success of the proposed Oxygen store.

We trust the above information will assist you in facilitating a prompt and positive assessment of the proposed development. Should you have any further queries or require any further detail, please do not hesitate to contact the undersigned on 8117 5104 or 0401 061 119.

Yours Sincerely,
FDC Construction & Fitout



Tim Bainbridge
Planning Manager