

JRPP No.	Item (2011SYW038)
DA No:	JRPP-11-541
Proposed Development:	9 Storey Residential/Commercial Building over 2 levels of basement carparking
Development Type:	"Regional Development" – Capital Investment Value >\$10 Million
Lodgement Date:	24 March 2011
Location:	2 Ayres Grove, Mount Druitt
Land Zoning:	3(a) General Business pursuant to Blacktown Local Environmental Plan 1988
Value Of Development:	\$11.5 Million
Applicant:	EPS Constructions Pty Ltd
Report Author:	Sara Smith, Assistant Team Leader
Instructing Officers:	Judith Portelli, Manager Development Services & Administration and Glennys James, Director City Strategy & Development
Date Submitted to JRPP:	29 September 2011



ASSESSMENT REPORT

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1. Executive Summary

- 1.1 Council is in receipt of a Development Application (DA) from EPS Constructions Pty Ltd for a 9 storey mixed use commercial/residential high rise building over 2 levels of basement parking at Lot 272, DP 771213, H/N 2 Ayres Grove, Mount Druitt. The DA includes tree removal and construction of 641 sq.m commercial space on the ground floor and 60 residential units above.
- 1.2 The subject site is zoned 3(a) General Business pursuant to Blacktown Local Environmental Plan 1988. “Residential flat buildings” and “commercial premises” are permissible within the 3(a) Zone. The redevelopment of 2 Ayres Grove is permissible with the consent of the Sydney West Joint Regional Planning Panel.
- 1.3 The proposed development was notified to all adjoining owners and advertised in the local papers for a period of 28 days between 13 April and 11 May 2011. During this period no submissions were received.
- 1.4 The Application was referred to relevant external bodies for comment, including NSW Police and the RTA. No objections were raised to the proposal from the external bodies subject to the imposition of conditions of consent.
- 1.5 The proposal was referred to the Engineering, Drainage, Building, Traffic, Waste Services, Strategic Planning and Land Projects Sections of Council and no objections were raised to the proposal subject to the implementation of appropriate conditions of consent.
- 1.6 The proposal has been assessed against the design quality principles of SEPP 65 and is considered satisfactory. The proposal also achieves compliance with the numerical standards of the Residential Flat Design Code with the exception of soft soil provision and number of units from an accessway, which are only minor and do not affect the quality of the development.

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- 1.7 The proposal has also been assessed against Blacktown Development Control Plan (DCP) 2006, namely Part A – *Introduction and General Guidelines* (in relation to car parking), Part C – *Development in the Residential Zones* and Part D – *Development in the Business Zones*. The proposal is compliant with the provisions of the DCP with the exception of the provision of Common Open Space (COS). Notwithstanding the fact that the proposal is situated in a Business Zone, Part D calls up the provisions of Part C in Section 4.12 of Part D. In this regard the proposal only provides 29% of COS, whereas the commonly applied Council standard for approved mixed use developments in Business Zones is 42% compliance with the Part C standard. As such Council recommends that Units 8 and 9 on the podium level be deleted and the space be redesigned to include an equipped gym and furnished common room for the recreational benefit of the residents. This will increase the provision of COS to 38% and the shortfall can be considered to be satisfied through the embellishment of the podium, gym and common room. These amendments and works will be conditioned in any consent issued.
- 1.8 The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory in respect of these matters. Accordingly, approval is now recommended subject to conditions. Draft conditions of consent are provided at **Attachment 1**.

2. Location

- 2.1 The site is shown on the location map below.



3. Site Description and Locality

3.1 The subject site is known as 2 Ayres Grove, Mount Druitt (Lot 272 DP 771213).



- 3.2 The site has an area of 1,565 sq.m, a frontage to Ayres Grove of 34 metres and Mount Street of 48 metres. The site has a natural ground fall from RL58.40 to RL56.57 towards the south-western corner (Ayres Grove) by 1.83 metres.
- 3.3 The site is currently vacant of any buildings, however does contain 25 trees, all of which are proposed to be removed under this Application.
- 3.4 The site is not nominated as a heritage item within Blacktown Local Environmental Plan 1988.

4. History and Current Use of the Site

- 4.1 DA-07-817 was approved on 18 December 2007 for the construction of a 5 storey building containing a ground level commercial tenancy and 28 residential apartments (3x1, 18x2 and 7x3 bedroom units) on levels 1 to 4 with basement and ground level parking for 63 cars.
- 4.2 Section 96-09-2910 was approved on 26 November 2009 to extend the period of consent from 2 years to 3 years, being until 18 December 2010. However due to the Ministerial Direction regarding all consents now having a 5 year life, the consent now remains valid until 18 December 2012.
- 4.3 To date this consent has not been acted upon and the site is currently undeveloped.

5. The Proposal

- 5.1 The applicant seeks approval for:

- (a) Removal of 25 trees.
- (b) Construction of a 9 storey mixed use development comprising:
 - ☐ 641 sq.m of commercial space within 4 commercial tenancies on the ground floor
 - ☐ 8 levels of residential units, comprising of 59 x 2 bedroom units and 1 x 1 bedroom unit
 - ☐ Provision of 20 at-grade car parking spaces and provision of 85 car parking spaces within the basement carpark
 - ☐ Vehicular access to the site via Ayres Grove
 - ☐ 498 sq.m of communal open space located on Level 1

- 5.2 The following provides a detailed breakdown of the proposed development:

- (a) **Basement car parking levels**
 - (i) 2 levels of basement car parking providing a total of 85 spaces
 - (ii) Bicycle racks are provided within the basement levels
 - (iii) Disabled spaces have been nominated and the car parking layout has been designed to comply with the relevant Australian Standards
 - (iv) Lift access is provided to all levels of the building including the basement levels
 - (v) Storage units have been provided in the basement for 12 residential units
 - (vi) Provision has been made for ancillary plant areas as required to service the building
- (b) **Ground Floor**
 - (i) Provision of 4 commercial tenancies with a total floor area of 641 sq.m
 - (ii) Entry and foyer to the residential apartments
 - (iii) Lift and stair access to the residential apartments
 - (iv) 20 car parking spaces
 - (v) Loading bay, substation and plant room
 - (vi) Garbage storage area
- (c) **Level 1**
 - (i) 8 x 2 bedroom units
 - (ii) 1 x 1 bedroom unit
 - (iii) Communal open space area of 498 sq.m

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- (iv) Communal drying area of 60 sq.m
 - (v) Children's playground and BBQ area of 64 sq.m

(d) **Level 2**

- (i) 9 x 2 bedroom units

(e) **Level 3**

- (i) 7 x 2 bedroom units
- (ii) 2 x 2 bedroom cross floor units with level 4

(f) **Level 4**

- (i) 7 x 2 bedroom units
- (ii) 2 x 2 bedroom cross floor units with level 3

(g) **Level 5**

- (i) 7 x 2 bedroom units
- (ii) 2 x 2 bedroom cross floor units with level 6

(h) **Level 6**

- (i) 7 x 2 bedroom units
- (ii) 2 x 2 bedroom cross floor units with level 5

(i) **Level 7**

- (i) 3 x 2 bedroom units
- (ii) 7 x 2 bedroom cross floor units with level 8

(j) **Level 8**

- (i) 7 x 2 bedroom cross floor units with level 8

- 5.3 Each residential unit has a functional floor plan consisting of 1 – 2 bedrooms, kitchen, living area, bathroom and internal laundry. The private balconies have been designed as an extension of the living areas and are large enough to accommodate a table and chairs.
- 5.4 All vehicular access is proposed off Ayres Grove. A loading bay is located at the ground level to accommodate garbage collection and deliveries for the commercial tenancies. Commercial car parking is provided at the ground level, while residential and visitor parking for the residential units are provided in basement levels 1 and 2. Bicycle parking is provided within the basement levels.
- 5.5 The development has been designed to maximise solar access for the communal areas and private balconies and cross ventilation for dwellings. The facade of the development has been recessed in parts to provide relief in bulk and scale and to provide an architecturally interesting structure when viewed from the street. The building presents a high level of architectural individuality and will set a new benchmark in quality development in the Mount Druitt CBD.
- 5.6 The proposed on-ground retail development will be finished in full glazed elevation, and the podium level will have perimeter planter boxes for deep soil planting. The residential units above will be finished in a combination of face brick wall with rendered/painted trimmings, with glass balustrades. The roof will be finished in metal deck, colorbond cladding. A full assessment of the proposal is provided under Section 11 of this report, while the Development Application Plans are contained within **Attachment 2**.

6. Planning Controls

6.1 The planning controls that relate to the proposed development are:

- (a) State Environmental Planning Policy (Major Development) 2005
- (b) State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development
- (c) State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- (d) State Environmental Planning Policy (Infrastructure) 2007
- (e) Blacktown Local Environmental Plan 1988
- (f) Blacktown Development Control Plan 2006

6.2 An assessment of the proposed development under the relevant planning controls is provided below:

(a) **State Environmental Planning Policy (Major Development) 2005**

- (i) Clause 13(1) of SEPP (Major Development) 2005 provides the following referral requirements to a Joint Regional Planning Panel:

“(1) This Part applies to the following development:

(a) development that has a capital investment value of more than \$10 million.....”

- (ii) The proposed development has a capital investment value of \$11.5 million thereby requiring referral to, and determination by, a Joint Regional Planning Panel. In accordance with this requirement the Application is referred to the JRPP for determination.

(b) **State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development**

- (i) The proposal has been assessed against the 10 design quality principles of SEPP 65 and the following comments are made:

Principle 1 – Context

“Good design responds and contributes to its context. Context can be defined as the key natural and built features of an area. Responding to context involves identifying the desirable elements of a location’s current character or, in the case of precincts undergoing a transition, the desired future character as stated in planning and design policies. New buildings will thereby contribute to the quality and identity of the area.”

The site falls within an area that is characterised by a diverse range of land uses. The Ayres Grove streetscape is currently characterised by a range of activities including a child care centre and community facilities. Mount Street is currently characterised by a range of commercial and bulky goods retail premises and community and recreational uses.

Over the last decade there has been a strong interest in residential development within the Mount Druitt CBD. To date, no high rise residential / commercial buildings have been constructed. In approving this development Council must ensure that any building reflects the desired future character of the area. This is essential given that any approval will set the benchmark for future development in the area.

The desired future character of the area is largely determined by the current planning controls applying under the LEP and the provisions of the DCP. The proposed

development has been designed in accordance with the provisions of Council's planning instruments so as to ensure an appropriate design solution is derived to reflect the desired future character of the precinct.

The building is well designed, has architectural integrity and will contribute to the future quality and identity of the area. The site's close proximity to services and facilities, and good public transport, also makes this a highly desirable redevelopment area. The proposed development also establishes an appropriate built form to guide further redevelopment in the area.

Principle 2 – Scale

“Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. Establishing an appropriate scale requires a considered response to the scale of the existing development. In precincts undergoing a transition, proposed bulk and heights needs to achieve the scale identified for the desired future character of the area.”

The DCP does not contain numerical controls for height within the Mount Druitt CBD. The proposed height of the mixed use building is 28.02 metres (the upper ceiling of level 8). The proposed height is not considered unreasonable in a town centre context, particularly as the scale of residential flat buildings in nearby 2(c) zoned areas is up to 5 storeys high.

Council Officers are at present finalising a Masterplan for the broader Mount Druitt Urban Renewal Precinct and this document will propose a development strategy for Mount Druitt to the year 2036. It will propose new zoning, height and floor space ratios for the CBD area for inclusion within Council's new Comprehensive City-wide LEP in replacement of BLEP 1988. The Masterplan will be confidentially reported to Council by November 2011, but it can be confirmed that the height of the subject Application will be consistent with its proposed provisions.

It is noted that Council approved a 9 storey mixed use development in January 2004 on the corner of Mount Street and North Parade, to the south of the site of the current proposal. This DA, however, has now lapsed as it was not acted upon.

The proposed height of the building has been designed having regard to a number of State Government strategies including:

- ☐ Metropolitan Strategy – A Plan for Sydney's Future
- ☐ Metropolitan Strategy – North West Subregion – Draft Subregional Strategy
- ☐ Metropolitan Plan for Sydney 2036.

The North West Subregion – Draft Subregional Strategy identifies Mount Druitt as a "potential major centre". A major centre under this draft strategy should contain many contributing factors and these include:

“a major shopping centre and business centre serving the immediate subregional residential population usually with a full scale shopping mall, Council offices, taller office and residential buildings, central community facilities and a minimum of 8000 jobs”.

The subject site is ideally located within the Mount Druitt CBD in close proximity to public transportation, services and community facilities. It is therefore considered that the proposed height is acceptable.

Appropriate setbacks have been provided to ensure a transition in height and to minimise any potential privacy concerns. It is not considered that the proposed development will adversely impact on the adjoining child care centre in terms of privacy or overshadowing as sufficient separation has been provided.

Principle 3 – Built form

“Good design achieves an appropriate built form for a site and the building’s purpose, in terms of building alignments, proportions, building type and the manipulation of building elements. Appropriate built form defines the public domain, contributes to the character of the streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.”

Substantial architectural treatment has been included to provide a development which is aesthetically pleasing and provides an acceptable level of internal amenity. The entrance point to the residential area on the eastern side of the site is highlighted by a recessed entrance and glass awnings are provided over the entrance and front facades of the commercial tenancies. The 2 storey podium is of a comparable bulk and scale to the adjoining child care centre and helps the proposed development to fit in more sympathetically with the existing streetscape. The provision of balconies on each level of the building helps to reduce the bulk and scale of the design.

The internal room layouts have been designed to achieve a high level of residential amenity and to minimise the impact of noise and pollution. The applicant has utilised a variety of facade treatments to lessen the impact of the building and to maximise the exposure of the apartments to the sun and views.

The development has also been provided with setbacks which comply with the requirements of the Residential Flat component of the DCP to ensure that the development maintains an appropriate built form.

Principle 4 – Density

“Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are considered with the desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality.”

Under the provisions of Blacktown LEP 1988 and BDCP 2006 there are no requirements for site densities in the Mount Druitt CBD in terms of floor space ratios (FSRs), site coverage or height. Instead, compliance with the requirements of SEPP 65, the car parking controls in the DCP and the on-site Common Open Space provision for in-centre sites consistent with other Council decisions, all together generally determine the maximum density potentially achievable on the site at the present time. An assessment of the DA against the requirements of BDCP 2006 is provided under Section 12 of this report. The proposal is compliant with the numerical controls of BDCP 2006 for Residential Flat development with the exception of the adequate provision of Common Open Space as required for residential development proposed in a Business Zone.

The density of the proposed development fits in with the objectives of Council’s existing planning instrument and controls which aim to cater for an increasing population through the expansion of the Mount Druitt centre. The density proposed is compatible with the evolving future character of the area and can be comfortably accommodated

on the site. Given the massing and well articulated building form, it is believed that the density achieved will be appropriate for the site.

The proposed density is also considered sustainable given the proximity of current infrastructure and services, including recreation facilities, support services and employment opportunities. The site is also located in easy walking distance of both bus and train services.

Principle 5 – Resource, Energy and Water Efficiency

“Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. Sustainability is integral to the design process. Aspects include demolition of existing structures, recycling of materials, selection of appropriate and sustainable materials, adaptability and reuse of buildings, layouts and built form, passive solar design principles, efficient appliances and mechanical services, soil zones for vegetation and reuse of water.”

The proposal is designed to achieve the BASIX rating required. In addition to the orientation and exposure of the proposal, the choice of appliances and fixtures will greatly enhance the sustainability of the proposal with regard to energy and water consumption.

The proposal has been designed to gain as much sunlight as possible, with each unit receiving maximum natural light and ventilation. This has been achieved through the manipulation of orientation, using open planning conducive to assisting with cross – flow ventilation and through various design elements such as balcony and window orientation. In particular the majority of the units will be provided with at least 3 hours of solar access, achieved through either the northern aspect or east-west orientation.

Principle 6 – Landscaping

“Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain. Landscape design builds on the existing site's natural and cultural features in responsible and creative ways. It enhances the development's natural environmental performance by co-ordinating water and soil management, solar access, micro-climate, tree canopy and habitat values. It contributes to the positive image and contextual fit of development through respect for streetscape and neighbourhood character, or desired future character. Landscape design should optimise useability, privacy and social opportunity, equitable access and respect for neighbour's amenity, and provide for practical establishment and long term management.”

The landscape design will be integrated with the proposed building, creating niches of high aesthetic quality on the development site, which additionally will bring a high level of amenity of future occupants of the development. The proposal provides a useable common open space area on the podium level, which is accessible by lift, is separate from private open space areas to maintain residents' privacy and will receive sufficient levels of solar access. This area also includes seating, barbeque facilities and children's play equipment to encourage social interaction and provide an increased level of amenity for residents.

The podium level contributes to the overall design of the building. These spaces create interest through its layout and design (e.g. planter box shapes and locations) and include the use of natural vegetation.

Principle 7 – Amenity

“Good design provides amenity through the physical, spatial and environmental quality of a development. Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility.”

The proposed design provides favourable levels of internal amenity for future residents. The layout of the apartments is spatially adequate, functional and well organised, and generally promotes good visual and acoustic privacy.

The design principles utilised for this proposal include solar access and sun shading, natural cross flow ventilation, and efficient yet spacious layouts to provide a high quality life for all residents. Unit sizes have been coordinated to provide spatial arrangements appropriate for current living standards, and each unit is provided with an adequate outdoor private open space in the form of a balcony or terrace that is directly accessible from the internal living area. Adequate storage areas have also been provided within each apartment and a number of units have access to storage within the basement carpark. Bicycle racks have been provided within the basement carpark for use by residents and visitors to the site.

Visual privacy has been achieved through the careful orientation of all units. Acoustic privacy has been attained by giving careful thought to the appropriate location of rooms within each unit and through various insulation techniques.

The provision of adequate Common Open Space to serve the needs of residents in the development is also an important amenity factor. The proposed Common Open Space is limited to a podium of 498 sqm. Each unit is provided with a balcony that complies with the minimum dimensions, of which 30% of the total balcony area can be included by Council’s controls towards Common Open Space provision in various forms. However the proposal still falls significantly short of Council’s accepted COS provision. To add to the amenity of the proposal, **Council recommends** the provision of additional space at the podium level devoted to ancillary uses such as a gymnasium and common room located directly off the podium and which will be used by residents and add a high amenity level. This will **require the deletion of Units 8 and 9** to facilitate this change. These amendments and associated works will be conditioned in any consent issued.

Principle 8 – Safety and Security

“Good design optimises safety and security, both internal to the development and for the public domain. This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.”

The building has been designed with consideration for the safety and security of both occupants of the building and adjoining public areas. In this regard the design solution affords good casual surveillance of Ayres Grove and Mount Street and provides direct pedestrian access from the basement car parking levels into the building. With regard to the parking areas, secure access is to be maintained at all times to ensure that the parking premises are reserved solely for the occupants of the building and their visitors.

The common recreation area will also be secured to promote resident safety and an external lighting scheme will be incorporated to increase the safety of this area, especially at night.

Principle 9 – Social Dimensions and Housing Affordability

“Good design responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities. New developments should optimise the provision of housing to suite the social mix and needs in the neighbourhood or, in the case of precincts undergoing transition, provide for the desired future community. New developments should address housing affordability by optimising the provision of economic housing choices and providing a mix of housing types to cater for different budgets and housing needs.”

Whilst the majority of the units proposed are 2 bedrooms to reflect market demand in the Mount Druitt area (being 59 x 2 bedroom and 1 x 1 bedroom), the proposal provides a sufficient number of adaptable units in accordance with the requirements of the Building Code of Australia.

The design promotes easily accessible common facilities and outdoor recreation spaces, and caters towards ease of use for everyone from children right through to the elderly.

The development provides high levels of amenity to future residents and alternate housing opportunities in the locality. The apartments are diverse in design and orientation and will provide a suitable mixture of dwellings for people to choose from. The proximity of the site to support services (including medical, retail, commercial, entertainment and recreational) and public transport also adds to the future occupants' quality of life.

Principle 10 – Aesthetics

“Quality aesthetics require the appropriate composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the development. Aesthetics should respond to the environment and context, particularly to desirable elements of the existing streetscape or, in precincts undergoing transition, contribute to the desired character of the area.”

It is considered that the building design and appearance is appropriate for the Mount Druitt area. The proposal has a well resolved building form and a high degree of architectural definition, with an innovative design that positively responds to the provisions of SEPP 65.

The facade treatment of the building reflects contemporary architectural initiatives consistent with the objectives of this principle. The design solution also appropriately defines the base, middle and top of the building, and provides an interesting streetscape. The building has been architecturally designed and represents a desirable planning outcome for the site.

The development also proposes the use of quality finishes, which add to the visual interest of the building. The materials and colours have been selected to give the building an identity and to soften the impact of the development's bulk and scale.

- (ii) In conclusion, the Application has been assessed against the 10 Design Quality Principles and is considered satisfactory. It is considered that the mixed use development will

provide a reasonable level of amenity for residents without adversely impacting on adjoining properties.

(iii) **Residential Flat Design Code**

1. The Residential Flat Design (RFD) Code establishes a set of guidelines that provide benchmarks for better practice in the planning and design of residential flat buildings.
2. The proposal achieves compliance with the numerical controls of the RFD with the exception of soft soil provision and internal circulation. The Code requires a minimum 25% soft soil, whilst the Application provides 16% soft soil. This is considered acceptable as the subject site is located within a commercial zoning, where zero setbacks are permissible. Soft soil areas have been provided on the podium level, where planter boxes and a turf area are provided, all of which have sufficient depth to be utilised as soft soil and capable of planting.
3. The RFD states that the maximum number of units accessible via a corridor should be limited to 8. The proposal seeks a variation to this control, with levels 1, 2, 3 and 5 having an extra unit (totalling 9 units) accessing from the single core corridor and level 7 being the top storey having 2 extra units (totalling 10 units) accessing from the single core corridor. This is considered acceptable as a number of the units within the development are 2 storey apartments, which directly results in the increased number of units from certain floors.
4. A table of compliance against the RFD Code controls is included at **Attachment 3**.

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

- (i) The Application has been accompanied by a BASIX Certificate that lists commitments by the applicant as to the manner in which the development will provide for water and energy efficiency. The requirements outlined in the BASIX Certificate have been satisfied in the design of the proposal. Nonetheless, a **condition** will be imposed to ensure such commitments are fulfilled.

(d) **State Environmental Planning Policy (Infrastructure) 2007**

- (i) The Application was referred to the RTA for comment in accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 as the proposal is considered to be a traffic-generating development under Schedule 3, with the provision of 105 car parking spaces. The RTA has raised no objection to the proposal subject to the implementation of **conditions** of consent.

(e) **Blacktown Local Environmental Plan 1988**

- (i) The land is zoned 3(a) General Business zone under the provisions of Blacktown Local Environmental Plan (BLEP) 1988.
- (ii) The proposal is defined as a “residential flat building” and “commercial premises”, which is a permissible form of development within the 3(a) General Business zone subject to development consent by the consent authority.
- (iii) Clause 9(3) of the LEP requires that development is to be *generally consistent with* one or more of the following objectives of the 3(a) General Business zone:

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- “(a) to encourage appropriate development which will result in the growth of major foci for accommodating the retail, commercial and social needs of the community,*
 - (b) to encourage development and expansion of business activities which will contribute to the economic growth of, and the creation of employment opportunities within, the City of Blacktown,*
 - (c) to encourage a wide range of retail, commercial and recreational facilities in the major business centres of Blacktown,*
 - (d) to accommodate the establishment of retail, commercial and professional services for local residents in conveniently located business centres within the residential precincts where the scale and type of business development is compatible with the amenity of the surrounding areas, and*
 - (e) by means of development control plans:*
 - (i) to ensure that the size and function of both retail and commercial facilities are established within a preferred hierarchy of centres for the City of Blacktown,*
 - (ii) to set aside specific areas within the zone for the provision of car parking, community uses, civic facilities, recreation areas and the like, and*
 - (iii) to provide for a program of environmental improvements within each centre with a view towards improving traffic movement and shopper safety and comfort.”*
 - (iv) The proposed mixed use development is considered to be consistent with the objectives of the zone as the development will cater for both the social needs of the community by increasing housing stock in the centre as well as contributing to the economic growth of the area through the provision of 4 commercial tenancies.
 - (v) It is therefore considered that the proposed development is generally consistent with the zone objectives for the 3(a) General Business Zone and therefore is a permissible use with the consent of Council.

(f) Blacktown Development Control Plan 2006

- (i) The proposed development is subject to the requirements contained in Blacktown Development Control Plan (BDCP) 2006. In this regard the following parts of the DCP are applicable to the assessment of the Application:
 - Part A Introduction and General Guidelines
 - Part C Development in the Residential Zones
 - Part D Development in the Business Zones
- (ii) The proposal's compliance with BDCP Part A – *Introduction and Guidelines*, Part C – *Development in the Residential Zones* and Part D – *Development in the Business Zones* is discussed in detail under Section 11 of this report. The proposal is fully compliant with the provisions of the DCP with the exception of the provision of Common Open Space. Whilst the site is zoned Business it is still subject to the numerical controls contained in Part C of the DCP. Section 4.12 of Part D of BDCP 2006 calls up the provisions of Part C where residential development is proposed in a Business Zone. It states that such

development **must** comply with the residential standards in Part C of the DCP. However it does acknowledge that, due to the unique nature of residential flat development in Business Zones, some of the requirements may not be applicable. An assessment has been carried out to assess compatibility with the controls.

7. External Referrals

7.1 The subject Development Application was referred to the following public agencies as summarised in the table below:

Agency	Comments
Roads and Traffic Authority (RTA)	<p><input type="checkbox"/> The RTA has raised no objection to the proposal subject to conditions of consent which aim to improve safety for residents, tenants and visitors and ensure compliance with AS2890.1 and AS2890.2 and including the following conditions:</p> <ol style="list-style-type: none"> 1. Clear signposting to distinguish between the commercial and residential users is required into the car parking areas. The signposting should be erected prior to parking entry points to enable vehicles to enter in an organised manner. 2. All vehicles must enter and exit the proposed development in a forward direction. Provision for vehicles to turn around must be provided within the development. Note: The swept path for the delivery/garbage vehicle does not show how the vehicle exits the driveway dock in a forward direction. Details demonstrating compliance shall be submitted and approved prior to the release of the Construction Certificate. 3. Carpark and parking space dimensions to Council's satisfaction and the requirements of AS2890.1 – 2004. Details are to be submitted prior to the release of the Construction Certificate. 4. Access for service vehicles needs to comply with AS2890.2 - 2002. Details are to be submitted prior to the release of the Construction Certificate. 5. The layout of the car parking areas associated with the subject development (including driveways, grades, aisle widths, turning paths, sight distance requirements and parking bay dimensions) should be in accordance with AS2890.1 – 2004. Details are to be submitted prior to the release of the Construction Certificate. 6. The required sight lines to pedestrians or other vehicles in or around the carpark or entrances should not be compromised by landscaping, signage, fencing or display materials. Details are to be submitted prior to the release of the Construction Certificate. 7. All vehicles should be wholly contained on-site before being required to stop. 8. Suitable provision must be made on the site for all construction/demolition vehicles. Details are to be submitted prior to the release of the Construction Certificate. <p><input type="checkbox"/> These matters will be included as conditions on any consent issued.</p>
NSW Police Force	<p><input type="checkbox"/> The Application was referred to the NSW Police Force for assessment against the Safer by Design provisions, who raised no objections to the proposal and no conditions.</p>

8. Internal Referrals

8.1 The subject Development Application was referred to the following internal sections of Council as summarised in the table below:

Section	Comments
Engineering and	<p><input type="checkbox"/> The subject site can be adequately drained into Council's stormwater drainage system</p>

Drainage	in Ayres Grove. Council's Drainage Engineers have reviewed the Development Application and the stormwater concept plans accompanying the Application and have raised no objections to the proposed drainage arrangements subject to a condition requiring the submission of additional drainage details prior to the release of the Construction Certificate. The DSU Engineers have therefore raised no objections to the Development Application and have provided appropriate conditions of consent as contained in Attachment 1 to this report.
Building	<ul style="list-style-type: none"> □ Council's Building Surveyors have reviewed the Development Application and raised no objection to approval of the Application subject to the imposition of appropriate conditions of consent as contained within Attachment 1 to this report.
Traffic Management Section (TMS)	<ul style="list-style-type: none"> □ A summary of the Traffic and Parking Statement can be found under Section 11 of this report. □ TMS have reviewed the Statement and have raised no objections to approval of the Application subject to the imposition of appropriate conditions of consent ensuring the car parking areas comply with AS2890.1 -2004 as contained within Attachment 1 to this report.
Waste	<ul style="list-style-type: none"> □ Council's Waste Services Section has noted that a private contractor will be used to provide waste collection services. As such, the units will not be able to access Council's household clean up service or garbage/recycling services. Other arrangements will therefore need to be made, particularly in relation to the removal of bulky waste products. To address this matter it has been recommended that appropriate conditions be imposed on any consent to ensure that suitable private garbage and recycling services are provided to the units.
Strategic Planning	<ul style="list-style-type: none"> □ As part of the assessment process the DA was referred to Council's Strategic Planners. As there are currently no FSR, height controls or floor space limitations in Council's controls for the Mount Druitt CBD, no objections were raised by Council's Strategic Planners to the proposal.
Land Projects	Given that Council is a nearby property owner, the DA was referred to Council's Land Projects Committee for consideration. No objections were raised as a result of this process.

9. Public Comment

- 9.1 The Development Application was notified in accordance with Blacktown Development Control Plan Part K – *Notification of Development Applications* to adjoining and nearby property owners and occupants, and was advertised in the local newspapers for a period of 28 days from 13 April to 11 May 2011. As a result of the notification period, **no submissions were received**.

10. Section 79C Consideration

- 10.1 Consideration of the matters prescribed under Section 79C of the Environmental Planning and Assessment Act 1979 (as amended) are summarised below:

Heads of Consideration	Comment	Complies
<p>(a) <i>the provisions of:</i></p> <p>(i) <i>any environmental planning instrument (EPI)</i></p> <p>(ii) <i>any development control plan</i></p> <p>(iii) <i>the regulations</i></p>	<ul style="list-style-type: none"> <input type="checkbox"/> The provisions of the relevant EPIs relating to the proposed development are summarised under Section 6 of this report. <input type="checkbox"/> The proposal is considered to be consistent with SEPP 65. <input type="checkbox"/> The proposal is permissible within the 3(a) General Business zone and satisfies the zone objectives outlined under Blacktown Local Environmental Plan 1988. <input type="checkbox"/> Blacktown Development Control Plan Parts A, C and D apply to the site. <input type="checkbox"/> The proposed development is consistent with the desired future character of the area and is compliant with the numerical controls except for common open space. <input type="checkbox"/> A detailed assessment of the Application is provided under Section 11 of this Report. 	<input type="checkbox"/> Yes
(b) <i>the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality</i>	<ul style="list-style-type: none"> <input type="checkbox"/> An assessment of the key issues is provided in Section 11 of this Report and it is considered that the likely impacts of the development have been satisfactorily addressed. 	<input type="checkbox"/> Yes
(c) <i>the suitability of the site for the development</i>	<ul style="list-style-type: none"> <input type="checkbox"/> The subject site is zoned 3(a) General Business and permits mixed use developments with consent. <input type="checkbox"/> The proposal has been designed taking into consideration the site's constraints and access arrangements. <input type="checkbox"/> The site is therefore considered suitable for the proposed development. 	<input type="checkbox"/> Yes
(d) <i>any submissions made in accordance with this Act, or the regulations</i>	<ul style="list-style-type: none"> <input type="checkbox"/> As noted in Section 9 of this Report, no submissions objecting to the proposal were received. 	<input type="checkbox"/> Yes
(e) <i>the public interest</i>	<ul style="list-style-type: none"> <input type="checkbox"/> No adverse matters relating to the public interest arise from the proposal and the provision of in-centre housing close to higher order services and facilities is desirable, consistent with Council's vision and is considered to be in the public interest. 	<input type="checkbox"/> Yes

11. Council Assessment

11.1 As assessment of the key issues relating to the proposed development is presented below:

(a) **Compliance with BDCP 2006 – Part A**

- (i) The Application has been assessed against the numerical controls contained within BDCP 2006 – Part A – *Introduction and General Guidelines* and is considered satisfactory. The applicable numerical controls contained within BDCP Part A are for car parking. The subject site requires a total of 101 car parking spaces, including 60 residential spaces, 24 visitor spaces and 17 commercial spaces. The proposal complies with this requirement

with provision of 105 car parking spaces, including 60 residential spaces, 24 visitor spaces and 21 commercial spaces.

(b) **Compliance with BDCP 2006 – Part C**

- (i) The Application has been assessed against the numerical controls contained within BDCP 2006 – Part C – *Development in the Residential Zones* as these are called up by Part D of the DCP where residential development is proposed in a Business Zone. The proposal is considered satisfactory with the exception of adequate provision of Common Open Space.
- (ii) The proposal achieves compliance with the numerical controls of Part C with the exception of Common Open Space (COS). Whilst under Part C the proposal requires a minimum 2,390 sq.m Common Open Space, the proposal provides only 498 sq.m of COS located on the podium level, plus 189 sq.m (being 30% of allowed balcony area). The development as proposed therefore provides 687 sq.m of Common Open Space instead of the required 2,390 sq.m as set out in Part C of BDCP 2006. Whilst the proposal fails to comply with this control, Part D indicates in the sub-regional centre (Blacktown CBD) controls that COS for the use of all residents of the development shall be provided at the minimum rate of 42% of the total COS required by the DCP in Part C. Further, Section 4.12 of Part D states that whilst residential development in a Business Zone must comply with the residential standards outlined in Part C, it is acknowledged that due to the unique nature of residential flat development in Business Zones some of the requirements may not be appropriate. In other words a merit approach will be taken as to what level of compliance with the residential standards is desirable. However it can be said categorically that Council has consistently applied the 42% rule to other mixed use residential development in Business Zones throughout the CBDs of Blacktown and Mount Druitt. Two notable examples of this is the mixed use development approved by the JRPP as recent as 12 months ago for a 15 storey mixed use development in Second Avenue, Blacktown and as far back as 2004 in Mount Street, Mount Druitt for a multi-storey residential mixed use development. The requirement for 42% compliance became an accepted Council standard for Common Open Space provision for high-rise multi unit – mixed use development in the City at its Ordinary Meeting on 6 February 2002 when a development in First Avenue, Blacktown was approved.
- (iii) The proposal, as presented, fails to comply with the minimum rate of 42% as set out in the preceding paragraph as 42% compliance would require 1,003 sq.m. The proposal provides only 29% and is therefore short by 316 sq.m or 13%. This shortfall can be addressed by **providing additional Common Open Space at the podium level** by deleting Units 8 and 9 and this area being devoted partially to an equipped gymnasium and a furnished common room for the benefits of the residents. This will increase the provision of Common Open Space by 220 sq.m to a total of 907 sq.m or 38% compliance. The remaining 4% shortfall will be satisfied through the fitout works for the fully equipped gymnasium and furnished common room. These changes have been discussed with the applicant's planning consultant and the applicant is willing to accept these amendments and associated fitout works as a 'Prior to Construction Certificate' condition. This approach is satisfactory to Council and the Panel's delegated authority is sought by Council to approving the modified floor plans when submitted prior to the release of any Building Construction Certificate.
- (iv) A Compliance Table can be found at **Attachment 4**.

(c) **Compliance with BDCP 2006 – Part D**

- (i) The Application has been assessed against the provisions of BDCP 2006 – Part D – *Development in the Business Zones* and as outlined in (b) above it is non-compliant with the Common Open Space provisions of Part C which are called up for residential flat development in a Business Zone. With regard to the commercial component of the proposal, whilst there are no numerical controls for the Mount Druitt CBD contained within the DCP, the proposed mixed use development is considered compatible with the existing uses within the Centre and with the desired future character of the area.

(d) **Site Analysis**

- (i) The site is located at the corner of Ayres Grove and Mount Street, Mount Druitt and is currently vacant of development. The mixed use development has been designed taking into consideration the site's location within the commercial area of Mount Druitt and the close proximity to community, retail, recreation and transport facilities. The building is considered to be compatible with nearby buildings and is considered satisfactory.

(e) **Height**

- (i) Blacktown Development Control Plan Part D does not contain a height provision for the subject site and therefore the height proposed is to be considered on merit. It is considered in this instance that the overall height of 28 metres to the uppermost ceiling is acceptable. Appropriate setbacks have been provided to adjoining buildings to ensure privacy is maintained, and in the event adjoining properties are redeveloped sufficient separation can be provided.

The proposed height is not considered unreasonable in a town centre context, particularly as the scale of residential flat buildings in nearby 2(c) zoned areas is up to 5 storeys high.

Council Officers are at present finalising a Masterplan for the broader Mount Druitt Urban Renewal Precinct and this document will propose a development strategy for Mount Druitt to the year 2036. It will propose new zoning, height and floor space ratios for the CBD area for inclusion within Council's new Comprehensive City-wide LEP in replacement of BLEP 1988. The Masterplan will be confidentially reported to Council by November 2011, but it can be confirmed that the height of the subject Application will be consistent with its proposed provisions.

It is noted that Council approved a 9 storey mixed use development in January 2004 on the corner of Mount Street and North Parade, to the south of the site of the current proposal. This DA, however, has now lapsed as it was not acted upon.

- (ii) The North West Subregion – Draft Subregional Strategy identifies Mount Druitt as a "potential major centre". A major centre under this draft strategy should contain many contributing factors and these include:

"a major shopping centre and business centre serving immediate subregional residential population usually with a full scale shopping mall, Council offices, taller office and residential buildings, central community facilities and a minimum of 8000 jobs".

- (iii) The subject site is ideally located within the Mount Druitt area in close proximity to public transport, higher order retail services and community and recreational facilities. It is therefore considered that the proposed height is acceptable.

(f) **Privacy**

- (i) The proposal is not considered to adversely impact on the privacy to future residents and to occupants of adjoining businesses. It is noted that the site is located within a business area where there are no immediately adjoining residential properties. In the event that adjoining sites are redeveloped for residential purposes a suitable separation has been provided to ensure privacy is maintained.
- (ii) Frosted glass balustrades and fixed metal privacy louvers have been provided to the balconies of units to provide privacy to occupants. In addition, the louvers and glass frosted balustrades provide architectural relief in design.

(g) **Building Frontages and Entries**

- (i) The site has street frontage to Ayres Grove and Mount Street. Vehicle access is proposed to the basement carpark and at-grade parking area via Ayres Grove. The site is proposed to be built boundary to boundary at ground level, with stepping of the building from the first floor and above. Pedestrian access, by way of existing roads and pathways, is proposed along the northern, eastern and southern property boundaries which provide linkages to the residential and commercial components of the site as well as the adjoining commercial premises.

(h) **Setbacks**

- (i) The site is located within a commercial zoning where zero setbacks are permissible and the proposed development has provision for zero setbacks to all boundaries at ground floor level. The building has been provided with staggered setbacks as the height of the building increases and this assists to improve the articulation of the building.

(i) **Solar Access**

- (i) The proposed development is considered satisfactory in terms of solar access provision to the residential units, communal open space and to adjoining properties. Balconies for the residential units have been provided along the eastern and western property boundaries. All units with western facing balconies will receive sufficient solar access from 12 noon during the winter solstice, whilst units with eastern facing balconies will receive sufficient solar access until 12 noon during the winter solstice. The communal open space is located on the western portion of the site at level 1 and will be provided with sufficient solar access from 12 noon during winter solstice.
- (ii) Shade devices are provided on the face of the building's northern and western elevations. These shade features compliment the building's architectural design and will reduce heat from entering windows and glass doors during the hotter months of the year.

(j) **Access, Traffic and Parking**

- (i) A Traffic Impact Assessment prepared by Traffix, Traffic and Transport Planners, was submitted with the Application. The traffic report has investigated the existing traffic generation within the area and the likely increases in traffic generation that the proposed development will have on the existing locality.
- (ii) The RTA Guidelines recommend the application of a rate of 0.29 trips per unit per hour during both peak periods for high density residential flat buildings in a metropolitan sub-regional centre. This was considered to be low and a trip rate of 0.4/unit/hr was

considered appropriate. The proposed development has provision for 60 residential units; this would generate 24 vehicle movements per hour during peak periods.

- (iii) The RTA Guidelines recommend a rate of 2 trips per 100 sq.m GFA for office and commercial developments. The proposed mixed use development will provide 641 sq.m of commercial floor space, which results in an additional 12 vehicles per hour.
- (iv) In summary the proposed development would generate:
 - ☐ 36 trips per hour (14 in, 22 out) during the morning (7 - 9am) peak period.
 - ☐ 36 trips per hour (22 in, 14 out) during the afternoon (4 - 6pm) peak period.
- (v) The traffic report concludes:

“These traffic movements are considered to be very moderate and equate to slightly more than one vehicle movement every 2 minutes during peak periods. This level of traffic generation will have no adverse impact on the operation of any intersection in the locality and existing levels of service are expected to be unchanged. In summary, the external impacts are able to be accommodated.”

(k) **Landscaping**

- (i) The proposal involves the removal of all 25 trees of shale plains woodland species. These trees are remnant isolated vegetation with no associated ground cover or shrub structure worthy of preservation. Adequate shale plains woodland exists on the adjoining Council reserve. An Arboricultural Assessment was undertaken in 2007 by Redgum Horticultural which concluded that the trees are suitable for removal due to their state of health or being located within the building platform.

(l) **Utilities and Infrastructure**

- (i) The proposed mixed use development is not considered to adversely impact on existing utilities or public infrastructure. The site is located within a commercial area with adequate servicing available. An appropriate **condition** will be imposed requiring the applicant to make suitable arrangements with service authorities to service the site.

(m) **Fire Safety**

- (i) The site is not designated as a bush fire prone property. Appropriate **conditions** of consent shall be imposed to ensure that appropriate materials are used within the development in accordance with the requirements of the Building Code of Australia.

(n) **Noise and Vibration**

- (i) An acoustic report prepared by SLE Global Environmental Solutions was submitted to support the proposed mixed use development. The report included an assessment of:
 - ☐ Noise intrusion into the building from the adjacent road
 - ☐ Noise emission from the operation of the proposed building
 - ☐ Sound insulation of future residential apartments
- (ii) Monitoring of existing noise levels was carried out between 9 March and 15 March 2011.
- (iii) The results of noise monitoring have been processed with reference to the procedures contained in the NSW Government's Industrial Noise Policy (INP), which is administered by the Department of Environment Climate Change and Water (DECCW). The results

establish representative noise levels that occur at the proposed development site. The measured ambient noise levels during the day (7am – 6pm) were 56LAeq, evening (6pm – 10pm) 56 LAeq and night time (10pm – 7am) 52LAeq.

- (iv) The NSW DECCW's Environmental Criteria for Road Traffic Noise (ECRTN) recommends assessment of road traffic noise over the day (i.e. 7:00am to 10:00pm) and night time periods (ie. 10:00pm to 7:00am). The noise logger results in daytime noise of 58LAeq (1 hour) and night time noise of 56LAeq (1 hour).
- (v) Based on the results of road traffic noise, the eastern facade of the proposed development, facing Mount Street, will experience LAeq(1hour) daytime noise levels incident upon the facade of 66 dBA and LAeq(1hour) night time noise levels of 64 dBA.
- (vi) Standard window glazing of a building will typically attenuate these noise levels by 20 dBA with windows closed and 10 dBA with windows open (allowing for natural ventilation). The predicted noise levels for standard facade glazing are 56dBA (windows open), 46 dBA (windows closed) and 40dBA for internal noise for daytime eastern facade living areas and 54dBA (windows open), 44dBA (windows closed) and 35dBA for internal noise for night time eastern facade living areas.
- (vii) The predicted internal noise levels indicate that the criteria for noise intrusion to habitable and sleeping spaces on the eastern facade will be exceeded with windows (and doors) open and closed.
- (viii) It therefore recommended that:
 - ☐ Windows and doors to living and sleeping areas of residential apartments on the eastern facade will need to be closed to achieve internal noise levels. In such instances, alternative means of achieving the requirement for "comfort ventilation" will need to be considered to enable openings in the external facade (ie windows and doors) to remain fully closed during noisy periods. Ventilation requirements of the Building Code of Australia F 4.5 (b) and Australian Standard 1668.2 Table 4.2 should be provided.
 - ☐ Glazing on the eastern facade should be upgraded to 6.38mm laminate in a well – sealed frame of solid construction. The glazing units should provide a minimum acoustical rating of Rw 30. This glazing should also be installed to living and sleeping spaces on the northern and southern facades.

- (ix) The acoustic report concludes:

"The assessment has examined the following areas of acoustical significance:

- ☐ *Road traffic noise intrusion to commercial and residential spaces*
- ☐ *Noise emission from mechanical plant and vehicles accessing the ground and basement level carparks*
- ☐ *Internal sound insulation requirements (BCA 2010)*

A noise survey has been conducted and the analysed data has been used to determine:

- ☐ *In principle measures that will be required to control road traffic noise intrusion to commercial space and residential apartments*
- ☐ *Appropriate industrial noise emission criteria*

Based upon the findings of this assessment, the development as proposed appears satisfactory in terms of its general planning arrangement. Acceptable internal noise

levels can be achieved within commercial space and residential apartments with the incorporation of recommended controls.”

- (x) Appropriate **conditions** of consent will be imposed ensuring the proposed mixed use development is constructed in accordance with the recommendations of the acoustic report.
- (o) **Safety by Design**
 - (i) As part of the assessment process the Application was referred to the NSW Police Force who advised that they raised no objections to the mixed use development. It is considered the proposal is satisfactory in terms of safety and security.
- (p) **Impacts during Construction**
 - (i) **Conditions** of consent are recommended to mitigate any potential impacts on the amenity of the surrounding development.
- (q) **Social and Economic Impact**
 - (i) It is considered that the proposed mixed use development will complement the locality. The proposal is not expected to have any adverse social or economic impacts.
- (r) **ESD and Cumulative Impact**
 - (i) The development satisfactorily responds to Ecologically Sustainable Development principles. The proposal is not expected to have any cumulative negative impacts and the proposal will not inhibit the redevelopment of surrounding properties.
- (s) **BCA Compliance**
 - (i) A **condition** of consent would require that the proposed development complies with the applicable requirements of the Building Code of Australia.
- (t) **Heritage Impacts**
 - (i) The site is not listed as an item of heritage significance under Blacktown Local Environmental Plan 1988, nor is the site located in close proximity to any listed heritage items.
- (u) **Water Management**
 - (i) The Application has been reviewed by Council’s Development Engineers who have raised no objections to the proposal subject to the implementation of **conditions** of consent.
- (v) **Soil Management**
 - (i) The proposed development is not expected to have an adverse impact in regard to soil erosion or sedimentation. A **condition** of consent will require the applicant to ensure the proposal is carried out in compliance with erosion and sedimentation controls.

(w) **Contamination**

- (i) The site is not identified as a contaminated site. It is considered that the site is satisfactory for the proposed development.

(x) **Waste Minimisation and Management**

- (i) The proposal is not expected to generate any significant amounts of waste. A waste garbage room has been provided for both commercial and residential use. The waste from the site will be removed by a private contractor. Appropriate **conditions** of consent will be imposed to ensure the waste garbage room is sufficient to cater for the development.

(y) **Section 94 Contributions**

- (i) The site is subject to contributions under Contributions Plan No. 3 – *Open Space in the Established Areas*. A **condition** of consent will require, prior to the release of the Construction Certificate, Section 94 contributions towards the embellishment of open space in the broader Mount Druitt area at a base amount of \$149,495 which when updated to third quarter 2011 \$ will require the payment of \$197,730. However the final Section 94 contributions payable will be updated again on the date of final payment in accordance with the latest CPI.

12. General Comments

- 12.1 The Application has been comprehensively assessed against the matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979 and is considered to be satisfactory. The proposed development is unlikely to have any significant environmental, social or economic impacts on the surrounding locality.
- 12.2 The proposal is consistent with Blacktown Local Environmental Plan 1988 and the proposed mixed use development is permissible within the 3(a) General Business Zone subject to development consent.
- 12.3 The Application has been assessed having regard to SEPP 65 and Parts A, C and D of Blacktown Development Control Plan 2006. The proposal is compliant with the numerical controls with the exception of Common Open Space provision for the residential flat component of the development. However with the modifications outlined in this report to add a gym and common room to the podium it is now considered to be an appropriate built form for the site.
- 12.4 The Application has been publicly notified for a period of 21 days and no submissions were received.
- 12.5 It is recommended that the mixed use development be approved subject to appropriate conditions as documented at Attachment 1 to this report and including a Pre-Construction Certificate condition requiring an amended plan to be submitted to Council as a delegate of the JRPP for the modification of the Podium level to delete proposed Units 8 and 9 and the use/fitout of this area as an equipped gymnasium and common room, to Council's satisfaction.

13. Recommendation

1. The Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at Attachment 1 and including a Pre-Construction Certificate condition requiring an amended plan to be submitted to Council as a delegate of the JRPP for the modification of the Podium level to delete proposed Units 8 and 9 and for this area to be used and fitted out as an equipped gymnasium and common room, to Council's satisfaction.
2. The applicant be advised of the Sydney West Joint Regional Planning Panel's decision.
3. The Sydney West Joint Regional Planning Panel delegate authority to Blacktown City Council to approve the amended plan required in 1. above.

JUDITH PORTELLI
MANAGER DEVELOPMENT SERVICES & ADMINISTRATION

GLENNYS JAMES
DIRECTOR CITY STRATEGY & DEVELOPMENT

Attachment 1	-	Draft Conditions of Consent
Attachment 2	-	Development Application Plans
Attachment 3	-	Compliance Table - SEPP 65
Attachment 4	-	Compliance Table - BDCP Part C