

- External perception of height, bulk and scale was a careful consideration in the master planning of the proposal. As discussed in point (a) above, the taller buildings have been positioned in the body of the site and towards the retail precinct, and are well shielded from the existing detached dwellings.
- The proposed site is zoned for residential flat development and is large enough to accommodate 5 storey development. In this regard the DCP states that on larger sites exceeding 5,000sq.m favourable consideration may be given to development up to 5 storeys where suitable transition scales are demonstrated in respect to adjacent properties. The subject site has a developable area of 1.427 hectares and therefore well exceeds the 5,000sq.m minimum land size requirement. Given that the development responds well to the existing surrounding development and has been designed to be harmonious with the adjoining residential properties, it is recommended that 5 storey development be supported in this instance.

(c) *Prospect is not a main centre like Blacktown. In Blacktown residential flat buildings 3 or more storeys are only located near the railway or closer to the CBD. The development is located outside the railway centre precinct, which will oppose State Planning Policies for "ecologically sustainable development".*

**Town Planning comment:**

- As part of the former Rezoning Application to rezone the subject site from 4(c) Special Industrial to 2(c) Residential, Council was required to consider whether a 2(c) zoning would be appropriate in this location.
- One of the objectives of the 2(c) Residential zone in BLEP 1988 is to identify areas suitable for residential flat buildings in locations close to the main activity centres of the City. It was recognised that the subject site adjoined a proposed shopping centre which had been identified in Blacktown Development Control Plan 1992 as a "local centre", was located close to the Great Western Highway, and was within walking distance of bus routes located on both Flushcombe Road and Myrtle Street. Therefore, from a locational point-of-view, the subject site was considered suitable for residential flat development.

## 11.8 Bulk and Scale

(a) *The bulk and scale is excessive, is out-of-character for the area and is not in keeping with the existing dwellings. Aesthetically the development will be an eyesore. The proposal is an overdevelopment of the subject site.*

**Town Planning comment:**

- As discussed under Section 11.7(a) - (c) above, a 2 storey height limit has been applied along the eastern edge of the site to respect adjoining residential properties and eliminate any potential privacy and overshadowing impacts. The taller buildings have been positioned in the body of the site adjacent to the shopping centre, and are well shielded from the surrounding dwellings.
- The proposed development is generally compliant with the DCP in respect to height and setbacks, and complies with the requirements of the RFDC.
- In the absence of a floor space ratio (FSR), building envelope or density control within BDCP 2006, full compliance with the common open space controls is considered essential. Compliance with the common open space provision is the

primary means of controlling the maximum unit yield achievable over the site and, as such, a non-compliance would suggest that the unit yield is too high for the site. Given that the proposed development complies with the open space provisions of Council's DCP, it is considered that the proposal is not an overdevelopment of a 2(c) zoned site.

#### 11.9 Design

- (a) *The design does not support SEPP 65 principles.*

**Town Planning comment:**

- An assessment under the 10 design principles of SEPP 65 is provided under Section 5.3(e) of this report. It is believed that the proposed development complies with the design principles outlined under the SEPP (and with the recommendations of the RFDC).

#### 11.10 Density

- (a) *162 units is far too many for a site of this size. There will be too many people in such a small area. At the LTC meeting the RTA also made the comment that the proposal appears to be an overdevelopment of the site.*

**Town Planning comment:**

- The proposed development is compliant with the recommendations of the RFDC and with the prescriptive requirements outlined in Council's DCP for residential flat buildings. The proposal complies with the height limits (apart from 2 minor point encroachments), setback controls, common open space and car parking provisions of the DCP.
- Council has no adopted density standards in the DCP. Such standards are often artificial and give an applicant the unrealistic perception that compliance with a density provision automatically means that a certain number of housing units are appropriate on a site and that approval will result. This approach ignores the important amenity and design considerations that are essential to be satisfied to enable a development to be compatible with and fit in well with its surrounding residential environment.
- Accordingly, Council's DCP is predicated around compliance with amenity and design requirements/elements and not a density standard. Full compliance by a development with all the requirements of BDCP 2006 is taken as a reflection of an acceptable density being proposed on a development site.
- In the absence of a floor space ratio (FSR), building envelope or density control within BDCP 2006, full compliance with the common open space controls is considered particularly essential. Compliance with the common open space provisions is the primary means of controlling the maximum unit yield achievable over the site and as such, a non-compliance would suggest that the unit yield is too high for the site. Given that the proposed development complies with the open space provisions of Council's DCP and with the other main prescriptive DCP controls, it is considered that the proposal is not an overdevelopment of a 2(c) zoned site.

- (b) *The development lacks adequate common open space throughout the complex.*

**Town Planning comment:**



- The proposed development (i.e. comprising of 29 x 1 bedroom units, 110 x 2 bedroom units and 23 x 3 bedroom units) must be provided with a total of 6,535sq.m of common open space. The current proposal provides 5,775sq.m of common open space at the ground floor level (Note: This includes 1,018sq.m of area from Lot 43 as per a previous the Court decision) and 1,960sq.m of private balcony/terrace area. As such, the total amount of common open space provided as per the DCP requirement is calculated to be 7,735sq.m. The common open space on site therefore exceeds the minimum requirement of the DCP by 1,200sq.m. Even excluding the 1,018sq.m credit from Lot 43, the proposal would still exceed the minimum DCP requirements.
  - The DCP also requires that at ground level there be a designated active area which is appropriately embellished with children's play equipment, gazebo, BBQ facility, seating, lighting and the like. To demonstrate compliance with this requirement, the applicant has submitted detailed landscape plans. The plans indicate that the common areas will be embellished with suitable plantings and landscape features which complement the height, scale, design and function of the development. The ground level common areas will also be provided with deck areas, BBQ facilities and a fitness equipment circuit. Overall the proposed common open space areas are well designed, functional and easily accessible to all residents.
- (c) *The Department of Housing Master Plan for the Housing Commission on the corner of Great Western Highway and Flushcombe Road is seeking to remove the existing 3 bedroom dwellings and replace them with 1 and 2 bedroom dwellings. This will already increase densities in the area.*

**Town Planning comment:**

- Each application must be considered on its merits. The subject site is zoned for residential flat units, and community infrastructure makes suitable allowances for existing and proposed development potential.
- The Traffic Report indicates that the projected increase in traffic activity will not have any unacceptable traffic implications in terms of road network capacity, and the services required for the development (e.g. water, sewer, electricity, etc) can easily be accommodated. Any increase in density is therefore unlikely to have any negative impact on the locality.

**11.11 Setbacks**

- (a) *A 6m setback from our back fence is not enough for such a large development.*

**Town Planning comment:**

- The proposed 6m side setbacks are fully compliant with the requirements of Council's DCP and the RFDC. It should also be noted that the development has been limited to 2 storeys adjacent to the eastern boundary (instead of 3 storeys as permitted by the DCP). By way of comparison, if a 2 storey 'Integrated Housing' development or 'Townhouse' development was constructed, the permissible setback would reduce to 900mm or 2.3m respectively as per Part C of the DCP. A 6m setback is therefore considered appropriate and generous for the height of the adjoining built form.

### 11.12 Overshadowing

- (a) *Our properties will be overshadowed. The shadow diagrams clearly show an increase in overshadowing for residents on the eastern side of the development (Rydal Street). Residents in Myrtle Street and Ollier Street will be overshadowed. The proposed development will block out the little sunlight that we currently get. The 9am and 3pm shadow diagrams underestimate the impact, not showing how we might be affected at other times of the day. Can we be certain the shadow diagrams accurately show the extent of overshadowing.*

**Town Planning comment:**

- Shadow diagrams showing the impact of the proposal on the subject site and on adjoining sites between 9.00am and 3.00pm on 21 June have been submitted with the Application in accordance with the DCP and are included at **Attachment 2** to this report. The shadow diagrams were generated using CAD software and are believed to be accurate.
  - As indicated by the shadow diagrams, there will be minimal overshadowing impact on the neighbouring residential properties. In this regard the neighbours to the east will not receive any overshadowing until after 2pm in midwinter. The residential properties to the south will not be affected at any time during the year. It should be noted that the diagrams show the shadows on 21 June (i.e. the shortest day of the year) and therefore are a worst case scenario.
- (b) *The high-rise buildings will result in loss of natural sunlight to our property and to our backyard swimming pool. The pool temperature will be colder and my children are not going to have the same enjoyment out of the pool. My house will have continuous shadow and will get more mould more frequently. Clothes on our lines will never dry and our backyards will be in constant shadow. Natural sunlight is essential for maintaining good health and warding off depression.*

**Town Planning comment:**

- As indicated in 11.12(a) above, the shadow diagrams submitted with the Development Application demonstrate compliance with the requirements of the DCP. The property cited is already heavily shaded by existing screen trees to the common boundary. Shadow diagrams show the property is unaffected by overshadowing of the proposed development until 2pm in midwinter. There is no evidence that the proposed development will affect either the adjoining pool temperature or ability to dry clothes.
- (c) *The tall trees and lattice provided to address privacy will shadow my backyard.*

**Town Planning comment:**

- Council will be requiring the applicant to construct a new 1.8m high lapped and capped timber fence with 300mm permeable lattice topping along the entire eastern boundary of the subject land. This fence will be at full cost to the applicant. This fencing is considered to be standard fencing and will not adversely affect the amenity of adjoining residents. The trees are existing and will maximise privacy to adjoining owners. Any additional trees/landscaping provided along the eastern boundary will cause no greater overshadowing impacts than currently experienced by the existing 6 - 9m high trees.



### 11.13 Privacy and Amenity

- (a) *A development of this size and height will result in a loss of privacy for nearby residents, especially those immediately backing onto the development. The units will have a direct view into our bedroom, bathroom, kitchen/dining, living areas and backyards. People in the apartments will be able to look straight into our backyards. This means we will be unable to enjoy our yard, entertain or use the swimming pool. I want peace of mind that my children can play in the backyard without being watched.*

**Town Planning comment:**

- Consideration has been given to prevent any overlooking from the upper levels of the proposed buildings to adjoining residential properties. The main area of concern was to maintain visual privacy to the residences located along the eastern boundary. There are 7 residences to the east, the majority with private open space located in the rear of their properties abutting the boundary of the site. The exception is H/N 24 Myrtle Street whose house and garage are built within 1m from the side boundary.
  - There is an existing zone of mature trees located along the boundary that currently provides significant screening. The proposed buildings (E, F and G) along the eastern boundary present as 2 storey buildings with a third level (Level 2) setback a further 3.5m from the parapet. Living areas have been restricted to the ground level with only bedrooms located at Level 1 and Level 2. No terraces or balconies are proposed at upper levels of these east facing units.
  - The sightline assessment (see diagram at **Attachment 3**) shows that the height of the Level 1 parapet and an inaccessible roof at Level 2 will prevent any overlooking from the upper levels of Buildings E, F and G to the private open spaces or windows in the neighbouring houses. The diagram further shows that the third storey portions of these buildings will be hardly perceptible from the neighbouring properties.
  - Overall, the potential for intrusion on visual privacy is no different than if the development were townhouses or 2 storey detached dwellings.
- (b) *The lattice fencing will eventually deteriorate with wear and tear. The proposed trees will not be enough of a privacy screen. The leaves from the tall trees will block the gutters. I already clean up constantly after the existing trees. Once a plantation of trees mature, the roots will affect the foundations of my home.*

**Town Planning comment:**

- The applicant has advised that, to date, the landowner has received no complaints from any neighbours as to either the condition of the boundary fence or the nuisance of tree roots emanating from the existing boundary trees.
- It is recommended that, as a **condition** of any consent granted, all fencing details be submitted to Council for separate approval prior to the release of any Construction Certificate. The design and selection of fencing should take into account a range of considerations including the level of security/privacy to be provided by the fencing and the ongoing maintenance of the fence.
- As indicated in Section 11.13(a) above, the development has been designed such that the overall potential for intrusion on visual privacy is no different than if the development were townhouses or 2 storey detached dwellings. In fact, given

that the development provides a 6m side setback (as opposed to a 2.3m side setback for townhouses or a 900mm side setback for detached dwellings) it is believed that there will be minimal privacy concerns.

- Notwithstanding this, it is still recommended that additional landscaping/screen planting be provided along the eastern boundary to further enhance the existing residents' privacy. Details of the proposed plant species will be required to be provided on the detailed landscape plans submitted as part of any Construction Certificate. It is recommended that, when selecting the tree/plant species, consideration be given to the potential for excessive leaf litter or potential destructive root growth. Suitable **conditions** will be imposed on any consent to address these matters.

(c) *The 3 - 5 storey buildings will spoil the amenity of the area. This is contrary to the BLEP objective which states that development must not interfere with the amenity of surrounding residential areas.*

**Town Planning comment:**

- It is acknowledged that the surrounding area consists predominantly of single residential dwellings, although a number of medium density developments also exist in the area.
- Whilst the density proposed is not in keeping with the general density of housing in the area, it should be recognised that the site was previously zoned for industrial purposes and that the current zoning of the site is a significant downzoning.
- The layout and orientation of the units have also been designed to minimise privacy and shadowing impacts on adjoining land. In this regard the building elements proposed along the eastern property boundary are 2 storeys in height, while the taller buildings have been located adjacent to the adjoining supermarket. It is also recognised that traffic generation from the development would be considerably lower than for an industrial development proposal for the site. It is therefore considered that the proposed development will not significantly impact on the amenity of the area.
- The applicant has also indicated that the proposed development will increase the amenity of the area for the following reasons:
  - It will provide increased stormwater management by way of the 488cu.m OSD tank and controlled runoff.
  - It will provide over 5,000m<sup>2</sup> of landscaped areas (a substantial increase from that already approved).
  - Section 94 contributions will be levied for community infrastructure.
  - The proposal will provide diversity of housing product in the area.
  - It will eliminate a vacant block of land currently the subject of vagrancy, vandalism and anti-social behavior.
  - Increased visual surveillance will be provided to Council's stormwater basin located at the rear of the site.



- (d) *There will be problems associated with lights being left on all night. This extra light will beam into the back rooms of our house and cause us disturbance. The cars' headlights will also beam into our windows, and revving motors and squealing tires will affect us considerably.*

**Town Planning comment:**

- The potential for light pollution from this development is no different than if the development were townhouses or 2 storey detached dwellings. The first floors are occupied only by bedrooms and ensuites where lights are expected to be on for short or sporadic times. Residents will be parking into spaces facing the built form and therefore no headlight will shine across the eastern boundary. Only 10 visitor spaces (total) are positioned in between the building blocks and will be used sporadically.
- There is no evidence to suggest that vehicles will be revving their motors or squealing their tires, given that the internal roadway will only support vehicles to travel at low speeds. Any complaints, however, can be reported to the on-site Building Manager. The provision of CCTV, as recommended by the local Police, will further deter any anti-social behaviour on site. This is already proposed to be conditioned as part of the Police requirements in any consent issued.

#### 11.14 Views

- (a) *Currently we have a view of the Prospect bushland. The development will obscure all views to the bushland. From my house I currently enjoy the beautiful landscape views of native gum trees. This will be replaced with ugly concrete buildings. The nice residential outlook that we currently have will be replaced with gigantic apartment buildings."*

**Town Planning comment:**

- The subject site is currently unimproved, is underutilised and is in need of redevelopment.
- There are no significant views across the subject site to any landform. A handful of small trees and shrubs exist in the body of the subject site, and along the eastern boundary there are a significant number of mature trees forming a landscape buffer approximately 6 – 9 metres high. It is expected that these trees will mature to 12 - 16m in height, which will contribute to the visual amenity of nearby neighbours. Additional landscaping is also proposed throughout the site to "soften" the development and provide increased amenity for the residents.

#### 11.15 Wind

- (a) *The height of the development will restrict any air flow or wind reducing ventilation.*

**Town Planning comment:**

- The site analysis recognises that the prevailing breezes and the fractured built form, running with a long east-west axis, will permit cross ventilation of the site. The design and height of the development is therefore not expected to restrict air flow to surrounding dwellings.

#### 11.16 Construction

- (a) *Can we be guaranteed that earthmoving activities will not have a detrimental effect on the foundations of surrounding properties? Vibrations from the number of heavy*

*equipment that will be needed to build so many blocks at once will undoubtedly cause vibrations, cracking and movement in the surrounding properties.*

**Town Planning comment:**

- Standard **conditions** of consent governing construction activities have been included in the draft determination at Attachment 1 of this report. The applicant has also advised that a dilapidation report will be conducted on adjoining properties prior to commencement of construction activities. This matter will be addressed as a **condition** of any consent.
- (b) *Members of my family have breathing and sinus issues, and are worried about the levels of dust and pollution during the construction phase. We are also concerned about construction noise.*

**Town Planning comment:**

- It is recognised that surrounding residents will experience some noise and pollution disturbance during the construction period. While this is unavoidable, standard **conditions** will be included on any consent to ensure that noise and pollution does not exceed the limits prescribed in the Protection of the Environment Operations (POEO) Act 1997. A further **condition** will be imposed to ensure the hours of any offensive noise-generating development works are limited to between 7.00am to 6.00pm, Mondays to Fridays: 8.00am to 1.00pm, Saturdays; with no such work to be undertaken at any time on Sundays or public holidays.
- (c) *The developer mentions that 250 whatever jobs will be created by the proposal. Yes for the short term, but not for the long term.*

**Town Planning comment:**

- In the long term the increase in population within the retail catchment will help to sustain jobs within the local shopping centre. The proposed development will also employ an on-site manager/permanent security, maintenance and gardening staff and contract waste removal.

#### 11.17 Noise

- (a) *The development will result in noise pollution from the increased traffic and the number of people in the area. There will be unacceptable noise from loud music, parties, shouting, revving cars and general domestic disharmony that living in very close proximity to your neighbours brings. There will a high level of noise as vehicles travel alongside our fences.*

**Town Planning comment:**

- The vehicular accessway has been centrally positioned on the site. It is considered that vehicular movements will therefore have minimum impact on neighbouring properties. Neighbours to the east are further shielded from vehicular movements by Blocks E, F and G. Internal traffic calming measures (i.e. speed humps) will also dissuade unruly behaviour. Pit lids will be of heavy duty construction, bolt fixed to prevent removal and should not generate any noise.
- It is believed that the proposed dwelling units will not generate any unreasonable noise impacts. In this regard Blocks E, F and G present as 2 storey "townhouse"



style dwellings to the eastern boundary and are no different to any other medium density development in respect to noise generation.

- In an urban environment, there is an expectation that residents will abide by the same laws as everyone else. The applicant has indicated that unlike other environments, however, the adjoining neighbours will have a single point of contact for complaints (i.e. the Building Manager) should that be necessary.

(b) *Local residents will be impacted by the noise and disruption of private trucks collecting the rubbish.*

**Town Planning comment:**

- The garbage collection points and all vehicular movements will be contained to the body of the site. Garbage collection activities will therefore be shielded by Blocks E, F and G. Appropriate **conditions** will be imposed on any development consent to control collection activities and times. In this regard it is recommended that garbage collection does not occur before 6.00am. This is considered necessary, not only to protect the existing local residents, but also the future residents of the site.

#### 11.18 Parking

(a) *The development provides inadequate car parking. In this regard, 184 resident spaces are proposed for 162 units. Due to the poor public transport system, it is reasonable to assume that each unit will have at least 2 cars. As such, a minimum of 324 resident car spaces should be provided. If the number of resident car spaces is not increased, the visitor car spaces will be used by residents. Visitors will then be forced to park in Myrtle Street or the Woolworths carpark. Overflow resident parking will also occur in the Woolworths carpark or on the street. There are already problems with on-street parking due to insufficient spaces in Woolworths for customers. On-street parking will be reduced even further. The existing residents need to access the on-street spaces. Why should residents have to fight for parking outside their own homes.*

**Town Planning comment:**

- In accordance with the DCP, the proposed development requires that resident parking be provided at the rate of 1 space per 1 or 2 bedroom dwelling, and 2 spaces per 3 or more bedroom dwelling. Application of these parking rates yields an off-street parking requirement of 185 residential spaces. The proposed development is compliant with the DCP in respect to parking calculations and provision, and is supported by the Traffic Report submitted with the application.
- Given that the proposed development complies with Council's minimum on-site parking requirements, there is no reason to expect that residents would park in the Woolworths carpark or on the street which would cause unnecessary inconvenience. It is considered unreasonable that the applicant be requested to increase the on-site parking provision beyond the adopted minimum requirements, especially given that Council's DCP parking requirements exceed those of the RTA. The RTA only require parking at the rate of 0.6 space per 1 bedroom unit, 0.9 space per 2 bedroom unit, 1.4 space per 3 bedroom unit and 1 space per 5 units of visitor parking. Therefore a total of 181.5 spaces would be required if assessed under the RTA requirements.
- The subject site is also located within walking distance of bus routes on both Flushcombe Road and Myrtle Street.

- (b) *We already have problems accessing our own driveway now with customers of Woolworths parking across our driveway and walking across to the shops due to there being no car parking at Woolworths. We are worried that given insufficient parking on site, that we will permanently have cars parked across our driveway. If more cars are forced to park on the street it will make this area a high traffic zone and dangerous for pedestrians and hazardous for motorists.*

**Town Planning comment:**

- As discussed under 11.18(a) above, the proposed development is compliant with the DCP in respect to parking calculations and provision, and is supported by the Traffic Report submitted with the application. For the reason given above, there is no reason to expect that residents or their visitors will park on the street when convenient on-site parking is available.
  - It is understood that the Woolworths supermarket basement carpark often floods, thereby reducing the number of available on-site carparking spaces available for customers to the site. This issue, however, does not relate to the current proposal and therefore does not warrant refusal of the application. Any parking non-compliances associated with the Woolworths supermarket should be addressed as a separate issue.
- (c) *One only has to see all the cars parked on Wye and Tenby Streets which are from the Camelot townhouses development on the corner of those 2 streets, to see what happens when there isn't enough car spaces on site.*

**Town Planning comment:**

- As discussed under 11.18(a) above, the proposed development is compliant with the DCP in respect to parking calculations and provisions, and is supported by the Traffic Report submitted with the application. For the reason given above, there is no reason to expect that residents or their visitors will park on the street when convenient on-site parking is available.
- (d) *Shopping trolleys are regularly left in the street when Woolworths customers either need to park in the surrounding streets or when people take them to take their shopping home. This situation will get worse if the development goes ahead and parking gets more limited.*

**Town Planning comment:**

- It is unclear as to how the proposed development will exacerbate the existing "shopping trolley" problem, particularly as the development has a direct link to the Woolworths site without the need to use public roads. It is believed that this is a management issue for Woolworths and does not warrant refusal of the application. Any future ongoing problems should be separately referred to Woolworths at which time they can determine if an alternate solution (e.g. coin/token operated trolleys) should be installed.
- In addition, the use of shopping trolleys without return will be discouraged within the development and will be administered by the body corporate.

**11.19 Traffic and Access**

- (a) *Due to the quantity of residents living in the flat blocks there will be a large influx of vehicle traffic along Myrtle Street. This will result in congestion along Myrtle Street during peak times such as weekday mornings when parents drive their children to*



*school, people travelling to and from work, weekends driving to sport, etc. Taking into account the extra traffic, a number of large trucks travel along this street (deliveries to the Supermarket and shops) and all vehicles will have to drive carefully while negotiating the roundabout, especially being so close to the driveway entry of the building site. The development will also result in a massive and unsustainable influx in the local population, which in turn will attract more traffic and congestion to the area, and increase travel times to and from work. The existing road network will not be capable of dealing with such a significant increase in traffic. Myrtle Street is already a death trap to cross. An increase in traffic will make it impossible to cross the road.*

**Town Planning comment:**

- A Traffic and Parking Assessment Report was undertaken by Varga Traffic Planning Pty Limited (Ref: 10271 dated 10 March 2011) and submitted with the application. Peak period traffic surveys were undertaken and reveal that:
  - two-way traffic flows in Myrtle Street (east of Upwey Street) are typically in the order of 250 vehicles per hour (vph) during the morning peak period, increasing to 390 vph during the afternoon peak period; and
  - two-way traffic flows in Myrtle Street (west of Upwey Street) are typically in the order of 310 vehicles per hour (vph) during the morning peak period, increasing to 470 vph during the afternoon peak period.
- Application of the RTA's traffic generation rate to the development proposal yields a traffic generation potential of approximately 47 vehicle trips per hour. The Traffic Consultant has determined that the projected increase in traffic activity will not have any unacceptable traffic implications in terms of road network capacity. In this regard an assessment using INTANAL (i.e. a program widely used by the RTA) has determined that:
  - The Myrtle Street and Upwey Street intersection currently operates at Level of Service "A" under the existing traffic demands, with total average vehicle delays in the order of 4 seconds/vehicle.
  - Under the projected future traffic demands expected to be generated by the development proposal, the Myrtle Street and Upwey Street intersection will continue to operate at Level of Service "A", with increases in average vehicle delays of **less than** 1 second/vehicle.
  - Under the projected future traffic demands expected to be generated by the development proposal, the Myrtle Street and proposed site access driveway intersection is expected to operate at Level of Service "A", with average vehicle delays in the order of **less than** 1 second/vehicle.
  - Vehicles approaching the site from the west via a right-turn into the site will not cause any appreciable delays for eastbound through-traffic in Myrtle Street.
- As such, there is no evidence to suggest that the development will significantly alter any prevailing traffic conditions. Further details regarding the traffic assessment are provided under Section 8 of this report. It should also be noted that the development plans and supporting traffic and parking report were also considered by the RTA at a Sydney Regional Development Advisory Committee (SRDAC) Meeting and at a Local Traffic Committee (LTC) Meeting. No objections were raised by either Committee in terms of traffic generation.

- (b) *Since the last DA in 2003 the area around Clark Street and Patricia Street has been developed with many townhouse complexes and the traffic has increased exponentially. The increase in population density in the last 8 years has had a significant impact on traffic in the area. There are already daily queues at the Myrtle Street/Flushcombe Road roundabout, as this is the only exit from the estate. It is becoming increasingly dangerous as cars leaving Clare Street perform 'U' turns at the roundabout. This will only increase as the housing estate nearby is redeveloped. There are also congestion issues when exiting from Upwey Street onto the roundabout at Myrtle Street and onto Flushcombe Road in the morning. The Flushcombe Road roundabout cannot cope with any additional traffic flow, and the roundabout on Myrtle Street is too small to cope with any increase in traffic. With another 200+ cars this will become a bottleneck for residents.*

**Town Planning comment:**

- Full details regarding the traffic assessment can be found under Section 8 of this report. Traffic surveys indicate that the Myrtle Street and Upwey Street intersection currently operates at Level of Service "A" under the existing traffic demands with total average vehicle delays in the order of 4 seconds/vehicle. Under the projected future traffic demands expected to be generated by the development proposal, the Myrtle Street and Upwey Street intersection will continue to operate at Level of Service "A", with increases in average vehicle delays of less than 1 second/vehicle. The proposed development will therefore not generate any significant traffic delays in the area.
- (c) *The increase in traffic on Flushcombe Road will mean that Ashby Street will become a popular turn-off for people to get to Myrtle Street and will also increase traffic for Rydal Street from that direction. The traffic in Myrtle Street will mean that current residents will turn off into Rydal Street to cut through and get home to surrounding streets. Rydal Street has the bus coming through every half hour, plus with more cars, this will be unsafe for children and will be impossible for cars to exit their driveways. The congestion on Myrtle Street and Flushcombe Road will also force people to take shortcuts and exit the area through Lancelot Street. The traffic will bank up Flushcombe Road, making it difficult to exit from Ashby Street in the mornings.*

**Town Planning comment:**

- Full details regarding the traffic assessment can be found under Section 8 of this report. The traffic surveys indicate that the roads surrounding the site will continue to operate at Level of Service "A" and will experience minimal delays (i.e. less than 1 second) as a result of the proposed development. As such, there is no evidence that the proposed development will alter traffic conditions or force vehicles to take indirect routes.
- (d) *The exit from the development should be from the Western Highway side of Woolworths. We have enough trouble now getting out of the estate.*

**Town Planning comment:**

- The subject site has frontage only to Myrtle Street. While a right-of-way (ROW) permits vehicles to access the site via the roundabout located on the adjoining Woolworths supermarket site, the subject site does not have any legal right to gain access through the adjoining site to Flushcombe Road.
- (e) *It is already difficult to exit the Woolworths carpark. The development will only put further pressure on an existing problem. The traffic at the Woolworths roundabout is*



*already at an unreasonable level. With the increase in traffic it would become difficult if not dangerous and frustrating for the local community.*

**Town Planning comment:**

- It is believed that the proposed development will have minimal impact on the adjoining retail parking given residents will be able to walk to and from the shopping facilities. The main entry/exit to the development is located on the Myrtle Street frontage. The Woolworths roundabout will be used as a secondary entry/exit, or for vehicles wishing to turn right and travel east on Myrtle Street. As highlighted in the submitted Traffic Report (see Section 8 of this report) limited cars are expected to head east on Myrtle Street and, as such, it is unlikely that unreasonable delays will be experienced at this location. The security gates have also been relocated to allow adequate stacking space off the roundabout. This will ensure that vehicles do not overhang into the roundabout and obstruct vehicular movements when entering the site.

- (f) *An influx in population would result in increased waiting times at the petrol stations. The queues at these petrol stations frequently block traffic on Flushcombe Road and at the entrance point to Woolworths.*

**Town Planning comment:**

- Full details regarding the traffic assessment can be found under Section 8 of this report. The traffic survey has determined that the projected increase in traffic activity will not have any unacceptable traffic implications in terms of road network capacity. The issues experienced at the local petrol stations are an existing problem and therefore do not warrant refusal of the application.

- (g) *There will be traffic queues in Myrtle Street as 412.5 cars (i.e. 2.5 cars per unit) wait for the automated gates to open into the complex.*

**Town Planning comment:**

- Application of the RTA's traffic generation rate to the development proposal yields a traffic generation potential of approximately 47 vehicle trips per hour. Taking into account that this includes in and out movements, and that the site has 2 entry/exit points, it is considered unlikely that more than 1 vehicle will be required to queue at the security entry gates at any one time. To ensure any queued vehicles do not overhang the public roadways or obstruct vehicles using the Woolworths roundabout, the security gates have been located well within the property boundaries.

- (h) *The location of the driveway on Myrtle Street is dangerous. The entrance should be closer to the Woolworths roundabout. The traffic in Myrtle Street makes it difficult to exit our driveway. The proposed entry/exit, being directly opposite our driveway, will make this even more difficult.*

**Town Planning comment:**

- The Myrtle Street entry/exit point is centrally located along the Myrtle Street frontage and is therefore well separated from the adjoining properties. The location of the driveway is not considered to be dangerous, especially given there is excellent driver sight distance/visibility in both directions along this section of Myrtle Street.

- As recommended by the Local Traffic Committee (LTC), the driveway off Myrtle Street must be designed to discourage/prevent right-turn movements out of the site. Suitable **conditions** will be imposed on any consent to address this matter.
- (i) *We are concerned about potential car accidents happening if a third roundabout is constructed in front of our house. The extra roundabout in Myrtle Street will cause more havoc with 3 roundabouts within 1 block. We are also wondering if the street is wide enough to accommodate a third roundabout in the proposed location.*

**Town Planning comment:**

- There is no proposal for a third roundabout in Myrtle Street.
- (j) *I fear that the Woolworths carpark would become a traffic thoroughfare for residents exiting the development and trying to avoid the Myrtle Street exit. The additional traffic will make the Woolworths carpark a high traffic zone, a danger to pedestrians/shoppers and a hazard for motorists. I have concerns about the traffic flow exiting into a shopping centre carpark. Would this not be a fire hazard?*

**Town Planning comment:**

- The submitted Traffic Report (refer to Section 8 of this report) indicates that the proposed development will not significantly alter the prevailing traffic conditions. Application of the RTA's traffic generation rate to the development proposal yields a traffic generation potential of only 47 vehicle trips per hour. Given that the site has 2 entry/exit points, this will result in very little additional traffic utilising the Woolworths roundabout. The concerns raised are therefore considered unjustified.
- (k) *The proposed Wet and Wild Water Theme Park will ultimately impact on traffic in the area. With the proposed Wet and Wild, Flushcombe Road will not be able to cope."*

**Town Planning comment:**

- Any impacts resulting from the traffic generation of the proposed Wet and Wild Water Theme Park will be considered as part of that Application. This matter does not relate to the subject development proposal and therefore does not require further consideration.
- (l) *Myrtle Street should be extended easterly right through to Prospect Highway to alleviate the rat racing of local streets. In a westerly direction it should meet up with Clare Street, which then needs to be extended to intersect with Reservoir Road. This would give more options for traffic in the area, and prepare for the increased volume of traffic anticipated from the Department of Housing redevelopment and future Wet and Wild Theme Park. Council has ignored the residents of Prospect by not widening the high traffic zone of Flushcombe Road and the future Myrtle Street access to that embarrassing goat track Council calls Blacktown Road, Prospect Highway come Seven Hills Road. If the proposal is approved, an influx of 300 plus residents will have to share the access to the M2, M4 and local surrounds.*

**Town Planning comment:**

- These wider strategic issues fall outside the scope of the DA and therefore do not warrant refusal of the application. It is noted that the 2 lane section of Prospect Highway, to the south of Blacktown Road, is a "State" road and its construction and upgrading is controlled by the NSW Government (RTA). Blacktown City



Council has continuously lobbied the State Government about the unacceptable state of this section of road for decades, but with no success.

#### 11.20 Emergency Response

- (a) *In the event of an emergency, could the Police and Fire Brigade access the area and evacuate everyone in a safe and quick manner.*

**Town Planning comment:**

- The proposed development makes suitable allowances for emergency procedures and evacuation. Buildings are designed to accommodate the provisions of the BCA, fire stairs are located to satisfy “deemed to satisfy” provisions in both the apartment buildings and the carpark, and alternate paths of egress exist on either side of each tower to both the Woolworths roundabout and Myrtle Street.

#### 11.21 Pedestrians

- (a) *Children walking to/from Shelley Public School will be put at greater risk when crossing the road at Myrtle Street into Oaktree Grove, due to the increase in traffic.*

**Town Planning comment:**

- The submitted Traffic and Parking Report indicates that the majority of vehicles exiting the site are expected to turn left and head west on Myrtle Street towards Flushcombe Road. Given that only low traffic volumes are expected to exit the site and head east along Myrtle Street, it is believed that the development will not impact on pedestrian movements around the local public school.

- (b) *An increase in traffic would lead to driver frustration, impair driver judgment and result in serious repercussions for the safety of pedestrians, especially young children and the elderly.*

**Town Planning comment:**

- The traffic assessment summarised under Section 8 of this report indicates that the projected increase in traffic activity will not have any unacceptable traffic implications in terms of road network capacity.
- Given that the Myrtle Street and Upwey Street intersection will continue to operate at *Level of Service “A”*, with increases in average vehicle delays of less than 1 second/vehicle, it is believed that the increase in traffic will not lead to further unacceptable frustration.
- The proposal also includes additional traffic calming measures and additional footpaths which will improve pedestrian safety around the site.

- (c) *Pedestrian access to Woolworths is already problematic. There would be hazards to pedestrians in the Woolworths carpark due to the added traffic.*

**Town Planning comment:**

- As discussed above, it is believed that the proposed development will have minimal impact on the adjoining retail parking given that residents will be able to walk to and from the shopping facilities. The main entry/exit to the development is located on the Myrtle Street frontage. The Woolworths roundabout will be used as a secondary entry/exit, or for vehicles wishing to turn right and travel east on Myrtle Street.

- The proposed development will assist in increasing safe pedestrian access to Woolworths by constructing a new footpath on the eastern side of the Woolworths roundabout from Myrtle Street.

#### 11.22 Waste/Pollution

- (a) *We continually have to clean up rubbish dumped in our front yard or blown into our yard by the wind. The development will result in more rubbish and littering in the area. The build-up of rubbish on the site could lead to an increase in vermin.*

**Town Planning comment:**

- The proposed development will remove a derelict site from the Prospect area, eliminating an existing “dumping site”. The site will be managed by a body corporate charged with the responsibility for maintaining the property and its grounds. Garbage enclosures are located in secure shelters or in the basement and will be vermin-proofed as per the regulations.
- (b) *The extra traffic will affect the current air quality which is currently under stress with the smell from Eastern Creek rubbish dump and the smell of the nearby Red Lea Poultry Farm.*

**Town Planning comment:**

- There is no evidence that the additional traffic volumes will alter the prevailing air quality in the area.
- (c) *Bins in the area are damaged or set alight when placed out for collection. What will happen when you add an additional 160 bins to this area? Will there be a central rubbish collection point?*

**Town Planning comment:**

- The Waste Management arrangements are discussed under Section 7.3(ee) of this report. A central garbage storage area has been located within the basement areas of Blocks A, B, C and D. The garbage rooms for Blocks E, F and G are located at ground level adjacent to the central access road. Each garbage area will be well ventilated and vermin-proofed as per the regulations. All bins will be cleaned internally and externally on a regular basis (i.e. at least every 3 months), and the garbage collection areas will also be cleaned on a regular basis.
- It has been nominated that waste collection will occur twice weekly for general putrescible waste and once a week for recycled wastes. Collection will be made by a private waste management company. The building manager will be responsible for moving the waste bins from the garbage rooms to the designated collection points on the internal accessway. The building manager will then return the waste bins to the garbage rooms after emptying. There will be no bins placed out on the public roadway for collection.

#### 11.23 Stormwater

- (a) *Many of the homes in the area have already suffered severe cracking, requiring major engineering repairs and underpinning due to the movement and response of our clay soil in adverse weather cycles experienced in recent years.*

**Town Planning comment:**



- A Geotechnical report has been carried out on the site. The structural design of the development superstructure will take into account its findings. Additionally, standard **conditions** of consent governing construction activities will be imposed on any consent granted. The applicant has also indicated that a dilapidation report will be conducted on adjoining properties prior to commencement of construction activities. This matter will also be addressed via a suitable **condition** of any consent.

(b) *The high-rise development and concrete surfaces will have a detrimental effect on water run-off to neighbouring properties and will add to flooding problems in the area.*

**Town Planning comment:**

- A Stormwater Assessment accompanies the Development Application which proposes measures to manage stormwater runoff. The proposal incorporates on-site detention (OSD) to a capacity of 488,000,000 litres. This is an increase of 235,000,000 litres (or a 92% increase) from the OSD approved as part of DA-97-7076 (i.e. the existing active approval over the site).
  - At present the site has no controlled runoff and no water is directed into the Council basin. Upon development of the site, stormwater will be captured, treated and directed to managed stormwater facilities, thereby reducing the risk of flooding. The developer has worked closely with Council Flooding and Drainage Engineers to ensure an acceptable design solution has been developed for the site.
  - Further details regarding the flooding and drainage assessment can be found under Section 7.2(h) of this report.
- (c) *Will the stormwater be released into the drainage easement at the rear of the site. This design could cause flooding in the easement or to adjoining backyards and residences."*

**Town Planning comment:**

- As part of the drainage solution for the site, the applicant was required to provide 488,000,000 litres of OSD capacity. All stormwater will therefore be stored on the subject site within the OSD tanks. Council Flooding and Drainage Engineers have carried out a flood study to ascertain the likely affect in a 1:100 storm event. It should be noted that the properties to the east of the subject site are already affected by a stormwater easement and an overland flowpath from the Council basin. The proposed development does not alter this arrangement.
- (d) *Woolworths already suffers flooding in the basement carpark. The basement carpark is kept permanently closed because it gets flooded – we have only known it to be opened once for parking in the 4 years we have lived in our home. How can the developer be certain the same won't happen to the planned basement carpark, therefore forcing residents to park on the street.*

**Town Planning comment:**

- The proposed drainage design makes adequate provision in carpark grades to accommodate a “freeboard” of 500mm to prevent inundation. This is 200mm greater than the Council minimum requirement. As such, it is highly unlikely that the proposed basement carpark will be impacted by any flood waters.
  - Woolworths has elected to close the basement carpark due to ongoing issues of vandalism and theft from customer’s vehicles, and not as a result of stormwater issues. There has been no evidence to suggest that there is a lack of on-site customer parking as a result of the closure of the basement. Council Officers in the Enforcement Unit have investigated the issues raised by public submissions relating to the basement carpark and has resolved as follows:
    - *The basement carpark is to be closed as there is generally no demand for its use except it will be opened during peak times at Christmas, Easter etc.*
    - *There was identified security risks for customers especially when it was not being fully utilised and Council Officers considered it appropriate to limit its use.*
    - *Council will continue to monitor the situation and respond to any community concerns.*
- (e) *The water runoff will be diverted to the road which could cause flooding and be a hazard to motorists. It will also affect access and traffic flow.*

**Town Planning comment:**

- No stormwater will be diverted to the road network. Further details regarding the flooding and drainage assessment can be found under Section 7.2(h) of this report.

**11.24 Services and Facilities**

- (a) *There are currently a lack of services and facilities in the area for the existing population. There is no local neighbourhood or community centre to provide a focal point for the area, a service which would be imperative with an increased population of the magnitude proposed. Council should consider the greening of this site for the future development of our environment, and not add to the carbon imprint this will have on all our lives and health.*



**Town Planning comment:**

- Section 94 of the EP & A Act 1979 permits Council to require developers to pay monetary contributions, provide capital works (works in kind), and/or dedicate land in order to help fund the increased demand for public amenities and public services generated through their developments. The subject site is located within Contributions Plan (CP) No. 3 – Open Space within Established Areas.
  - Under the CP it has been calculated that the proposed development will generate an increase in population of 403.1 persons. If approved, the developer will therefore be required to pay a substantial Section 94 contribution as outlined under Section 7.2(j) of this report. This money will then be used to directly fund community public open space in the area. It should be noted that the money cannot be used to fund public facilities not identified within a CP.
  - As part of developing CP No. 3 Council would have identified the best locations for the required public recreation facilities. Those identified sites would have then been specifically zoned for their intended use. By zoning the land, the incoming population can be aware at the time they purchase their property that public recreation facilities will be provided on the nominated sites. The subject site is zoned 2(c) Residential and therefore has not been identified for public recreation or community purposes.
- (b) *There will be an enormous strain on the existing local infrastructure in the area which is already at capacity. The development will place demands on public services and infrastructure beyond the level reasonably required for residential use. The education and health systems will be most affected.*

**Town Planning comment:**

- Standard **conditions** will be imposed on any consent to ensure that the developer liaises with the appropriate service providers at the relevant stages of construction to ensure the required services can be accommodated.
  - The proposed development is compliant with the site zoning which has been in place for many years. The subject site is located within an established area, and is one of the last remaining sites to be developed. It is believed that the increase in population will have minimal impact on the existing established services in the area.
- (c) *There is 1 loop bus service in this part of Prospect. The hundreds of extra residents will cause extra congestion for commuters and school children.*

**Town Planning comment:**

- Extra commuters will not only sustain the viability of existing bus services but may also give rise to increased frequency of buses in the area to the benefit of the broader community.
- (d) *The local schools are currently at full capacity already. Any additional students of this potential mass will lower the quality of education as children are forced to learn in overcrowded classes.*

**Town Planning comment:**

- The projected population is anticipated to be 403 persons of which only a small percentage are likely to be school aged children. It is therefore unlikely that the number of additional students will cause any significant impacts.
  - The issue of school allocation and funding, however, is a State Government matter that is outside the scope of the proposal.
- (e) *Blacktown's growth is expected to increase 60% in the next 20 years. As more people move into the area, Blacktown Hospital will feel the strain."*

**Town Planning comment:**

- The issue of public health provisions is a State Government matter that is outside the scope of the proposal.

**11.25 Safety/Security and Social Issues**

- (a) *Such a large and sudden increase in population will lead to a range of social problems including: increased crime, vandalism, graffiti, lighting of fires in rubbish bins, drug use and inappropriate disposal of syringes, domestic problems, violence, gang membership, car theft, and break and enter. The development will magnify existing anti-social behaviour, and create additional social problems. It will not be safe to go out in the area or to the shops at night. There are not enough Police to deal with the extra crime. The crime statistics indicate that the "steal from a dwelling in Blacktown" rate has already gone up from 755 incidents in 2009 to 865 incidents in 2010 (i.e. an increase of 14.6%). Has the development taken into account 'Safer By Design' considerations?*

**Town Planning comment:**

- A "Crime Prevention Through Environmental Design (CPTED)" Report was prepared to accompany the Development Application which assesses the development's ability to prevent or deter crime through design. A copy of the report was forwarded to the Blacktown LAC for consideration as part of their "Safer By Design" Evaluation. While the Crime Prevention Officer indicated that the site currently poses a number of negative aspects (e.g. potential to steal from a motor vehicle, vehicle theft, break and enter, malicious damage, anti-social behavior, neighbourhood disputes and assaults), it was determined that the crime rating for this development is "Low - crime risk". The Blacktown LAC therefore advised that no objections were raised to the proposed development, but have recommended that appropriate conditions be imposed to address the identified areas of concern. The Crime Prevention Officer's recommended conditions of consent are detailed under Section 7.2(i) of this report, and suggest that appropriate measures such as CCTV, motion sensor lighting, signage, vandal proof fencing, low maintenance landscaping etc be provided for the development.
- (b) *We purchased an investment property in a block of 4 storey units. When built it was a very attractive development. Within 10 months, however, it was nothing more than a virtual slum with junk mail strewn everywhere and the balconies used as a veritable laundry. This development is likely to be the same.*



**Town Planning comment:**

- Estate management by the body corporate is a significant element in maintaining the amenity of the development, and the attractiveness of the estate for residents, tenants and investors alike. There is no evidence to believe the management of this estate will emulate that of a poorly run estate. Appropriate **conditions** will also be imposed on any consent to ensure that letterboxes are provided in accordance with Australian Standards and that hanging of laundry on the balconies be prohibited within the strata by-laws. The employment of an on-site Building Manager will ensure that any vandalism to property, including graffiti, is managed appropriately and that all maintenance issues are addressed at the earliest opportunity.
- (c) *The development will create a huge amount of garbage and there will be discarded furniture as tenants are constantly changing. There is concern that rubbish like this will end up in the easement and become a burning ground for the children in the area.*

**Town Planning comment:**

- The Waste Management arrangements are discussed under Section 7.3(ee) of this report. The estate will be managed by a Building Manager who will be responsible for the maintenance of the property and waste management.
  - It has been nominated that waste collection will occur twice weekly for general putrescible waste and once a week for recycled wastes. Collection will be made by a private waste management company.
  - A fence encloses the site on the southern boundary and as such there will be no direct access available to the Council basin from the estate.
- (d) *The majority of units are likely to be rented out. Poor maintenance and upkeep of the building will result in broken windows and blocked sewers not being repaired. This will also see an increase in crime and gangs forming. This is why the government is splitting up the people living in the local Housing Commission, because of the groups that have formed.*

**Town Planning comment:**

- Like all areas of Sydney, the proposed development is likely to bring a mix of renters and owner occupiers. It is anticipated that a significant proportion of the units will be owner occupied, who will have a vested interest in the area and the management of the development.
  - Regardless of whether the occupiers are renters or owners, the employed Building Manager will ensure that security, cleanliness, general repairs and waste collection are managed appropriately, and that the amenity of the area is maintained. Appropriate measures will also be put in place to ensure the long term upkeep of the development and that all security systems and lighting are regularly inspected and maintained at optimum levels. The Building Manager will also serve as the point of contact for any complaints received.
- (e) *The shops and medical centre are always covered in unsightly graffiti. When the area is repainted (almost on a monthly basis) the site is quickly targeted again. The Woolworths carpark is constantly subject to vandalism and is a haunt for drug users. The development will attract more vandalism and graffiti in the area. The tall tower blocks will also be a target for graffiti.*

**Town Planning comment:**

- Given that the adjacent supermarket is constructed on the boundary, the applicant was requested to advise what measures would be adopted to discourage graffiti on the blank wall. The applicant has indicated that the site will be enclosed by a security fence. Access will therefore be restricted to residents and their guests. Footpath access to Blocks C and D runs past the wall, ensuring constant visual surveillance. The section of wall between Blocks C and D is also exposed to nearby apartments.
- To discourage graffiti attacks, however, the supermarket wall will be lined with appropriate landscaping/"green" screens in accordance with the Local Police recommendations.
- Any incidence will be quickly reported to the Building Manager who will be responsible for maintaining common property and for all graffiti removal. Quick repainting/removal (within 24hrs) of "graffiti tags" has proven to be the best deterrent on other developments.

(f) *We live directly behind Woolworths. On a weekly basis we have to put up with drug addicts and vandals in the back and underground carparks. They graffiti and blow up cars. If this development goes ahead, they will have another carpark to do the same in. Attempts by shop owners to employ security guards to prevent drug use and other anti-social activities have been unsuccessful. The Woolworths carpark has been boarded up to prevent drug users from using the space.*

**Town Planning comment:**

- The site will have restricted access to residents and their visitors. The basement carpark will be fitted with security shutters and the capacity for individual garages. The Body Corporate will engage a Building Manager who will be responsible for maintenance of the estate and for the employment of a security guard should that be warranted.
- The Crime Prevention Officer at Blacktown Police has also recommended that appropriate measures including CCTV, motion sensor lighting, signage, vandal proof fencing, low maintenance landscaping etc be provided to enhance security and safety around the site. The recommended **conditions** of consent, as detailed under Section 7.2(i) of this report, will be included on any consent granted.
- In terms of the existing situation, it is recommended that local residents formally raise this matter with the Local Police.

(g) *The alleyway between Rydal and Myrtle Streets is currently home to drunks who like to hang out and leave smashed bottles. It is a dangerous area to walk through. The units will become a dumping ground for the people living there. The Council currently does not cope in maintaining the upkeep of the alleyway.*

**Town Planning comment:**

- The site has no direct access to the walkway mentioned, and there is no evidence that the proposed development will exacerbate this existing situation. The on-site Building Manager will ensure, however, that the subject site does not become a "dumping ground".

(h) *Occupiers of the units will be able to see directly into my backyard. This is a huge security concern. Our properties are more likely to be burgled as the residents of the*



*development will be able to see directly into our backyards and will know when we are not home.*

**Town Planning comment:**

- The proposed development has been designed to prevent any overlooking from the upper levels of the proposed buildings to adjoining residential properties. In particular, the proposed buildings (E, F and G) located along the eastern boundary have been carefully designed to maintain visual privacy to the existing adjoining residents.
- There are 7 residences to the east, the majority with private open space located in the rear of their properties abutting the boundary of the site. The exception is H/N 24 Myrtle Street whose house and garage are built within 1m from the side boundary.
- Proposed buildings E, F and G present as 2 storey buildings with a third level (Level 2) setback a further 3.5m from the parapet. Living areas have been restricted to the ground level with only bedrooms located at Level 1 and Level 2. No terraces or balconies are proposed at upper levels of these east-facing units.
- Overall the potential for intrusion on visual privacy is no different than if the development were townhouses or 2 storey detached dwellings. There is no visual access to adjoining properties from the second floor apartments. Furthermore, there is no reason to believe that any future resident of the development will have a tendency for crime related activity.

- (i) *Given that apartments are less expensive than detached dwellings, we are concerned at the type of occupants the apartments will attract. It is likely the units will attract people from low economical status and less desirable tenants. There is also fear that the development will attract residents of a similar socio-economic status to the nearby social housing. The area already struggles with the Housing Commission so close by, and we do not need more units attracting this type of tenant. Research has documented that high-density public housing in Australia is linked with unemployment, high incidence of mental illness, increased crime (specifically theft, assault and vandalism), and the perception amongst the community of these estates as 'ghettos' (Spiller Gibbins Swan (SGS) Pty Ltd. (2000). Public Housing Estate Renewal in Australia, project number 212. Australian Housing Research Fund.) There is fear that the proposed development will attract more anti-social behaviour, which will compromise the safety of residents. The units will create a 'ghetto' area with such a high number of people clustered together, and most of the units are expected to be rentals and some units have been designated for low income families. This form of housing could bring a "slummy" or "housing commission" feel to the area.*

**Town Planning comment:**

- Like all areas of Sydney, the proposed development is likely to bring a mix of renters and owner occupiers. It is anticipated that a significant proportion of the units will be owner occupied who will have a vested interest in the area and the management of the development.
- Regardless of whether the occupiers are renters or owners, or if they are from a high or low economic standing, the employed Building Manager will ensure that security, cleanliness, general repairs, and waste collection is managed appropriately, and that the amenity of the area is maintained. Appropriate measures will also be put in place to ensure the long-term upkeep of the

development and that all security systems and lighting are regularly inspected and maintained at optimum levels. The Building Manager will also serve as the point of contact for any complaints received.

- Further to this, the Blacktown Police Crime Prevention Officer has made appropriate recommendations to enhance security and safety around the site. These will form **conditions** of any consent granted.
- The applicant has also indicated that significant capital value will be invested in this development which, although not precluding first home buyers, will establish a market expectation comparable to townhouses in the area.

(j) *Even Housing NSW is moving away from concentrated living. Their future redevelopment of the nearby public housing site is likely to be on a decentralised model, mixing public in amongst private housing in single and 2 storey dwellings in keeping with the character of the local area.*

**Town Planning comment:**

- The land is zoned for residential flat development and has been designed to comply with the provisions of Council's DCP and with the RFDC. The population projections for Sydney require an increase in density in existing established areas if we are to accommodate the expected growth, capitalise on existing infrastructure, minimise urban sprawl, and develop a sustainable solution for our community. This development will assist in absorbing some of the population growth without significant impact on infrastructure or community resources.

(k) *The representative from the Public Housing Department, at a recent meeting, stated that Public Housing may buy up to 20 of the proposed units. This will only add to the anti-social problems.*

**Town Planning comment:**

- The applicant has advised that the design was not predicated on public housing purchase or design guidelines. The development proposed is of a very high quality and incorporates best practice in apartment design and amenity. Significant capital value will be invested in this development which, although not precluding public housing, will establish a market expectation comparable to townhouses in the area. Notwithstanding this, there is no evidence to suggest that the future owners/tenants of the development will add to any anti-social problems in the area.
- The employment of an on-site Building Manager, together with appropriate security measures as recommended by the Blacktown Police Crime Prevention Officer, will also ensure that a safe living environment is created.

#### 11.26 Property Values

(a) *High rise buildings in the middle of mainly 1 storey dwellings would be a negative rather than a positive selling point. The apartments will lower property values in the area. The value of my newly purchased home will reduce as the sale price of the units will lower the median house price of the suburb and result in a perception that properties in Prospect are worth less. This will result in significant financial loss. We were assured the property would grow in value over time due to inflation, however, this won't be the case if the development goes ahead. Owners will find it difficult to sell their properties if this development goes ahead. A number of real estate agents have confirmed that our*



*home could decrease in value by as much as 15% and possibly decrease further as the buildings age and deteriorate. If the development goes ahead, I and my neighbours would expect to be financially compensated.*

**Town Planning comment:**

- The surrounding land values would already be influenced by the existence of an undeveloped and derelict site adjoining their properties. The land has been zoned for apartment living for many years and there exists an active approval to construct 107 apartments on the site. Prospective purchasers would already be aware of this situation learned in “due diligence” carried out prior to purchase of properties in the area.
  - Given that the site was previously zoned for Industrial purposes and has now been zoned 2(c) Residential for a number of years, it would be a reasonable expectation that the site would always be developed for a more intense use than single detached dwellings. It is therefore reasonable to expect that the surrounding property values would have been reflective of this. As such, there is no evidence that the proposed development will lower property values in the area, when the site has always been capable of a more intense form of development. Any form of compensation would therefore not be warranted.
  - The applicant has obtained advice from real estate agents in the area who cite that the removal of a vacant and derelict site currently harbouring anti-social activity will have a positive impact on land values in the area, particularly with a development of such high quality.
- (b) *The units are likely to be leased and tenants generally take less pride and care in their homes. This will result in the area appearing neglected and unattractive which will decrease the value of surrounding homes.*

**Town Planning comment:**

- Like all areas of Sydney, the proposed development is likely to bring a mix of renters and owner occupiers. It should be noted, however, that investors are equally keen to protect their assets and monitor leased apartments regularly.
- Regardless of whether the occupiers are renters or owners, the employed Building Manager will ensure that security, cleanliness, general repairs, and waste collection is managed appropriately, and that the amenity of the area is maintained. Appropriate measures will also be put in place to ensure the long term upkeep of the development and that all security systems and lighting are regularly inspected and maintained at optimum levels.

**11.27 Further Amendments**

- (a) *The developer may submit amendments to alter the design without consultation with the wider community.*

**Town Planning comment:**

- A Section 96 Application must be lodged with Council for any amendment proposed after the determination is made. While some minor changes may not warrant renotification, any Section 96 Application received will be considered on its merits and will be publicly notified if it is deemed that there will be an impact on property owners and occupiers.

## 12. General Comments

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- 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 and is unlikely to have any significant environmental, social or economic impacts on the locality or surrounding neighbourhood.
- 12.2 The subject site benefits from a previous Development Consent for the construction of 8 apartment buildings comprising 107 units. The current approval (DA-97-7076) was granted by Council on 27 April 1998 and later amended via a Section 96 amendment in April 1999. The Applicant has obtained a Construction Certificate and undertaken initial site works, thereby preserving the current consent. The approved development, however, has not proceeded beyond the initial site works and if the current Development Application is approved it will supersede this previous consent. The Applicant will be required to surrender the old Development Consent prior to any Construction Certificate being issued for the current Development Application. This will be **conditioned** in any consent granted. The Applicant seeks approval for the construction of modern and contemporary apartments and has indicated that if the Development Application is approved it is their intention to no longer proceed with the outdated Development Consent.
- 12.3 The proposed development is consistent with the objectives of the 2(c) Residential zone [in particular objective (b)] and therefore is a permissible use with Development Consent. The proposal also has a high level of compliance with the requirements of Blacktown DCP 2006 Parts A and C. Apart from the minor variation to the building setback to the rear site boundary and minor height variation to 2 apartments from the 16m height rule (but not necessarily applicable to sites over 5,000sq.m as no height is specified for 5 storey units), the proposed development fully complies with the provisions of Blacktown Council's DCP. In this regard the proposal complies fully with the common open space and parking requirements of the DCP and is considered satisfactory with regard to relevant matters such as siting and design, built form, bulk and scale, privacy, access, traffic impact, parking and stormwater drainage. Overall the proposal presents a quality development on a site that has been vacant for many years and will provide a link to the adjacent retail precinct.
- 12.4 A Traffic Assessment has been submitted with the Application confirming that the proposed development will not have any unacceptable traffic implications in terms of road network capacity. The proposed development has also been found to be acceptable in terms of traffic generation. Under Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007 the proposed development, however, is nominated as traffic generating and therefore was referred to the SRDAC for comment. The RTA/SRDAC have raised no objections to the proposal subject to conditions being imposed on any consent. The Applicant has submitted, as requested by Council's Traffic Engineers, amended plans which alter the exit-only driveway to the common roundabout within the shopping centre to provide entry and exit capabilities, the entry gates have been moved to allow for stacked parking off the roundabout and the exit to Myrtle Street has been angled to the west to deter right-turn movements on to Myrtle Street. These amended plans will be approved as part of any consent granted.
- 12.5 The proposal is consistent with the objectives of State Environmental Planning Policy 65 and satisfies the 10 "design quality principles" listed under Part 2 of the SEPP. Council Officers have also assessed the application against the design guidelines provided within the RFDC. Whilst not strictly meeting 1 of the recommendations of the RFDC, that is exceeding the maximum 10% of units which can be south facing by 1% (or 4 units), these 4 units will be provided with skylights to allow for additional solar access. Therefore the intent of this recommendation has been met. Council Officers also believe that the proposal, in its current layout, has design merit and should be supported despite this minor non-compliance. To



insist on full compliance with the RFDC guidelines in this instance would alter the appearance, shape and layout of the proposed buildings. Furthermore, it is noted that the numerical standards in the RFDC are guidelines only and therefore minor variations should not warrant refusal of the Application.

- 12.6 As a result of the exhibition process, a total of 339 submissions and a petition of 305 signatures were received objecting to the proposal. The objectors' main concerns included height, bulk and scale, density, overshadowing, lack of common open space, loss of privacy, impact on the amenity of existing residents, noise, lack of parking, traffic impact, stormwater drainage impacts, social impact and devaluation of properties. Where appropriate conditions of Consent have been recommended to address resident concerns, however, overall, the grounds for objection are not considered sufficient to warrant refusal of the Application.
- 12.7 As such it is recommended that the proposed 7 multi-level residential flat buildings over basement car parking be approved subject to the conditions at **Attachment 1** to this report.
- 12.8 **Political Donations Disclosure**

In accordance with the provisions of Section 147 of the Environmental Planning and Assessment Act 1979, a Disclosure Statement must be lodged in certain circumstances in relation to any planning application, i.e a Development Application, an application to modify a consent, and an application to make an environmental planning instrument or development control plan. A Disclosure Statement of a *reportable political donation or gift* must accompany a planning application or submission (including a submission either objecting to or supporting the proposed development) if the donation or gift is made within 2 years before the application or submission is made. If the donation or gift is made after the lodgement of the application, a Disclosure Statement must be sent to Council within 7 days after the donation or gift is made. The provision also applies to an associate of a submitter. In accordance with Section 147(3) of the Act a Disclosure Statement has been submitted to Council in respect of the subject Development Application indicating that no political donations have been made by either the landowner or the applicant.

### 13. Recommendation

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- 13.1 The Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at Attachment 1.
- 13.2 The applicant and objectors be advised of the Sydney West Joint Regional Planning Panel's decision.

  
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TOWN PLANNER

  
JUDITH PORTELLI  
MANAGER DEVELOPMENT SERVICES AND ADMINISTRATION



GLENNYS JAMES

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