

Report to Sydney West Joint Regional Planning Panel

JRPP No:	2012SYW032
DA Number:	JRPP-12-223
Local Government Area:	Blacktown
Proposed Development:	The Ponds, Stage 4, Precinct 1 - Torrens title Subdivision creating 363 residential lots, 9 residue lots, 1 lot for school purposes, 3 lots for future open space purposes, 2 lots for future drainage purposes and new public roads with associated subdivision works
Street Address:	Lot 101, DP 1161271, Schofields Road, Schofields
Applicant:	Craig and Rhodes Pty Ltd on behalf of Landcom
Lodgement Date:	10 February 2012
Land Zoning:	R2 Low Density Residential, SP2 Local Drainage, SP2 Classified Road, SP2 Educational Establishment and RE1 Public Recreation pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006
Value of Development:	\$20,790,000
Number of Submissions:	Nil
Recommendation:	Approval
Report by:	Eltin Miletic, Town Planner
Instructing Officers:	Judith Portelli, Manager Development Services and Administration and Glennys James, Director City Strategy and Development
Date Submitted to JRPP:	26 June 2012
Date Considered by JRPP:	12 July 2012

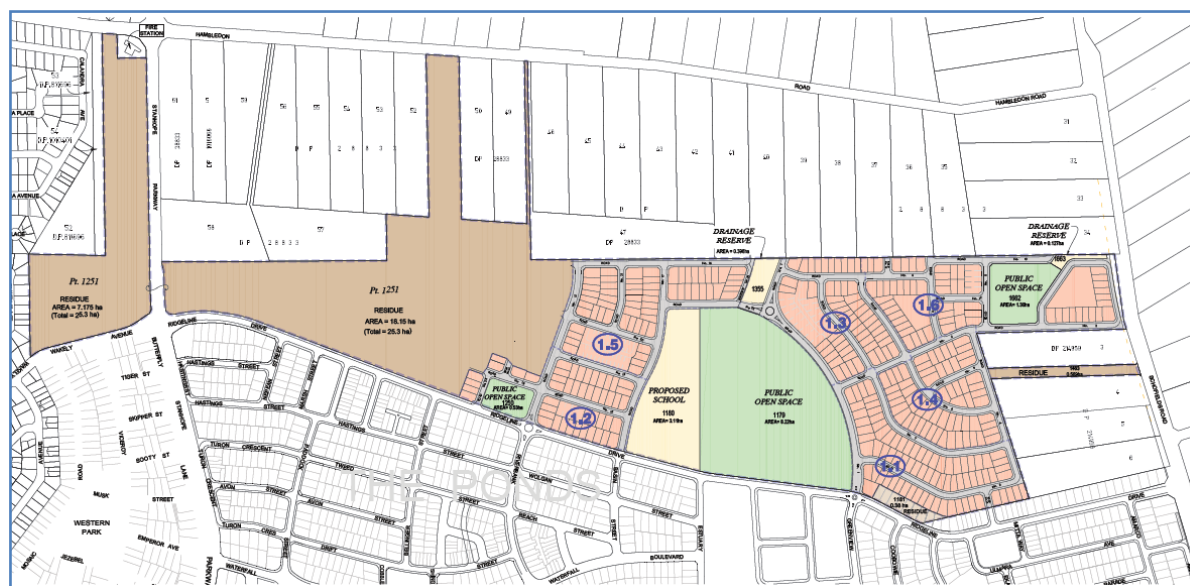


Figure 1. Overall Subdivision (Source: Craig & Rhodes, Dwg. No. 1756_P1_DA01[06])

Assessment Report

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Attachment 1 – Proposed Conditions of Consent

Attachment 2 – Development Application Plans

1 Executive Summary

- 1.1 Council is in receipt of a Development Application (DA) from Craig and Rhodes on behalf of Landcom for subdivision into 363 residential lots, 9 residue lots, 1 lot for school purposes, 3 lots for future open space purposes (1 of which contains a significant stand of vegetation), 2 lots for future drainage purposes and new roads; construction of new public roads, stormwater drainage infrastructure, street tree planting and associated subdivision works; and associated variations to the adopted DCP road pattern at Lot 101, DP 1161271, Schofields Road, Schofields. The proposed development is known as Stage 4 of The Ponds and represents the western expansion of The Ponds residential estate being developed by Landcom.
- 1.2 The proposed variations to the adopted DCP road pattern involve:
- upgrading the identified local road around the frontage of the future open space and school site to a collector road and provision of a link connecting the northern part of the proposed collector road to the southern part fronting the future school site;
 - creation of a proposed public road along the southern frontage of adjoining properties to the north in order to avoid the creation of residual parcels of land requiring re-subdivision with adjoining land; and
 - internal adjustments to the DCP road layout in order to provide a more efficient lot yield, which alters the identified future east-west access route to Hambledon Road.
- 1.3 The site of the proposed development is located in the "Alex Avenue Precinct" rezoned by the NSW Department of Planning and Infrastructure for predominantly residential purposes on 17 May 2010.

- 1.4 The proposed development constitutes "Regional Development" requiring referral to a Joint Regional Planning Panel (JRPP) as it has a Capital Investment Value of more than \$20M. As such, while Council is responsible for the assessment of the DA, determination of the Application will now be made by the Sydney West Joint Regional Planning Panel and not by Council under Delegated Authority.
- 1.5 The subject site is zoned R2 – Low Density Residential, SP2 – Local Drainage, SP2 – Classified Road, SP2 – Educational Establishment and RE1 – Public Recreation pursuant to SEPP (Sydney Region Growth Centres) 2006 (herein referred to as the Growth Centres SEPP). The proposed development is permissible within these zones with the formal consent of the JRPP.
- 1.6 The DA was referred to the NSW Rural Fire Service (RFS) and the NSW Office of Water (NOW) for General Terms of Approval and the Sydney Regional Development Advisory Committee (SRDAC) for comment, none of which raised any objection to the proposal subject to conditions of consent.
- 1.7 The Application was notified to adjoining and neighbouring owners and occupiers and advertised in the local newspapers for a period of 30 days from 21 March to 20 April 2012, during which time no submissions were received by Council.
- 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, including suitability of the site and the public interest, and is considered satisfactory. The proposed development is considered satisfactory with regard to key issues such as Urban Design, Access, Traffic Impact, Stormwater Drainage, ESD, Site Contamination, Salinity, Flora and Fauna, Aboriginal Archaeology, Social and Economic Impacts and the like, subject to the imposition of suitable conditions of consent to satisfactorily control the development.
- 1.9 In light of the above, it is recommended that the Sydney West Joint Regional Planning Panel approve the DA subject to the imposition of suitable conditions of consent. Recommended **conditions** are provided at **Attachment 1** to this Report.

2 Location

- 2.1 The subject site is located in the eastern part of the "Alex Avenue Precinct" of the North West Growth Centre, immediately adjacent to The Ponds residential estate to the east and approximately 2.5km from the town centres of Schofields and Rouse Hill.

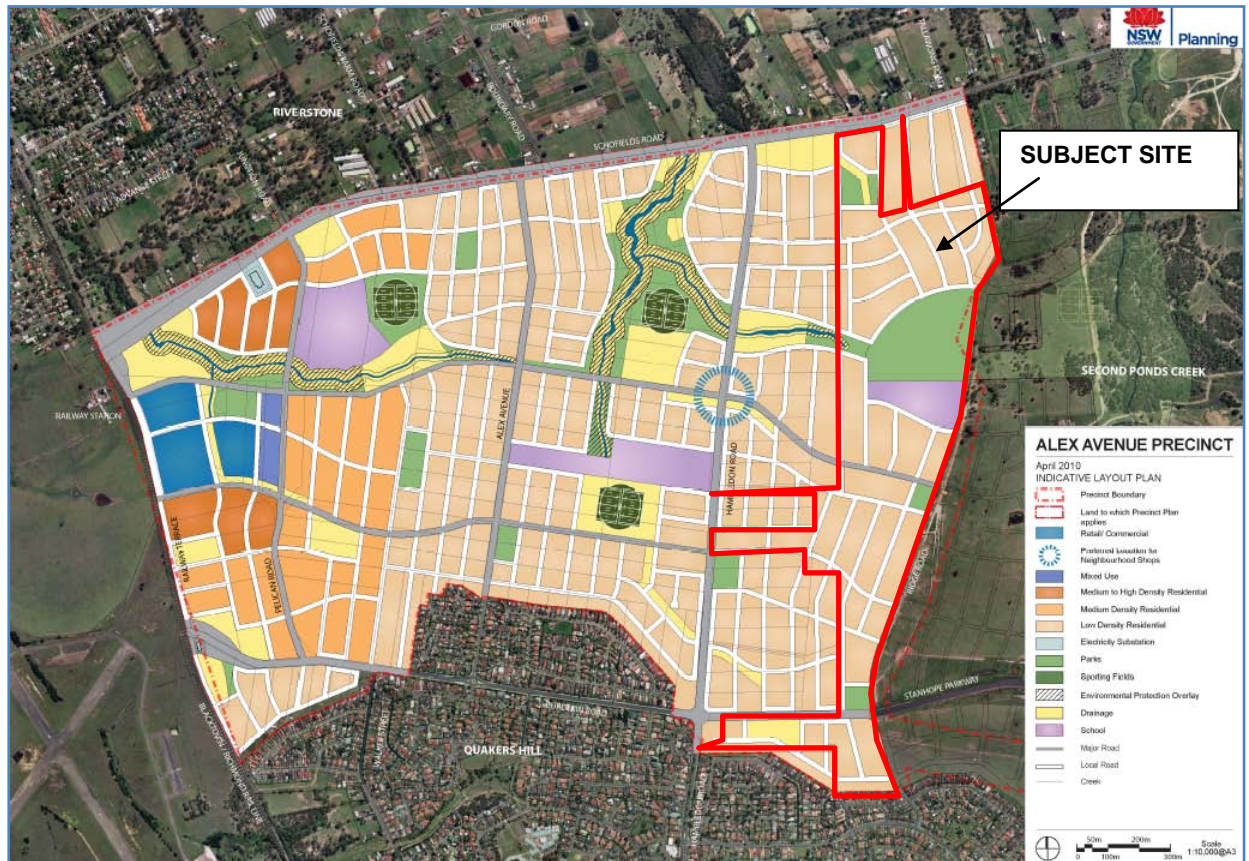


Figure 2. Alex Avenue Indicative Layout Plan (Source: BCC Growth Centres DCP 2010)

- 2.2 The subject site enjoys vehicular access to the surrounding regional road network of the M2, M4 and M7 Motorways via Schofields Road, Windsor Road, Old Windsor Road and Sunnyholt Road.



Figure 3. Location Plan (Source: Craig & Rhodes, 2012)

3 Site Description and Locality

- 3.1 The subject land, being the northern part of Lot 101 in DP 1161271, has a total area of 61.63 hectares and is bounded by existing rural properties and Schofields Road and Hambledon Road to the north and west, respectively, Ridgeline Drive to the east, and Stanhope Parkway to the south.
- 3.2 The site of the proposed development is known as Stage 4, Precinct 1 of The Ponds and represents the western expansion of The Ponds residential estate being developed by Landcom.
- 3.3 The area surrounding the site is predominantly characterised by the existing rural land uses to the north and west, and recently established and partially constructed residential land to the east.
- 3.4 The subject site is zoned R2 – Low Density Residential, SP2 – Local Drainage, SP2 – Classified Road, SP2 – Educational Establishment and RE1 – Public Recreation pursuant to the SEPP (Sydney Region Growth Centres) 2006, Alex Avenue and Riverstone Precinct Plan as shown in Figure 4 below.

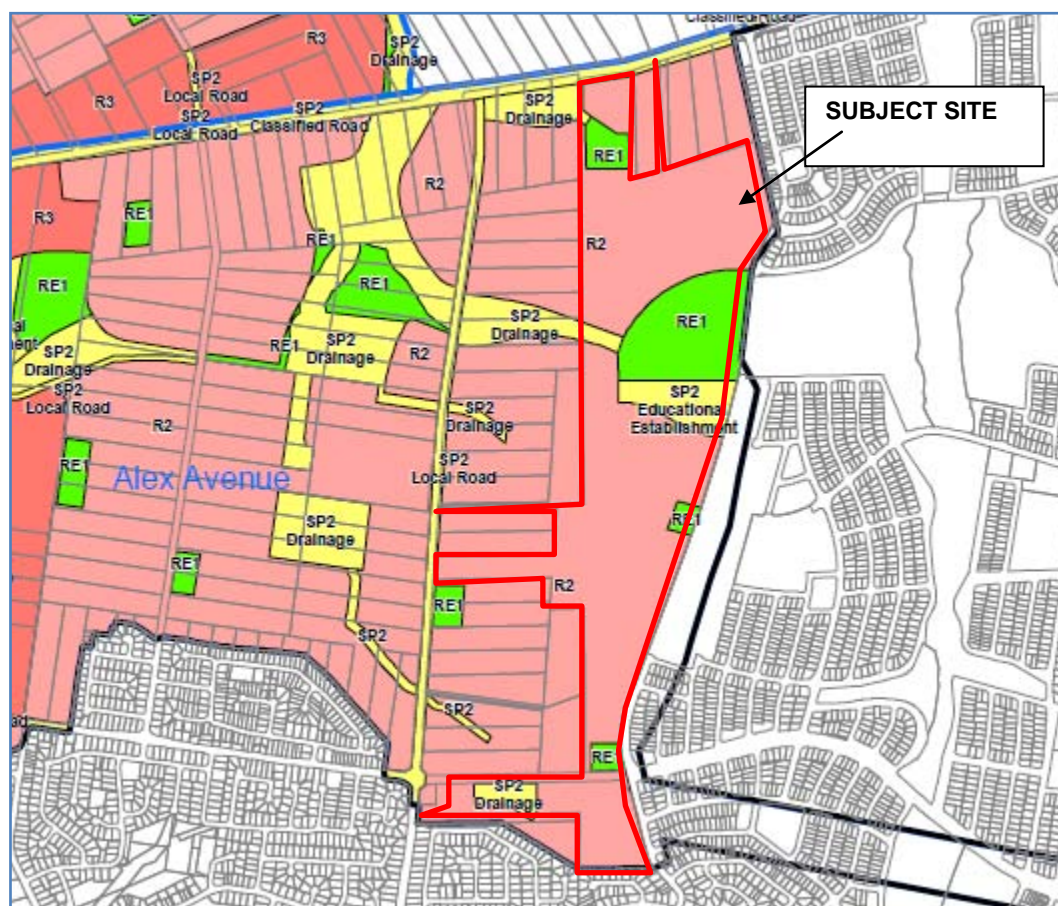


Figure 4. Zoning Plan (Source: Department of Planning and Infrastructure, 2012)



Figure 5. Aerial Photo of Site and Surrounds (Source: SJB Planning, February 2012)

- 3.5 The proposed development site is generally vacant, with a significant central stand of trees to be retained, a number of farm dams, horse stables, grass covered land and scattered trees to be removed as a part of a separate DA (DA-11-2616) for Bulk Earthworks and associated tree removal recently approved by Council on 2 March 2012 to facilitate this subdivision proposal. In accordance with the Growth Centres SEPP, 8.22 hectares of "existing native vegetation" containing the bulk of the central stand of trees will be set aside as a Conservation Area within proposed public open space Lot 1179 in the plan.
- 3.6 The topography of the development site generally slopes to the west and north-west with a fall of approximately 10-15 metres.

4 History and Current Use of the Site

- 4.1 The subject site has been used for rural grazing and dairy purposes for a number of years, previously forming part of a larger land holding owned by Landcom incorporating The Ponds residential estate to the east, which is now nearing completion.
- 4.2 On 17 May 2010 the "Alex Avenue and Riverstone Precincts" Growth Centres SEPP Amendment was gazetted which allowed the rezoning and reconfiguring of land uses within the Alex Avenue and Riverstone Precincts for residential purposes. Therefore, the subject site may now be developed for residential purposes and the proposed development is permissible with consent.
- 4.3 The "Riverstone and Alex Avenue Precincts" Section 94 Contributions Plan No. 20 (CP 20), which sets out Council's requirements for the provision of local infrastructure and services for the new release area pursuant to Section 94 of the Environmental Planning and Assessment Act 1979, did not come into force until 1 December 2011. At the time of adoption the Minister for Planning's Section 94E Directive dated 16 September 2010 capped the levying of Section 94 contributions under CP 20 to \$20,000 per lot or dwelling, although it was evident that CP 20 pertains to a "Greenfield" area where a \$30,000 cap would apply.
- 4.4 On 15 March 2011 the then Department of Planning announced a revised Section 94E Ministerial Directive dated 4 March 2011, enabling Council or the JRPP to levy Section 94 contributions of \$30,000 per lot or dwelling under CP 20. As a result, Council may not be in a position to provide all of the facilities listed in the applicable Contributions Plan due to the \$33,929 per lot shortfall of contributions to be received under the \$30,000 per dwelling/lot limit.
- 4.5 In order to ensure current and future property owners are fully aware of this situation, Council's Section 149 Certificates will include advice to this effect and any Section 94 condition of consent will also include for information purposes the contributions that would have been payable had the Ministerial Directive not been issued.
- 4.6 On 2 March 2012 Council approved Bulk Earthworks and associated tree removal on the subject site under DA-11-2616, to allow the preliminary site works to facilitate the future residential development currently proposed under this DA and subsequent housing developments. In accordance with the NSW Growth Centres Native Vegetation Protection Map, all vegetation identified as "existing native vegetation" will be protected within proposed Lot 1179 which will have an area of 8.23ha and eventually be dedicated to Council as a passive public open space conservation lot.
- 4.7 It should also be noted that the applicant has lodged a separate Development Application (DA-12-288) for the residential subdivision of the remaining land into 300 residential lots, being Precincts 2 and 3 of Stage 4 of The Ponds. This DA that is not "Regional Development" as defined by legislation and Council is in the process of finalising this DA as the consent authority under Delegated Authority.

5 The Proposal

- 5.1 Council is in receipt of a DA from Craig and Rhodes on behalf of Landcom for staged subdivision into 363 residential lots, 9 residue lots, 1 lot for school purposes, 3 lots for future open space purposes, 2 lots for future drainage purposes and new roads; construction of new public roads, temporary stormwater drainage infrastructure, street tree planting and associated subdivision works; and associated variations to the adopted DCP road pattern at Lot 101, DP 1161271, Schofields Road, Schofields. The proposed development is known as Stage 4 of The Ponds and represents the western expansion of The Ponds residential estate being developed by Landcom. No tree removal is proposed as a part of this DA.
- 5.2 The proposed residential lots range in size from 350 sq.m to 720 sq.m, with frontages of 12.6m to 16m in width and have generally been orientated to achieve suitable solar access, while 6 proposed residue "super" lots have been designed to accommodate suitable future residential development with an estimated future yield of 71 dwellings via separate DA approval. The 3 other residue lots, being proposed Lots 1463, 1181 and 1251, will not be developed until they are re-subdivided with adjoining land. The proposed open space and drainage lots generally correspond with the areas identified in the "Riverstone and Alex Avenue Precincts" Section 94 Contributions Plan No. 20 (CP 20). A breakdown of the proposed residential lots is presented in the table below:

Stage	Lot Type				Total
	350-400 sq.m	400-450 sq.m	450-500 sq.m	500 sq.m+	
Precinct 1.1	12	43	5	18	78
Precinct 1.2	11	23	4	10	48
Precinct 1.3	32	11	3	7	53
Precinct 1.4	8	24	10	20	62
Precinct 1.5	19	22	8	15	64
Precinct 1.6	23	16	2	17	58

- 5.3 The proposed roads are comprised of a series of local roads generally 16m wide with 9m wide carriageways and 2 collector roads generally 18m-20m wide with 11m wide carriageways.
- 5.4 Temporary on-site stormwater detention and treatment measures are also proposed as a part of the DA to cater for the post development flows until the permanent regional infrastructure is provided under the Blacktown City Council Riverstone and Alex Avenue Precincts Contributions Plan No. 20.
- 5.5 The proposed variations to the adopted DCP road pattern involve: upgrading the identified local road around the frontage of the future open space and school site to a collector road and provision of a link connecting the northern part of the proposed collector road to the southern part fronting the future school site; creation of a proposed public road along the southern frontage of adjoining properties to the north in order to avoid the creation of residue parcels of land requiring re-subdivision with adjoining land; and internal adjustments to the DCP road layout in order to provide a more efficient lot yield, which alters the part of the identified east-west access route within the subject site to Hambledon Road.
- 5.6 A copy of the Development Application plans are held at **Attachment 2**.

6 Planning Controls

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

a. State Environmental Planning Policy (State and Regional Development) 2011

SEPP (State and Regional Development) 2011 confers "Regional Development" as listed in Schedule 4A of the Environmental Planning and Assessment Act 1979 to the Joint Regional Planning Panel (JRPP) for determination. The proposed development constitutes "Regional Development" as it has a Capital Investment Value of more than \$20M. As such, while Council is responsible for the assessment of the DA, determination of the Application will now be made by the Sydney West Joint Regional Planning Panel and not by Council under Delegated Authority.

b. State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The Growth Centres SEPP aims to co-ordinate the release of land for residential and employment purposes in the North West and South West Growth Centres of the Sydney Region and provide development controls as precincts are released for development. Pursuant to Appendix 4 – Alex Avenue and Riverstone Precinct Plan 2010 (herein referred to as the Precinct Plan) of the Growth Centres SEPP, the subject site is zoned R2 – Low Density Residential, SP2 – Local Drainage, SP2 – Classified Road, SP2 – Educational Establishment and RE1 – Public Recreation. One of the objectives of the R2 Zone is to provide for the housing needs of the community in a "low density environment" (subject to a minimum density requirement of 15 dwellings per hectare pursuant to Clause 4.1B of the Precinct Plan). The proposed development for subdivision, roads and drainage is not inconsistent with the objectives of the zones and is permitted in these zones with development consent pursuant to Clause 2.6 of the Precinct Plan. The proposed development complies with the relevant principal development standards, miscellaneous provisions and additional local provisions under Parts 4, 5 and 6 respectively of the Precinct Plan. This is further addressed in Section 10 of this Report.

c. State Environmental Planning Policy (Infrastructure) 2007

SEPP (Infrastructure) 2007 aims to ensure that the Roads and Maritime Services (RMS) is made aware of and allowed to comment on types of development nominated as "traffic generating development" listed in Schedule 3 of the SEPP. Schedule 3 identifies any development involving more than 200 lots and new public road. The proposed development therefore triggers the Infrastructure SEPP. The DA was referred to the RMS for comment in accordance with the Infrastructure SEPP. The RMS's comments are outlined in Section 7 of this Report. In addition, a copy of any determination will be forwarded to the RMS in accordance with Clause 104(4) of the SEPP.

d. State Environmental Planning Policy No. 55 (Remediation of Land)

SEPP 55 specifies certain considerations for development on land with respect to the potential for contamination, particularly for sensitive land uses such as development for residential, educational or recreational purposes. The subject site has been used in the past for dairy farming and more recently rural horse grazing activities for a number of years. As the proposed development is for residential purposes, a Preliminary Investigation of the land, including site sampling and analysis, was carried out in accordance with the Contaminated Land Planning Guidelines, which concludes that

the subject site is suitable for the proposed development. However, validation sampling underneath any buildings and in dams to be removed will be required during construction to ensure that these areas are also suitable for the proposed residential development. Therefore, it is considered that the requirements of Clause 7 – "Contamination and remediation to be considered in the determination of development applications" have been satisfactorily addressed.

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 Maritime Services (RMS)	The DA was referred to the RMS on 9 March 2012 pursuant to Clause 104 of SEPP (Infrastructure) 2007. The traffic impact of the proposed development was considered by the Sydney Regional Development Advisory Committee (RTA) on 27 April 2012 and no objections were raised subject to conditions (see Condition Nos. 3.3.2 and 8.9.1) , which will be imposed on any consent granted, outlined in their letters dated 1 May 2012 and 10 May 2012.
NSW Office of Water (NOW)	The DA was referred to the NOW on 9 March 2012 as "Integrated Development" pursuant to Section 91 of the EP&A Act 1979, requiring approval under the Water Management Act 2000. On 5 April 2012 the NOW issued their General Terms of Approval, which will be imposed as conditions on any consent granted (see Condition No. 3.3.1).
Rural Fire Service (RFS)	The DA was referred to the RFS on 9 March 2012 as "Integrated Development" pursuant to Section 91 of the EP&A Act 1979, requiring approval under the Rural Fires Act 1997. On 18 April 2012 the RFS issued their General Terms of Approval, which will be imposed as conditions on any consent granted (see Condition Nos. 2.6.1, 8.7.6 and 8.7.7).

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	No objections subject to the imposition of appropriate conditions of consent (see Condition Section Nos. 2.4, 4, 7 and 8.20 , Enclosure 56A on Council File JRPP-12-223).
Building	No objections subject to the imposition of appropriate conditions of consent (See Condition No. 8.18.1 , Enclosure 37A on Council File JRPP-12-223).
Traffic	Council's Traffic Management Section (TMS) initially raised concerns in relation to the proposed variations to the adopted DCP road pattern and traffic circulation surrounding the future open space and school site. Following a meeting held with the applicant on 29 February 2012, amended plans were submitted on 29 February and 7 June 2012 and traffic statements were submitted on 12 April 2012 and 4 June 2012. No objections were subsequently raised to the proposal (Enclosure 52A on Council File JRPP-12-223).
Drainage	Council's Drainage Section initially raised concerns with the proposed development regarding stormwater quantity and quality treatment measures and requested additional information from the applicant on 18 April 2012. Amended plans and

	stormwater quality modelling were submitted to Council on 29 May 2012. Subsequently, no objections were raised subject to the imposition of appropriate conditions of consent (See Condition Nos. 4.12.1 and 4.12.2 , Enclosure 56B on Council File JRPP-12-223).
Open Space	No objections to the proposed development subject to appropriate conditions of consent (See Condition Nos. 3.5 and 8.19 , Enclosure 53A on Council File JRPP-12-223).
Section 94	No objections subject to the imposition of appropriate conditions of consent (See Condition Nos. 8.1.1 and 8.2.1 , Enclosure 51A on Council File JRPP-12-223).

9 Public Comment

- 9.1 The subject Development Application was notified to adjoining and neighbouring owners and occupiers and advertised in the local newspapers for a period of 30 days from 21 March to 20 April 2012, during which time no submissions were received by Council.

10 Assessment

- 10.1 An assessment of the key issues relating to the proposed development is presented below:

10.2 Stormwater Management

The Growth Centres DCP and Riverstone and Alex Avenue Precincts Section 94 Contributions Plan (CP 20) identify a number of drainage areas and riparian corridors within the overall Alex Avenue Precinct. The subject site drains to the north-west towards the First Ponds Creek Catchment. The proposed development will be adequately catered for by the regional stormwater infrastructure to be provided under CP 20. However, whilst no permanent basins are located on the subject site to serve the proposed development, temporary detention basins are required in the interim until the regional infrastructure is constructed.

The Blacktown City Council Engineering Guide for Development 2005 and Development Control Plan 2006: Part R – "WSUD and Integrated Water Cycle Management" outline the stormwater quality and quantity requirements for the proposed development. Council's Drainage Section reviewed the stormwater plans and documentation prepared by Storm Consulting and initially raised concerns with regard to the details of the proposed stormwater quality control measures and proposed temporary on-site detention system. Following receipt of revised engineering plans and modelling submitted by the Applicant on 29 May 2012, Council's Drainage and Engineering Sections subsequently raised no objection to the proposal subject to the imposition of appropriate **conditions** of consent.

These conditions include:

- Council's formal sign-off and endorsement of bio-swale landscape details, detailed stormwater plans and calculations demonstrating compliance with the relevant Council Stormwater Quality and Quantity requirements prior to the issue of any Construction Certificate (**see Condition Nos. 2.4.2.1, 4.12.1 and 4.12.2**);
- the installation and maintenance of suitable erosion and sediment control measures throughout the duration of works (**see Condition Nos. 5.1.3, 7.3.1 and 7.3.2**);
- the submission of relevant certificates from suitably qualified engineers certifying the proper construction of the stormwater infrastructure (**see Condition Nos. 8.20.1.2 and 8.20.1.4**); and

- the imposition of Section 88B restrictions and covenants on title requiring the appropriate maintenance of the stormwater infrastructure (**see Condition Nos. 8.7.2 and 8.7.3**).

10.3 Environmental Management

10.3.1 The main objective for environmental management is to include measures that will ultimately reduce the impact of the proposed development on the environment. As such, the following headings discuss the proposed development in terms of Ecologically Sustainable Development.

10.3.2 Flora and Fauna

No trees are proposed to be removed as a part of this DA as flora and fauna has previously been considered under DA-11-2616, which approved the bulk earthworks and associated tree removal to facilitate future residential development. The subject site contains a number of mature trees and is identified as being affected by Shale Plains Woodland coverage on Council's vegetation mapping and native vegetation areas as shown on the North West Growth Centre Native Vegetation Protection Map, which generally correspond with the central stand of trees to be retained on the subject site within the proposed future public open space Lot 1179. However, pursuant to the Biodiversity Certificate Order issued by the then Minister for Climate Change, Environment and Water dated 11 December 2007, the proposed development, being within "certified lands", can occur without the need for any further assessment of flora and fauna under the Threatened Species Conservation Act 1995 or the Environmental Planning and Assessment Act 1979.

Therefore, suitable **conditions** have been imposed requiring the retention and protection of any trees not previously approved for removal by DA-11-2616 (**see Condition Nos. 5.3.1, 7.2.1 and 7.2.2**).

10.3.3 Site Contamination

As a part of this DA, a Phase 1 Preliminary Site Contamination Assessment (Ref. S09/303-F) prepared by Network Geotechnics Pty Ltd dated 21 December 2011 has been submitted given that the land has been previously used for rural purposes.

Based on a desktop assessment of the existing and previous land uses on the site, site inspection and preliminary testing and sampling regime, the report concludes that the site is suitable for residential purposes.

However, it is noted that the subject site contains a number of farm dams and farm structures to be removed as a part of the proposed development. Therefore, it is considered necessary to include **conditions** in the consent requiring testing and sampling of these features prior to any reuse and of the areas underneath these features to ensure that the land remains suitable for the proposed development. Should the testing reveal any contaminated material, all works are to cease and a Remediation Action Plan is to be submitted to Council for approval, with final validation submitted to Council prior to the issue of the Subdivision Certificate (**see Condition Nos. 6.6.1 and 8.16.1**).

Conditions of consent will also be included requiring a suitably qualified environmental consultant to monitor the engineering works and advising the applicant that should any contaminated material be unearthed during the course of the earthworks, all work is to cease immediately and appropriate testing and preparation

of a Remediation Action Plan is to be prepared and endorsed by Council prior to works continuing (**see Condition No. 6.6.2**).

10.3.4 Salinity

The subject site is identified as containing higher salinity risk soils in Figure 2.4, Schedule 1 of the Growth Centres DCP. As a part of the DA, the applicant has submitted a Salinity Investigation and Management Plan (Ref. S09/303-G) prepared by Network Geotechnics Pty Ltd dated 21 December 2011 to identify the salinity characteristics of the site.

The report concludes that the subject site generally contains non saline to slightly saline and non-aggressive soils down to a depth of 1m and moderately saline and aggressive soils below 1m in depth. Therefore, salinity management strategies to ensure saline soils remain below 1m in depth have been provided to mitigate the impact of, and on, salinity and soil aggressivity from the proposed development (including cut and fill, drainage, services, road works and future building construction requirements).

Accordingly, **conditions** will be imposed requiring all works to be undertaken in accordance with the recommended salinity management strategies and post-earthworks salinity investigation from a suitably qualified consultant, verifying that the salinity management requirements have been implemented, to be submitted prior to the issue of the subdivision certificate (**see Condition Nos. 2.4.2.1, 6.5.1, 6.5.2 and 8.17.1**). In addition, in order to ensure that future property owners are aware of the salinity characteristics of the site and avoid the need for any further site-specific investigations, a **condition** will be included requiring the recommended building construction measures to mitigate the impacts of any moderately saline or aggressive soils to form the basis of Section 88B restrictions (**see Condition No. 8.7.7**).

10.3.5 Bushfire

The subject site is identified on Council's Bushfire Prone Land Map as being affected by Category 1 Bushfire buffer coverage and, as such, a Bushfire Assessment Report prepared by Advanced Bushfire Performance Solutions Pty Ltd, dated 31 January 2012, was submitted as a part of the DA. The Bushfire Report has identified suitable bushfire protection measures to be implemented in order to satisfactorily address this matter. A Bushfire Safety Authority from the RFS was sought and issued on 18 April 2012. Accordingly, **conditions** (**see Condition Nos. 2.6.1, 8.7.5 and 8.7.6**) have been imposed requiring compliance with the Bushfire Safety Authority and the creation of suitable restrictions as to user and covenants on title in relation to the recommended building construction measures for affected lots to mitigate the impact of bushfire.

10.3.6 Aboriginal Archaeology

The subject site is identified as being within land affected by potential Aboriginal cultural heritage constraints in Figure 2.5, Schedule 1 of the Growth Centres DCP. As a part of the previously approved DA (DA-11-2616) for bulk earthworks and tree removal, the NSW Office of Environment and Heritage issued an Aboriginal Heritage Impact Permit (AHIP No. 1131602) dated 12 April 2012, which provides consent to salvage and harm identified Aboriginal objects affected by the proposed development. Appropriate **conditions** will be included within the consent requiring compliance with the abovementioned AHIP (**see Condition No. 6.4.1**).

Further, a standard **condition** will be imposed requiring all works to cease and NPWS to be contacted in the event any Aboriginal Archaeology is uncovered during construction. Therefore, it is considered that this matter has been satisfactorily addressed (**see Condition No. 6.4.2**).

10.3.7 Waterways and Watercourse

The proposed development has incorporated suitable WSUD (Water Sensitive Urban Design) and stormwater management measures such as "raingardens" and "wet basins" to minimise any adverse impacts on the water cycle to the greatest extent possible. Further, the NSW Office of Water issued their General Terms of Approval on 5 April 2012, requiring the issuance of a Controlled Activity Approval pursuant to the Water Management Act 2000 prior to the issue of any Construction Certificate. Standard engineering **conditions** of consent will also be imposed as a part of this consent requiring the provision of suitable sediment and erosion control measures to be implemented throughout the duration of subdivision works in accordance with Council's Policy (**see Condition Nos. 5.1.3, 7.3.1 and 7.3.2**).

10.3.8 Waste

The proposed development will utilise net cut to fill on-site and generate little waste during the construction phase and no fill is expected to be imported to the site. As such, it is considered that this matter has been satisfactorily addressed and a **condition** of consent will be included within the consent requiring compliance with the submitted Waste Management Plan (**see Condition No. 6.3.1**).

10.4 **Traffic and Access Arrangements**

10.4.1 Access Arrangements

All proposed lots will have access from a future public road via Ridgeline Drive to the east, generally in accordance with the adopted Precinct Road Hierarchy at Figure 2.8, Schedule 1 of the Growth Centres DCP.

Construction access will be via a separate site entry off Schofields Road and not via local residential streets. Future residential driveway locations on the proposed lots will be reviewed as a part of the detailed Construction Certificate plans to ensure appropriate clearances from stormwater pits, services, light poles and street trees and a **condition** will be imposed in this regard (**see Condition No. 3.6.1**).

All proposed local roads are 16m wide with carriageways of 9m width in accordance with the minimum DCP requirements for local roads, while proposed Road No. 15, being the extension of Riverbank Drive, is identified as a collector road in the DCP "Precinct Road Hierarchy", which requires a total width of 20m with a carriageway of 11m wide. However, it is noted that proposed Road No.1, being the westerly extension of the collector road "Greenview Parade", and Road Nos. 22 and 17 adjacent to the identified future public open space and school sites (Lots 1179 and 1180), will provide 11m wide carriageways, as opposed to the local road width identified in the Precinct Road Hierarchy, in order to tie in with Greenview Parade and accommodate expected traffic from the public open space and school uses. Within the road reserves of the proposed roads provision has been made for pedestrian footpaths on both sides of the road and a shared pedestrian/cycle path along the proposed Collector Roads.

10.4.2 Road Layout

As a part of the DA, it is also proposed to vary the adopted DCP road pattern as shown on Figure 6 by:

- as noted above, upgrading the identified local road around the frontage of the future open space and school site to a collector road and provision of a link road connecting the northern part of the proposed collector road to the southern part fronting the future school site;
- creation of proposed public road along the southern frontage of adjoining properties to the north in order to avoid the creation of residual parcels of land requiring re-subdivision with adjoining land; and
- internal adjustments to the DCP road layout in order to provide a more efficient lot yield, which alters the identified future east-west access route to Hambledon Road.

A traffic statement prepared by Craig Hazell of Traffic Solutions Pty Ltd, dated 4 June 2012, was submitted as a part of the DA in support of the proposed variations to the adopted DCP road pattern. The proposed variations will not adversely impact the surrounding road network or the orderly development of any adjoining land and will facilitate a more efficient subdivision of the precinct. In this regard the proposed road layout and variations to the DCP road pattern were notified to all affected owners and no objections were raised to the proposed development. In addition, Council's Traffic Section has reviewed the traffic statement and the proposed road layout and raised no objections to the proposed development. Therefore, it is considered that the proposed road layout and variations to the DCP road pattern are acceptable and worthy of support.

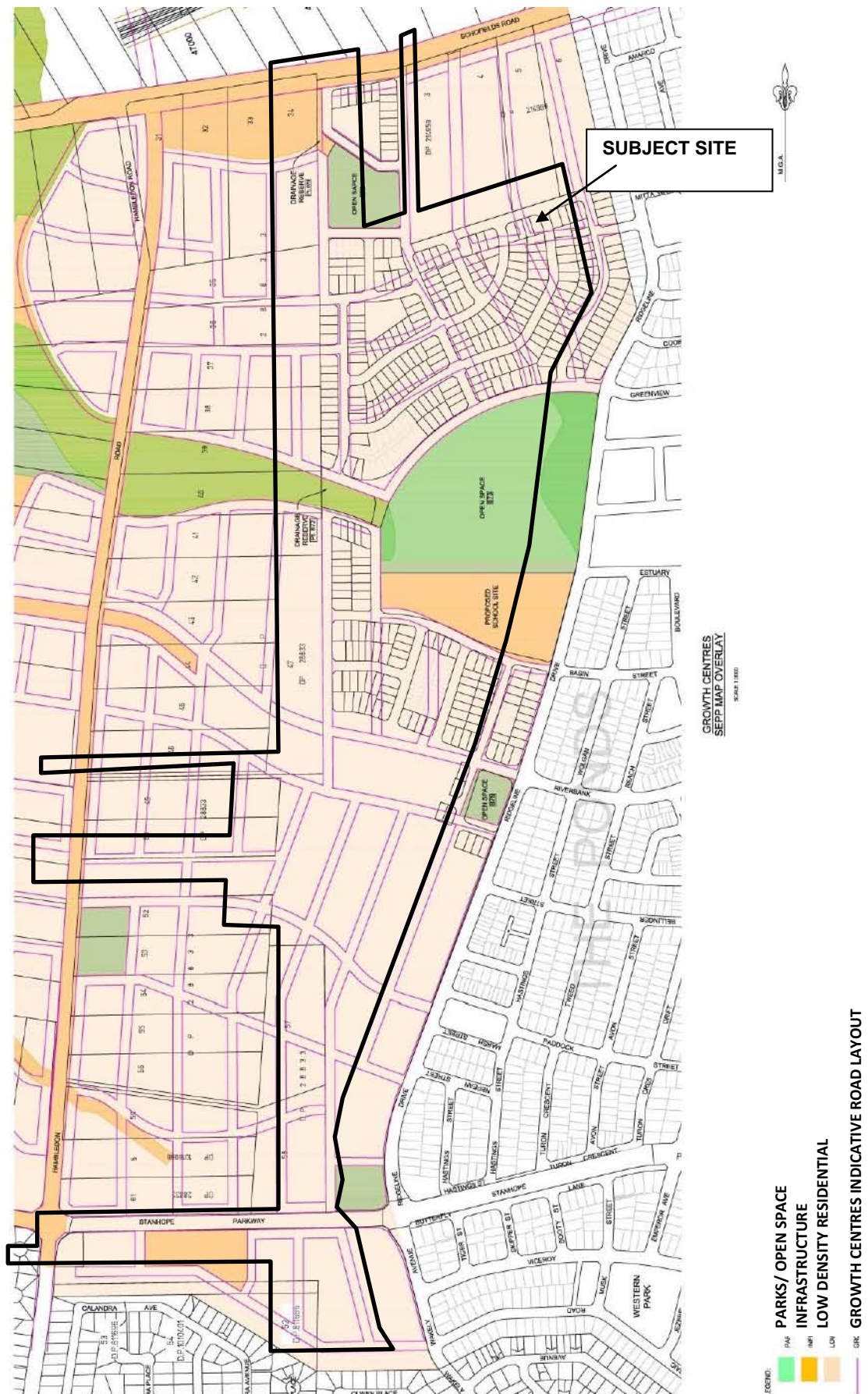


Figure 6. Proposed Subdivision with DCP road pattern overlay (Source: SJB Planning, 2012)

10.5 Urban Design

10.5.1 Lot Size and Subdivision Pattern

All proposed regular lots contain an area and width in excess of 350 sq.m and 12m, respectively, which meet the minimum lot size of 250 sq.m and minimum lot width of 12m as prescribed in the Growth Centres DCP and SEPP. The proposed corner lots meet the minimum lot size of 450 sq.m and minimum lot width of 15m as prescribed in the Growth Centres DCP. All proposed lots are rectangular in shape and are able to accommodate a variety of dwelling types.

In this regard the proposed subdivision has incorporated a mix of lot frontages ranging from 12.6m to 16m in width, with no more than 3 lots in a row of the same frontage, and generally been orientated to achieve suitable solar access to accommodate a suitable variety of future dwellings. In addition, proposed residue lots are able to accommodate future residential development in accordance with the Growth Centres DCP and Precinct Plan.

Furthermore, the proposed subdivision pattern is generally consistent with the Indicative Layout Plan at Figure 2.1, Schedule 1 of the Growth Centres DCP, the land zoning map of the Precinct Plan and the Riverstone and Alex Avenue Precinct Section 94 Contributions Plan.

The northern interface of the proposed subdivision adjacent to Schofields Road is consistent with the future arterial road widening identified by the RMS. In this regard, a **condition** will be imposed on any consent, as requested by the RMS, for the applicant to interface and consult with the RMS as this subdivision presents an ideal opportunity for additional easements not to be acquired or extinguished due to the proposal for service roads adjacent to the Schofields Road corridor (**see Condition No. 8.9.1**).

Lots identified for future open space and drainage purposes are generally consistent with the locations and sizes identified in the above documents. However, it is noted that it is unlikely that the drainage and open space lands will be dedicated to Council at this stage (as the construction and final embellishment of these lands is not proposed as a part of this DA) and would be created as residue lots at the time of subdivision. A **condition** will be included on any consent to this effect (**see Condition Nos. 1.7.2, 1.7.3 and 2.1.1**).

10.5.2 Minimum Density Requirements

The subject site is identified as requiring a minimum density of 15 dwellings per hectare pursuant to Clause 4.1B of the Precinct Plan.

The developable area as defined by the Growth Centres SEPP includes the residentially zoned area of the subject site where the Precinct Plan applies and the half width area of any adjoining road providing access to the site.

Therefore, the net developable area is 25.89ha and the required yield for the site based on a minimum density of 15 dwellings per hectare is 389 dwellings.

As noted above, while there are only 363 residential lots proposed, which would not in itself be sufficient to satisfy the minimum density of 15 dwellings per hectares, there are also 6 "super" lots with an estimated future yield of 71 dwellings. These "super" lots will be the subject of separate DAs to Council and will likely be developed for more

than the 26 dwellings needed to meet the density requirement. A **condition** will be included requiring a Section 88B restriction on title over the proposed residue lots so that no further development of these lots takes place unless the separate consent of Council is obtained for development of these residue lots (**see Condition No. 8.7.4**).

Accordingly, the proposed development complies with the minimum density requirements of the Precinct Plan.

10.5.3 Landscaping and Appearances

The applicant proposes to provide street tree planting in order to create an attractive streetscape environment. As such, standard **conditions** have been imposed requiring the submission of a street tree planting plan prior to the issue of the Construction Certificate and completion of the street tree planting prior to the release of the linen plan (**see Condition Nos. 3.5 and 8.19**).

10.6 **Public Utilities and Infrastructure**

10.6.1 Public Utilities and Services

As a part of the DA, the applicant has submitted evidence from Sydney Water and Integral Energy that sewer, water and power are available for the proposed development. Sydney Water has also confirmed that recycled water facilities will not be provided in the Alex Avenue and Riverstone Precincts and, as such, Clause 18 of the Growth Centres SEPP does not apply. Standard **conditions** will be imposed on any consent requiring the submission of final certificates from Sydney Water, Endeavour Energy and a telecommunications provider (**see Condition No. 8.10.1**).

Therefore, it is considered that the proposed development will be adequately serviced in accordance with the requirements of Clause 6.1 of the Precinct Plan and Clause 18 of the Growth Centres SEPP.

10.6.2 Local Developer Contributions

The subject site falls within Contributions Plan No. 20 – "Alex Avenue and Riverstone Precincts". The Section 94 contributions that would have been applicable have been calculated at Enclosure 54A on Council's File JRPP-12-223 based on a net developable area of 29.3691ha (exclusive of all residue lots, super lots, open space and drainage lots) and a total of 363 future dwellings. However, in accordance with the Minister's Section 94E Direction as outlined in PS 11-012 issued on 15 March 2011, a **condition** has been imposed requiring the payment of \$30,000 per lot (i.e. 363 dwellings x 30,000 = \$10,890,000, resulting in a "gap" of some \$12,316,227 to be funded by the State Government's "Priority Infrastructure Fund") prior to the issue of the subdivision certificate (**see Condition No. 8.1**).

The proposed school lot (Lot 1180), not being subject to the Section 94E Direction, has been levied over its developable area of 3.17 hectares for stormwater drainage quantity and quality and traffic management facilities only.

10.6.3 Special Infrastructure Contribution

In accordance with the Ministerial Section 94EF Direction dated 14 January 2011, the following **condition** (**see Condition No. 8.3**) has been imposed:

"A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution –

Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative)."

More information

Information about the special infrastructure contribution can be found on the Department of Planning's website:

<http://www.planning.nsw.gov.au/PlanningSystem/DevelopmentContributionsSystem/tabid/75/quage/en-US/Default.aspx>

Please contact the Department of Planning regarding arrangements for the making of a payment."

11 Section 79C Consideration

11.1 Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act is summarised below:

Head of Consideration	Comment	Complies
a. the provisions of: (i) any environmental planning instrument (EPI) (iii) any development control plan (iiia) any planning agreement (iv) the regulations	The provisions of relevant EPIs relating to the proposed development are summarised in Section 6 of this Report and have been satisfactorily addressed in Sections 7 and 10. The proposed development is generally consistent with the requirements of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010. No Planning Agreements are applicable to the subject site.	Yes
b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	An assessment of key issues relating to the proposed development is provided in Section 10 of this Report and it is considered that the likely impacts of the development, including urban design, traffic and access, ESD, site contamination, salinity, Aboriginal archaeology, stormwater quality, bushfire management and the like have been satisfactorily addressed and that the proposed development will result in beneficial social and economic impacts in the locality.	Yes
c. the suitability of the site for the development	The subject site is identified as residential land pursuant to the Growth Centres SEPP. Further, the subject development is considered satisfactory in terms of the likely impacts of the development and, as such, the subject site is considered suitable for the proposed development.	Yes
d. any submissions made in accordance with this Act or the regulations	The DA was notified to adjoining and neighbouring owners and advertised in the local newspapers for a period of 30 days from 21 March to 20 April 2012, during which time no submissions were received by Council. In addition, it is noted that a copy of the DA was forwarded to the NSW Office of Water, Roads and Maritime Services and Rural Fire Service, none of which raised any objections to the proposed	Yes

	development.	
<i>e. the public interest</i>	The proposed development is for the purpose of residential subdivision within the Alex Avenue release area, which will provide opportunity for housing diversity whilst addressing the demand for additional housing in Sydney. The proposal will encourage economic activity and growth in the Blacktown LGA and represents an orderly development of the land. Accordingly, it is considered that the proposal is in the public interest.	Yes

12 General Comments

- 12.1 The proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. In this regard it is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. Further, the subject site is considered suitable for the proposed development.
- 12.2 The proposal is consistent with the objectives of the Growth Centres SEPP and R2 Zone and is permissible in these applicable zones with development consent. The proposal also complies with the main essential criteria set out in the Blacktown Growth Centre Precincts Development Control Plan 2010, and is considered satisfactory with regard to relevant matters such as Urban Design, Access, Traffic Impact, Stormwater Drainage, ESD, Site Contamination, Salinity, Aboriginal Archaeology, Social and Economic Impacts and the like subject to the imposition of suitable conditions of consent to satisfactorily control the development.

13 Recommendation

- (a) The Development Application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at **Attachment 1**.
- (b) The applicant be advised of the Sydney West Joint Regional Planning Panel's decision.

 ELTIN MILETIC
 ASSISTANT TEAM LEADER - SUBDIVISIONS

 JUDITH PORTELLI
 MANAGER DEVELOPMENT SERVICES AND ADMINISTRATION

 GLENNYS JAMES
 DIRECTOR CITY STRATEGY AND DEVELOPMENT