

## Report to Sydney West Joint Regional Planning Panel

<b>JRPP No:</b>	<b>2014SYW027</b>
<b>DA No:</b>	<b>JRPP-14-91</b>
<b>Local Government Area:</b>	<b>Blacktown</b>
<b>Proposed Development:</b>	<b>Two lot subdivision, staged construction of 4 x 4 storey residential flat buildings and concurrent strata subdivision</b>
<b>Development Type:</b>	<b>'Regional Development' – Capital Investment Value &gt; \$20 million</b>
<b>Lodgement Date:</b>	<b>23 January 2014</b>
<b>Land/Address:</b>	<b>Lot 209 DP 208203, H/N 9 Terry Road, Rouse Hill</b>
<b>Land Zoning:</b>	<b>R3 Medium Density Residential and RE1 Public Recreation pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006</b>
<b>Applicant:</b>	<b>Winter Properties Pty Ltd</b>
<b>Capital Investment Value:</b>	<b>\$57.6 million</b>
<b>Report Author:</b>	<b>Melissa Parnis, Assistant Team Leader, Planning (North)</b>
<b>Recommendation:</b>	<b>Approval subject to conditions</b>
<b>Instructing Officers:</b>	<b>Judith Portelli, Manager Development Services &amp; Administration and Glennys James, Director City Strategy &amp; Development</b>



Figure 1: Photomontage of the proposed development (IDraft, 2014)

## ASSESSMENT REPORT

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### ATTACHMENTS

Attachment 1	Draft conditions of consent
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Attachment 3	Location of objectors' properties
Attachment 4	Clause 4.6 variation to development standard
Attachment 5	Assessment against the 10 'design quality principles' for residential flat development



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## 1 Executive summary

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- 1.1 Blacktown City Council is in receipt of a Development Application (DA) from Winter Properties Pty Ltd for the construction of 4 x 4 storey residential flat buildings on the R3 Medium Density Residential zoned portion of Lot 209 DP 208203, H/N 9 Terry Road, Rouse Hill. The development is proposed to occur in 4 stages. The concurrent strata subdivision of units is also proposed as part of the development.
- 1.2 The application also proposes the paper subdivision of the existing lot, to excise the RE1 Public Recreation zoned portion of the land. The proposed development constitutes 'Regional Development' requiring referral to a Joint Regional Planning Panel (JRPP) as it has a Capital Investment Value of \$57.6 million. While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney West JRPP.
- 1.3 The subject site is zoned part R3 Medium Density Residential and part RE1 Public Recreation pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006. Residential flat buildings are permissible on the R3 zoned portion of the site. The excised RE1 zoned land will ultimately be acquired by Council.
- 1.4 A detailed assessment has been undertaken against the provisions of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) and the Blacktown City Council Growth Centre Precincts Development Control Plan (Growth Centres DCP) 2010. The proposed development is fully compliant with the numerical provisions of the Growth Centres DCP. The development also complies with all aspects of the Growth Centres SEPP, with the exception of building height.
- 1.5 The applicant has lodged a Clause 4.6 variation to a development standard for consideration by the JRPP. The building height is only varied up to 550mm as a result of point encroachments. Pursuant to Clause 64 of the Environmental Planning and Assessment Regulation 2000, where an environmental planning instrument applying to a site adopts Clause 4.6 of the Standard Instrument (Local Environmental Plans) Order 2006, the Director-General's concurrence can be assumed. This report undertakes a detailed assessment into whether the Clause 4.6 variation should be supported. In summary, Council officers consider the variation to be minor, as it does not create additional building levels and is a result of the topography of the land. In this circumstance the Clause 4.6 variation is supported by Council officers.
- 1.6 The R3 zoned portion of the site is identified as a future school on the Area 20 Precinct Indicative Layout Plan, as identified within the Growth Centres DCP. The applicant has submitted correspondence from the Department of Education and Communities (DEC) that the Department does not seek to acquire the site at this point in time. Council officers further confirmed this advice with DEC in August 2014. Notwithstanding this, the proposed development is permissible within the R3 zone and a DCP cannot prohibit a land use. Further, the Growth Centres SEPP does not identify the site for acquisition purposes.
- 1.7 The proposal is consistent with the objectives of State Environmental Planning Policy No. 65 (SEPP No. 65) and satisfactorily achieves the 10 'design quality principles' listed under Part 2 of SEPP No. 65. Council officers have also assessed the application against the design guidelines provided within the Residential Flat Design Code (RFDC). The development complies with all of the numerical recommendations of the RFDC.
- 1.8 The proposed development was notified to property owners and occupiers within the locality between 5 March and 19 March 2014. The Development Application was also advertised in local newspapers and a sign was erected on the site. As a result of the notification process, a total of 3 submissions were received. The main grounds for concern include traffic impact of

the development, provision of solar energy infrastructure and consistency with medium density zoning of the site. The grounds for objection are noted and where necessary appropriate conditions will be imposed on any consent to ameliorate any potential concerns. The grounds for objections are therefore not considered sufficient to warrant refusal of the application.

- 1.9 Overall, the development is considered satisfactory with regard to relevant matters such as siting and design, bulk and scale, privacy, access, traffic impacts, parking, stormwater drainage and the like. 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 the suitability of the site and the public interest, and is considered satisfactory.
- 1.10 It is recommended that the proposed development be approved subject to the conditions documented at **Attachment 1** to this report.

## 2 Location

- 2.1 The subject site is located within the Area 20 Precinct within the North West Growth Centre as identified by the Growth Centres SEPP. The site is located within the suburb of Rouse Hill, on the western side of Windsor Road. The site is located to the north-west of the Rouse Hill Town Centre. The site is approximately 43km north-west of the Sydney CBD.
- 2.2 The site is located on the corner of Terry Road and Rouse Road. The location of the subject site is shown in Figure 2 below. The land immediately surrounding the subject site to the east and south is currently zoned R3 Medium Density Residential, with a building height limit of 12m. The northern portion of the subject site is zoned RE1 Public Recreation. The land opposite is zoned R2 Low Density Residential, with a 9m height limit.
- 2.3 The surrounding land is currently characterised by large lot rural residential development. The current zoning of the land reflects the rezoning undertaken by the State Government in 2011, however, prior to this rezoning the adjoining lands were zoned for rural purposes. The proposed development is the first development of its type within the Area 20 Precinct. In addition, the Rouse Hill Anglican School is located 250m west of the site.
- 2.4 Main access to the area is currently provided from the Rouse Road intersection with Windsor Road, which is a signalised intersection. The Area 20 Precinct is currently not serviced by rail. However, the site is located 1km to the north of the future Cudgegong Road rail station as part of the North West Rail Link.



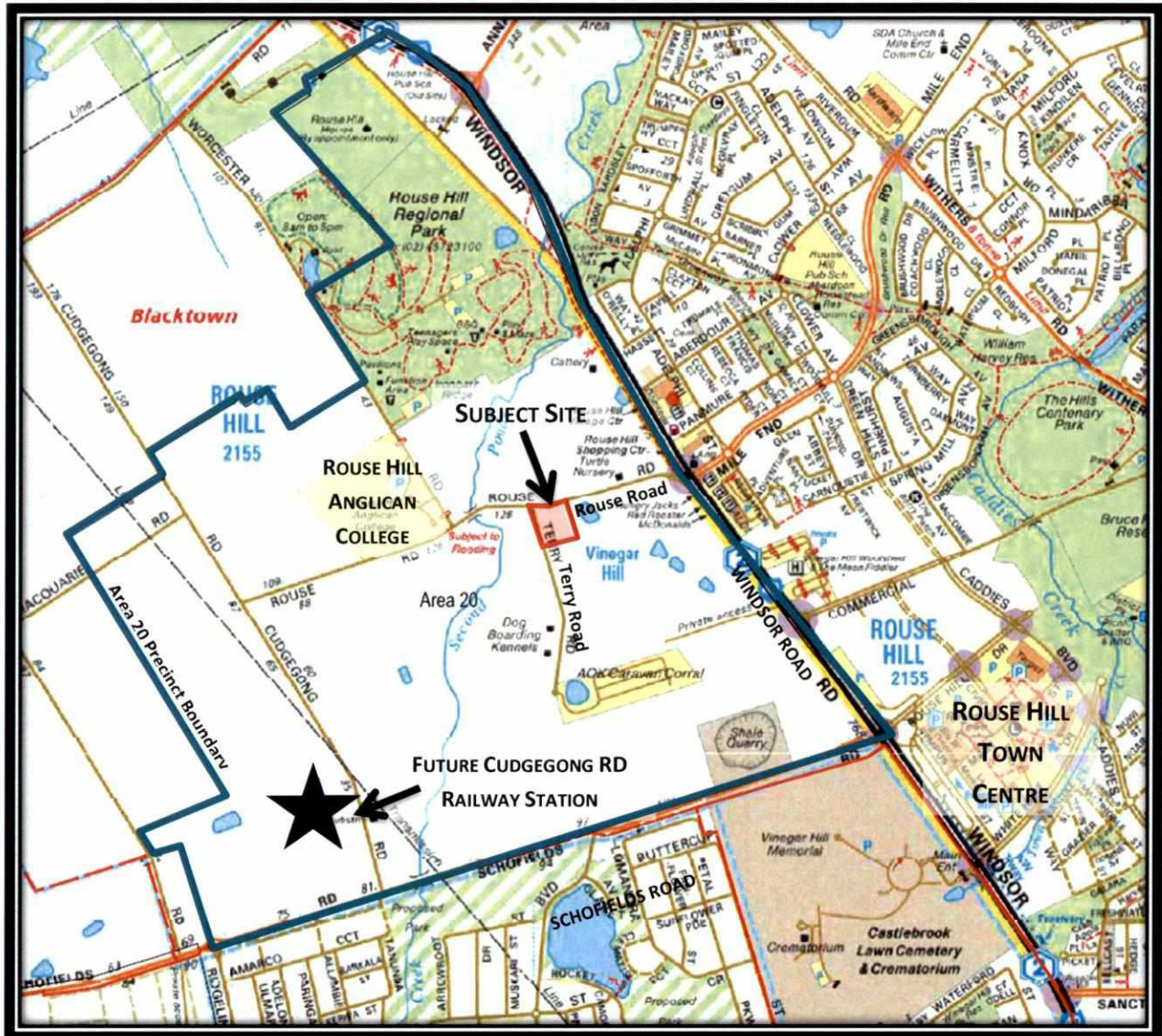


Figure 2. Location map (Source: Blacktown City Council, 2014)

### 3 Site Description

- 3.1 The subject site comprises of a single allotment, known as Lot 209 DP 208203, H/N 9 Terry Road, Rouse Hill. The development site is a corner lot that is irregular in configuration and has a frontage of 87.32m to Rouse Road to the north and 175.24m to Terry Road to the west. The eastern boundary has a length of 167m and the southern boundary has a depth of 150m. The total site area is 2.059 hectares, which comprises of 1.538 hectares of R3 zoned land and 0.521 hectares of RE1 zoned land.
- 3.2 The site currently contains a single storey dwelling, carport, swimming pool, shed and garage. The structures are proposed to be demolished as part of a separate application.
- 3.3 The existing site is heavily vegetated. The submitted Tree Inspection Report identifies that the site contains 232 trees of various species and types. The majority of these trees are located in the northern third of the site, which is the portion zoned RE1 Public Recreation. The vegetation community on the site is degraded Cumberland Plain Woodland, however, the site is 'biodiversity certified' pursuant to Schedule 7 Part 7 of the Threatened Species Conservation Act 1997.





*Figure 3. Aerial photo of subject site and its surrounds (Source: Nearmap, captured 26 June 2014)*



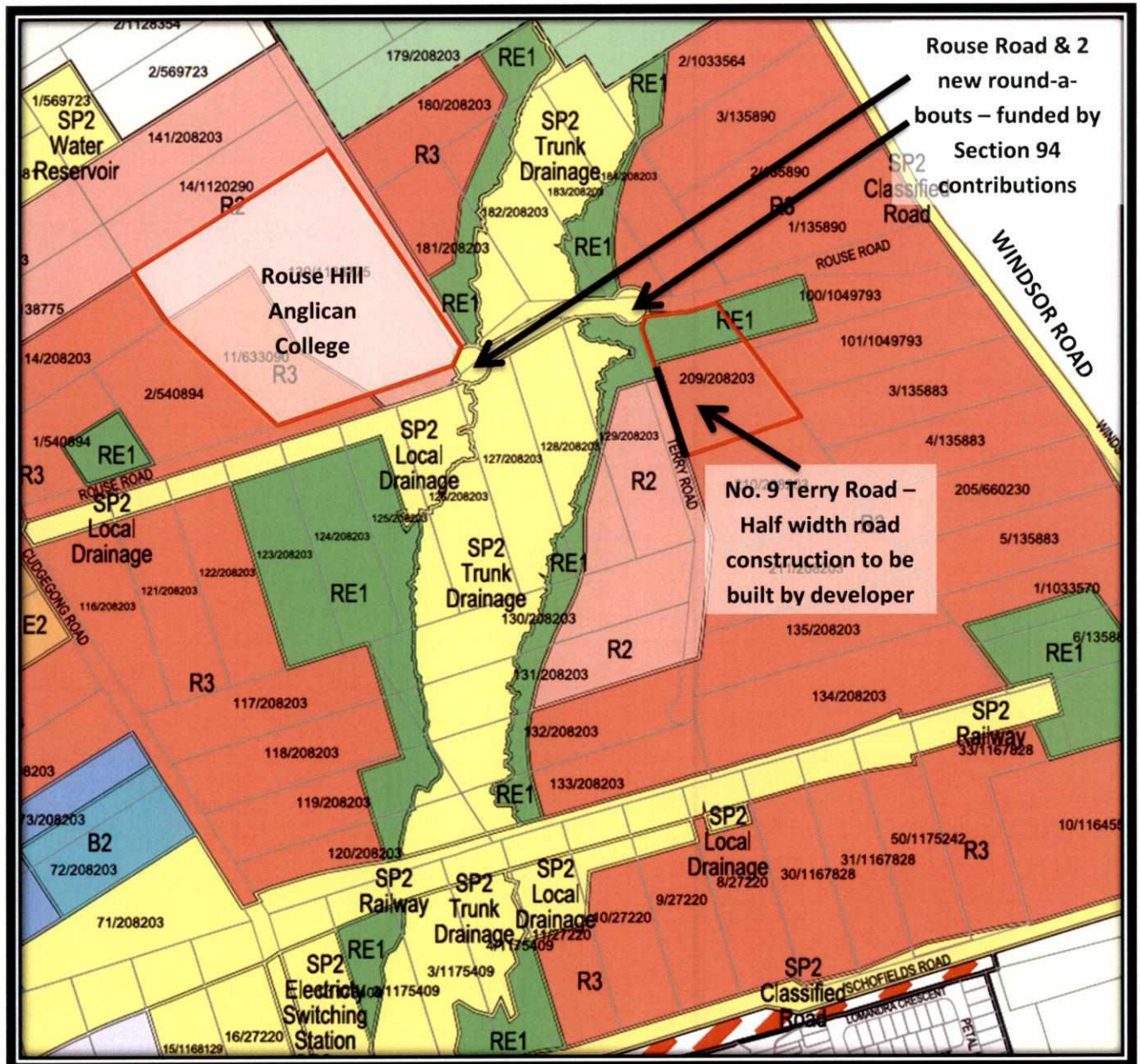


Figure 4. Zoning plan (Source: Blacktown City Council, 2014)

## 4 History and current use of the site

- 4.1 The site has been used for rural residential purposes for a number of years, with a number of rural residential buildings located on the site.
- 4.2 On 21 October 2011, the site was rezoned to R3 Medium Density Residential and RE1 Public Recreation pursuant to the provisions of State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The site was rezoned from its previous 1(a) General Rural zoning under the Blacktown Local Environmental Plan 1988 to its current zoning as part of the Area 20 Precinct rezoning in the North West Growth Centre.



## 5 Development proposal

- 5.1 The Development Application (DA) has been lodged by Winter Property Group Pty Ltd for the staged subdivision and construction of 4 residential flat buildings at the subject property. The proposed development has a Capital Investment Value of \$57.6 million.
- 5.2 The 4 residential flat buildings are each 4 storeys in height. A total of 256 residential units, comprising 29 x 1 bedroom units, 186 x 2 bedroom units and 41 x 3 bedroom units are proposed.
- 5.3 In summary, the 256 residential units are proposed in the 4 new buildings as follows:

*Table 1: Unit mix and yield*

Building	A (Stage 1)	B (Stage 2)	C (Stage 3)	D (Stage4)	Total
1 bed	8	5	8	8	29
2 bed	45	47	48	46	186
3 bed	11	12	8	10	41
<b>Total</b>	<b>64</b>	<b>64</b>	<b>64</b>	<b>64</b>	<b>256</b>

- 5.4 The maximum building height of the development is 12.55 metres measured to the parapet and 12.25 metres to the roof on Building C, which is a maximum 550mm exceedance. In addition, the northern parapet of Blocks A, B and D also exceed the height limit, however, the exceedance is less than 300mm. The overall building height exceeds the maximum building height of 12m permissible under the Growth Centres SEPP. The applicant has lodged a Clause 4.6 variation to the development standard for consideration of the consent authority. The applicant's Clause 4.6 request is held at **Attachment 4** as well as a 3D plan representation which demonstrates what part of the development exceeds the 12 metre height limit. Council's assessment of the variation is undertaken in Section 6 below.
- 5.5 The proposed development provides for 1 level of basement car parking for a total of 349 car parking spaces. The basement level provides the following number of parking spaces:
- 297 resident car parking spaces
  - 52 visitor car parking spaces including 1 car washing bay
  - 128 resident bicycle spaces
  - 22 visitor bicycle spaces
- 5.6 A basement car parking area has been provided underneath each of the 4 buildings. Each basement car space has been designed so that vehicles can enter and exit in a forward direction. Elevators will provide direct access from the basement carpark area to the residential levels. Each visitor car parking area is centrally located, in a separately designated area to differentiate from resident car parking.
- 5.7 All vehicular access to the development site is proposed from Terry Road, through 2 new entry/exit driveways. As the development is staged, Stage 1 comprises of 1 new entry/exit driveway and Stage 3 includes the other new entry/exit driveway. All basement levels will ultimately be connected to one another.
- 5.8 The development provides for a central communal open space area at ground level, internally shared amongst all units. The communal open space has a total area of 4,397sq.m and includes children's play areas, BBQs and a pool. The common landscaped areas will be embellished with seating, water features, pathways, pergolas and appropriate plantings. The junior children's play area located within the central courtyard of Buildings A and B, and senior



play area located in the central courtyard of Buildings C and D, will be available for the use of the residents of the development.

- 5.9 The building has been architecturally designed. The use of recessed balconies, the transition in building heights, and the use of quality finishes will also add to the visual interest of the development. The materials and colours have been selected to give the buildings an identity, and to 'soften' the apparent bulk and scale of the development. A variety of materials will be used, including rendered and painted finishes for the facade walls, a combination of solid balustrades as well as glazed balustrade treatments, and Alucobond cladding for partial walls. Balcony balustrades are of various types and serve differing purposes. Painted and rendered solid walls work as compositional devices to divide facades, whilst the glass plate balustrades allow for maximum views. A schedule of external finishes and photomontage is included below.



Figure 5. Schedule of external finishes (Source: IDraft Architects, 2014)

- 5.10 A Design Verification Statement prepared by Adriaan Winton of Idraft Architects has been prepared for the development, in accordance with the requirements of SEPP No. 65. The Design Verification Statement concludes that the proposed development provides a complimentary and interesting addition to the Rouse Hill retail/commercial precincts its built form, height, scale and density comply with DCP controls. Its landscape design includes substantial deep soil planting of large trees and low scale planting. It is concluded that the development is well suited to its site and location. Council officer assessment of the design principles established within SEPP No. 65 are undertaken in Section 6 below.
- 5.11 The applicant has submitted a Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd. The report reviews the road network in the vicinity of the site and assesses the traffic implications of the development proposal in terms of road network capacity.



- 5.12 The report identifies that, in accordance with the Roads and Maritime Services publication *Guide to Traffic Generating Developments, Section 3 – Land use Traffic Generation* dated October 2002, the development proposal yields a traffic generation potential of approximately 74 vehicle trips per hour during commuter peak periods. The report notes that it is generally acknowledged that the above traffic generation rates for high density residential developments do not accurately reflect the traffic generation potential of such developments which are not located in very close proximity to public transport services. For the purposes of assessment, the Traffic Report has used a higher traffic generation rate per dwelling, consistent with the approach taken by the Department of Planning and Environment for similar sized developments with similar accessibility to public transport services. The application of the high traffic generation rate to the development proposal yields a traffic generation of approximately 102 vehicles per hour during commuter peak periods. The report concludes that the traffic generation potential of the site is not expected to have any unacceptable traffic implications in terms of road network capacity, particularly when considered in the context of the future road network which is proposed in the Area 20 Precinct.
- 5.13 The report has also undertaken an assessment of the required car parking for the proposal in light of the development controls established by the Growth Centres DCP. The development proposal necessitates an off-street car parking requirement of 349 parking spaces and the proposed development makes provision for 349 off-street parking spaces. The report also concludes that the geometric design layout of the proposed car parking facilities have been designed to comply with the relevant requirements as specified in Australian Standard 2890.1 in respect of parking bay dimensions, aisle widths, ramp grades and overhead clearances. Council officer assessment of the traffic and parking implications of the development is undertaken in detail in Section 10 of this report.
- 5.14 An addendum to the Traffic Report was submitted in May 2014, which confirmed that vehicular access driveways have been designed to incorporate the driver/pedestrian visibility splays required by Australian Standards. The report advises that the design ensures that there are no walls or landscaping above 900mm in height which would obstruct visibility.
- 5.15 A full assessment of the proposal is provided under Section 9 of this report, while a copy of the development plans is included at **Attachment 2**.

## **6 Planning Controls**

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

**(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' requiring referral to a JRPP for determination as the proposed development has a Capital Investment Value of more than \$20 million. While Council is responsible for the assessment of the DA, determination of the Application will be made by the Sydney West JRPP.

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

SEPP (Infrastructure) 2007 ensures that the RMS is made aware of and allowed to comment on development nominated as 'traffic generating development' listed under Schedule 3 of the SEPP. The proposed development provides on-site parking for more than 200 vehicles and is therefore listed under Column 2 of Schedule 3 of the SEPP. The



DA was required to be referred to the Sydney Regional Development Advisory Committee (SRDAC) for comment. The SRDAC comments are discussed under Section 7 - External Referrals.

**(c) State Environmental Planning Policy No. 55 – Remediation of Land**

State Environmental Planning Policy No. 55 – Remediation of Land aims to “provide a State wide planning approach to the remediation of contaminated land”. Where contamination is, or may be, present, the SEPP requires a proponent to investigate the site and provide the consent authority with the information to carry out its planning functions. A preliminary contamination assessment of the site prepared by Geotechnique Pty Ltd has been undertaken of the subject site. The assessment concludes the following:

The site can be made suitable for the proposed residential development subject to implementation of the following recommendations prior to site preparation and earthworks:

- Assessment of soils by sampling and testing at and in the vicinity of the footprints of site features such as house, garage, shed, area of scrap metals and drum, etc after complete demolition and/or removal. The purpose of this is to ascertain the presence or otherwise of ‘suspect’ materials (identified by unusual staining, odour, discolouration or inclusions such as building rubble, asbestos, ash particles, etc) and fill, which were not encountered during field work for this assessment, as well as to determine the contamination status of the soils/fill. In the event of contamination, detailed assessment, remediation and validation will be required.
- An assessment of soils at and in the vicinity of TP32 (test pit 32) after demolition of the nearby garage to delineate the extent of Total Petroleum Hydrocarbons (TPH) contamination and to determine any remediation option.
- A detailed assessment in the northern portion of the site to delineate the extent of brick and concrete fragments and bonded asbestos containing material and to determine the remediation/management option.

Suitable **conditions** will be imposed on any development consent to address these matters and to ensure that the site is suitable for residential development without any limitations. (**condition 4.11.1**).

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

State Environmental Planning Policy No. 65 (SEPP No. 65) – *Design Quality of Residential Flat Development* was gazetted on 26 July 2002 and applies to the assessment of development applications for residential flat buildings 3 or more storeys in height and containing at least 4 dwellings. In the same year the State Government also released the *Residential Flat Design Code* (RFDC). The SEPP primarily aims to improve the design quality of residential flat development and states that residential flat development is to “have regard to the publication *Residential Flat Design Code* (a publication of the Department of Planning, September 2002)”.

Part 2 of the SEPP outlines 10 ‘design quality principles’ for residential flat development. The design quality principles do not generate design solutions, but provide a guide to achieving good design and the means of evaluating the merit of proposed solutions. In accordance with Clause 50(1A) of the Environmental Planning and Assessment Regulation (EP&A Regulation) 2000, the application has been accompanied by a design verification

from a qualified designer, verifying that he/she designed the residential flat development and that the design quality principles set out in Part 2 of SEPP No. 65 have been achieved.

The SEPP also outlines the procedures for establishing a 'design review panel'. The function of a design review panel is to give specific independent design advice on a development application for residential flat development and, in particular, to give such advice on the design quality of the residential flat development when evaluated in accordance with the 10 'design quality principles' listed under Part 2 of the SEPP. It should be noted, however, that Blacktown City Council does not at present have a design review panel in place.

As part of the submission requirements for any residential flat development, the DA must provide an explanation of the design in terms of the 10 'design quality principles'. In determining a DA, a consent authority must take into consideration the design quality of the residential flat development when evaluated in accordance with the 10 'design quality principles' set out in Part 2 of the SEPP. An assessment of the proposal against the 10 design quality principles is provided at **Attachment 5**.

**(e) Residential Flat Design Code (RFDC)**

In addition to the 10 'design quality principles', SEPP No. 65 requires that, when assessing an application, Council must have consideration for the design guidelines provided in the Residential Flat Design Code (RFDC). The main numerical guidelines from the RFDC are summarised below.

*Table 2 – Residential Flat Design Code assessment*

<b>PART 1 – LOCAL CONTEXT</b>		
<b>Primary Development Controls</b>	<p><u>Building depth:</u> An apartment building depth should not exceed 18 metres. For wider buildings, design must demonstrate how satisfactory daylight and natural ventilation are achieved.</p> <p><u>Building separation:</u> For buildings over 3 storeys, it is recommended that building separation increase in proportion to building height. Suggested dimensions within a development, for internal courtyards and between adjoining sites, are:</p> <ul style="list-style-type: none"> <li>Up to four storeys/12m <ul style="list-style-type: none"> <li>12m between habitable rooms/balconies</li> <li>9m between habitable rooms/balconies and non-habitable rooms</li> <li>6m between non-habitable rooms</li> </ul> </li> </ul>	<p>Apartment building depth is a maximum 15m.</p> <p>Minimum side setbacks of 3m are provided to the RE1 zoned land to the north and 5.94m to the side and rear setbacks. Residential flat buildings are permissible on the adjoining properties to the side and rear of the site. The side setback enables building separation of 12m to be evenly distributed between adjoining properties, should residential flat buildings be constructed on these sites.</p>
<b>PART 2 – SITE DESIGN</b>		
<b>Site Configuration</b>	<p><u>Deep soil zones:</u> A minimum of 25% of the open space area of a site should be designated for deep soil zones. Exceptions may be made in urban areas where sites are built out and there is no capacity for water infiltration. In these instances,</p>	<p>Development provides for 10,282sq.m of deep soil planting on the ground level. This equates to 67% deep soil zone for the site.</p>



	<p><i>stormwater treatment measures must be integrated with the design of the residential flat building.</i></p> <p><u>Open space:</u> <i>At least 25%-30% of the site area should be designated to communal open space.</i></p> <p><u>Vehicle access:</u> <i>The width of driveways should be limited to a maximum of 6 metres. Vehicle entries should be located away from main pedestrian entries and on secondary frontages.</i></p>	<p>25% of the site area equates to 3,822sq.m. The proposed development will provide approximately 4,186sq.m of common open space at the ground level.</p> <p>Two vehicle driveway entries are proposed. The basement driveway entries are 6 metres wide to allow 2-way vehicular movements. The access point has been integrated into the overall design of the building, so it is not visually dominant.</p>
<b>PART 3 – BUILDING DESIGN</b>		
<b>Building Configuration</b>	<p><u>Apartment layout:</u> <i>Single-aspect units should be limited in depth to 8 metres from a window. The back of a kitchen should be no more than 8 metres from a window.</i></p> <p><u>Apartment sizes:</u></p> <ul style="list-style-type: none"> <li>• 1 bedroom – 50sq.m</li> <li>• 2 bedroom – 70sq.m</li> <li>• 3 bedroom – 95sq.m</li> </ul> <p><u>Balconies:</u> <i>Each unit must accommodate at least one balcony with a minimum depth of 2 metres.</i></p> <p><u>Ceiling heights:</u> <i>In residential flat buildings, habitable rooms are to have a minimum floor to ceiling height of 2.7 metres. Non-habitable rooms may be 2.4 metres.</i></p> <p><u>Internal circulation:</u> <i>Where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8.</i></p>	<p>Building depth up to 9m is provided for some single-aspect units, however, all kitchens are within 8m from a window.</p> <ul style="list-style-type: none"> <li>• 1 bedroom – minimum 50sq.m</li> <li>• 2 bedroom – minimum 70sq.m</li> <li>• 3 bedroom – minimum 95sq.m</li> </ul> <p>All units have at least one balcony which exceeds the 2.0m minimum depth requirement.</p> <p>All units within the development will have ceiling heights of at least 2.7m.</p> <p>Blocks A and C are serviced by 3 lifts and Blocks B and D are serviced by 2 lifts. Lift cores service between 3 and 9 units, however this is limited to a maximum of 5 units per corridor.</p>
<b>Building Amenity:</b>	<p><u>Solar access:</u> <i>Living rooms and private open spaces for at least 70% of units should receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid winter.</i></p> <p><u>South facing units:</u> <i>The number of single-aspect units with a southerly aspect (SW-SE) should be limited to a maximum of 10% of the total units proposed.</i></p> <p><u>Natural ventilation:</u> <i>60% of the units should be naturally cross ventilated.</i></p>	<p>70% of the units achieve the minimum 3 hours of direct sunlight between 9am and 3pm.</p> <p>A maximum of 20 units are single-aspect southerly units, equating to 8% of total units proposed.</p> <p>63% of the units achieve the natural cross-flow ventilation requirements.</p>

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

Multi-dwelling BASIX Certificates were lodged as part of the Development Application, as well as a NatHERS (Nationwide House Energy Rating Scheme) Assessor Certificate. The BASIX Certificates identify that all buildings achieve the required water, thermal comfort and energy scores required. A suitable **condition** will be imposed on any development consent requiring compliance with the submitted BASIX Certificates (**conditions 2.3.1 & 5.5.1**).

**(g) State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The subject site is zoned R3 Medium Density Residential pursuant to the Growth Centres SEPP. 'Residential flat buildings' are permissible within the zone with development consent. Appendix 5 – Area 20 Precinct Plan applies to the subject site as the property is located within the Area 20 Precinct. Table 3 below summarises the key development standards established within the Growth Centres SEPP and the proposal's compliance with these standards. It is noted that all calculations are based on a site area of 1.538 hectares, which **excludes** the RE1 Public Recreation zoned land.

Table 3 – Compliance with Growth Centres SEPP

SEPP development standard	Required	Provided	Complies
Minimum lot size - Residential flat buildings	Minimum 2,000sq.m	1.538 hectares	Yes
Residential density	Minimum 25 dwellings per hectare	133 dwellings per hectare	Yes
Height of buildings	12m maximum	12.55m (point encroachments only)	No, however justification has been provided by the Applicant at Attachment 4 and is discussed in Section 10 below
Floor space ratio	1.75:1 maximum	1.56:1	Yes

In addition, Clause 6.1 of the Growth Centres SEPP requires suitable arrangements to be made for the provision of public utility infrastructure, including wastewater, drinking water and electricity, prior to the granting of any development consent. The applicant has submitted confirmation from Endeavour Energy and Sydney Water confirming that the site is capable of being serviced. In addition, service authority **conditions** requiring a Section 73 Certificate (Sydney Water) and a Notification of Arrangement (electricity provider) will be imposed on any consent issued (**conditions 3.4.1 & 10.4**).

## 7 External referrals

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

Agency	Comments
Roads and Maritime Service (RMS)	<p>The Application was referred to the RMS, who raised no objections subject to the following <b>advisory comments</b>:</p> <ol style="list-style-type: none"> <li>1. <i>Whilst the zoning plan extract from the Statement of Environmental Effects identifies this site as R3 — Medium Density Residential, the attached Area 20 — Indicative Layout Plan subsequently identifies this property as a potential School site. The Department of Planning should be contacted to resolve the conflict</i></li> </ol>



	<p><i>between the zoning plan and the Indicative Layout Plan for this site.</i></p> <ol style="list-style-type: none"> <li><i>The layout of the proposed car parking areas associated with the subject development (including driveway grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1 - 2004 and AS 2890.2 —2002 for heavy vehicles.</i></li> <li><i>All vehicles are to enter and leave the site in a forward direction.</i></li> <li><i>Car parking provision to Council's satisfaction.</i></li> <li><i>Stacked parking spaces should be allocated to the same unit.</i></li> <li><i>Residential visitor spaces are to be clearly designated and signposted.</i></li> <li><i>Council should ensure that suitable provision is made to accommodate garbage collection and furniture removalist vehicles.</i></li> <li><i>A Demolition / Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the Council prior to the issue of the Construction Certificate.</i></li> <li><i>All construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping.</i></li> <li><i>The proposed development should be designed such that road traffic noise from Windsor Road is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 (3) of State Environmental Planning Policy (Infrastructure) 2007.</i></li> <li><i>All works associated with the proposed development are to be at no cost to RMS.</i></li> </ol> <p>Council officers note RMS concerns in relation to the conflict between the zoning of the land and its identification as a potential school site on the Area 20 ILP. A detailed discussion of this matter is undertaken in Section 10 of this report.</p> <p>All other matters will be imposed as <b>conditions</b> on any consent issued (<b>conditions 4.10.2, 12.1.6, 4.10.4, 10.20.1, 3.6.1, 1.6.1, 8.9.1 &amp; 3.8</b>).</p>
<b>NSW Police</b>	<p>Initial comments from NSW Police were received by Council, requesting the applicant submit a Crime Prevention through Environmental Design Report. The Applicant subsequently submitted a CPTED report and no objections were raised by the NSW Police subject to <b>conditions (conditions 4.7, 4.9, 4.10, 4.5, 10.10, 10.16 &amp; 4.8)</b>.</p>
<b>Department of Education and Communities</b>	<p>Comments were sought from the Department of Education and Communities (DEC) as the site is identified on the Area 20 ILP as a "potential school site". DEC has advised the following:</p> <p><i>The Department does not identify the site at 9 Terry Road, Rouse Hill to be acquired in this financial year (FY 14/15) because a new school in this area is not needed until at least another 5 to 10+ years.</i></p> <p>A detailed discussion of this matter is undertaken in Section 10 of this report.</p>

## 8 Internal referrals

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

Section	Comments
<b>Engineering</b>	Council's Engineering Section has reviewed the DA and raise no objections subject to

	conditions imposed on any consent issued ( <b>conditions 6, 9 &amp; 10.8</b> ).
<b>Building</b>	Council's Building Section has reviewed the DA and raise no objections subject to conditions imposed on any consent issued ( <b>condition 5.1</b> ).
<b>Traffic Management Section (TMS)</b>	<p>TMS has reviewed the DA and provided the following comments:</p> <ol style="list-style-type: none"> <li>1. The anticipated traffic movements due to the proposed development are likely to be accommodated within the existing and the proposed road network in the area.</li> <li>2. The proposed basement parking in terms of adequacy and design comply with the relevant planning requirements and standards.</li> <li>3. It is envisaged that there will be minimal impact on on-street parking in the area.</li> <li>4. TMS has assessed the additional information in regard to the safe pedestrian sight distance requirement at the driveways onto Terry Road against Figure 3.3 of AS/NZ2890.1:2004. The information confirms that the minimum pedestrian sight distances have been maintained at the proposed driveways in accordance with Figure 3.3.</li> </ol> <p>Based on the above, no objection in principle is raised with the proposal from a traffic management point of view.</p>
<b>Section 94 Committee</b>	The dedication of the RE1 zoned land was raised at the Section 94 Committee on 4 April 2014 and it was agreed that the consent should be <b>conditioned</b> to require the dedication of the land ( <b>condition 2.6</b> ).
<b>Strategic Planning</b>	Council's Strategic Planning Section has advised that there are no particular strategic planning concerns in relation to the proposal.
<b>Waste Services</b>	Council's Waste Services Section has reviewed the DA and raise no objections subject to conditions imposed on any consent issued ( <b>condition 10.21</b> ). A detailed discussion of waste collection is undertaken in Section 10 of this report.

## 9 Public comment

9.1 The Development Application was notified in accordance with Blacktown Development Control Plan 2006, Part K – Notification of Development Applications, to adjoining and nearby property owners and occupants for a period of 14 days from 5 March to 19 March 2014. An advertisement was also placed within the local newspaper and a sign was erected on the development site advising of the public notification.

9.2 In response to the public notification, **3 submissions were received**. The concerns have been summarised below, together with Town Planning comments thereon:

### a. Traffic

- The Rouse Hill Anglican School and a nearby resident have raised concern that the proposed development will generate a significant increase in traffic in the immediate area, placing further strain on the roads in the immediate vicinity of Rouse Hill Anglican College. Increased levels of traffic will create an increased risk of student safety due to motor vehicle related incidents.
- The full construction of Rouse Road, including the reconstruction of the bridge access over Second Ponds Creek, should take place before the development of such a large residential complex takes place. A roundabout at the intersection of Terry Road and Rouse Road would also be appropriate to manage the increased traffic load. At present there are no footpaths on Rouse Road. With the additional



pedestrian traffic from residents accessing Windsor Road bus stops, pedestrian safety would be greatly compromised without a properly constructed footpath.

#### **Town planning comment**

- The submitted Traffic Report, which has been reviewed by Council's Traffic Management Section, has identified that the existing road network will be capable of facilitating the development. The Traffic Report has been previously discussed. The proposal is to be constructed in 4 stages. Therefore traffic generation as a result of the development is anticipated to increase over time.
- The upgrade to Rouse Road, including the construction of a roundabout at the corner of Terry Road and Rouse Road, has been identified within Council's Section 94 Contributions Plan No. 22 – Area 20 Precinct. It is noted that this DA is the first DA of this scale within the Area 20 Precinct and that Section 94 contributions within this area are currently limited. Existing development within the area, including the Rouse Hill Anglican School which has a school population of 1,200 students (based on projections in a previous DA), were not required to pay Section 94 contributions.
- Council's Traffic Management Section has identified that it would be desirable that the roundabout at the intersection of Rouse Road and Terry Road be constructed concurrently with the proposed development, however, timing of construction is a matter of funding from the Section 94 plan.
- Council's Section 94 officer has advised that the design of the road between Second Ponds Creek and Windsor Road has been identified in Council's current works improvement program, however, timing of construction is also dependent on Section 94 funding.
- Notwithstanding this, the existing road network will be capable of facilitating the development.

#### **b. Solar Energy**

- The submitter has identified that whilst he does not object to the proposal, he is disappointed that the development has failed to incorporate solar energy into the project.

#### **Town planning comment**

- The development has been assessed against relevant planning controls, including the Growth Centres SEPP and DCP. There are no controls which require the provision of solar panels or use of solar energy within the development.
- The development is however required to comply with the requirements of State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. A multi-dwelling BASIX Certificate has been submitted, as well as a NatHERS (Nationwide House Energy Rating Scheme) Assessor Certificate. The Certificates identify that all buildings achieve the required water, thermal comfort and energy scores required.
- The dwelling design also incorporates the following features within its design:
  - 70% of the units have at least 3 hours of solar access to the main living areas

- sun control systems, including fixed and moveable louvres
- installation of low energy saving devices
- natural cross-flow ventilation to 63% of the units
- on-site detention of stormwater run-off from paved areas to reduce peak flows.
- In addition, the large common open space area is landscaped with indigenous or low water use plant species.

**c. Scale of development**

- The scale of development is not medium density and presents a significant departure from the planning zones indicated on the Area 20 Precinct Plan.

**Town planning comment**

- The portion of the site on which the proposal is located is zoned R3 Medium Density pursuant to the Growth Centres SEPP. 'Residential flat buildings' are permissible in this zone with development consent.
- The development satisfies all the numerical controls within the Growth Centres SEPP and DCP with the exception of building height, where only minor encroachments are proposed. In addition, the development will provide setbacks and open space areas which exceed the minimum controls, to further reduce the impact of the development on existing and future building form within the area.

9.3 The issues raised in submissions, whilst important, do not warrant refusal of the Development Application.

## 10 Council assessment

10.1 An assessment of the key issues for the proposed development is presented below:

**a. Blacktown City Council Growth Centre Precincts Development Control Plan 2010**

The provisions of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 apply, in particular Section 4.6.1 Residential flat buildings and shop-top housing. The following table outlines that the application is generally compliant with the relevant provisions of the DCP.

*Table 4: Compliance with Growth Centres DCP numerical controls*

Control		Proposed	Complies
Minimum frontage	30m	175m – Site adjoins Terry Road and a future public recreation area	Yes
Minimum depth	30m	109m	Yes
Adaptable dwellings	10% of dwellings	26 adaptable units proposed, which equates to 10%. An Accessibility Report prepared by Access mobility solutions has been submitted and demonstrates compliance with relevant Australian Standards	Yes
Site coverage (max)	50%	40% (6,028sq.m)	Yes



<b>Landscaped area (min)</b>	30% of site area	31% (4,614sq.m)	Yes
<b>Communal open space</b>	15% of site area	28.6% (4,402sq.m)	Yes
<b>Private open space (POS)</b>	Min. 10sq.m per dwelling with min. dimension of 2.5m	Between 10sq.m and 29sq.m per balcony (some dwellings are provided with multiple balconies)	Yes
<b>Front setback (min)</b>	6m	6m	Yes
<b>Corner lots secondary street setback (min)</b>	6m	N/A	Yes
<b>Side setback (min)</b>	2m	Between 3m (adjoining open space) and 6m (adjoining neighbouring property to the south)	Yes
<b>Rear setback (min)</b>	6m	6m	Yes
<b>Zero lot line (min)</b>	Not permitted	Not proposed	Yes
<b>Building separation distance (min)</b>	12m	Between 12m and 17.1m internally 6m setback to adjoining properties to enable equitable share of building separation	Yes
<b>Resident car parking</b>	1-2 bedrooms: 1 covered space 3 bedrooms or more: 2 covered spaces	297 car parking spaces proposed, based on 29 x 1 bedroom units, 186 x 2 bedroom units and 41 x 3 bedroom units	Yes
<b>Visitor car parking</b>	1 space per 5 units	52 visitor car parking spaces	Yes
<b>Bicycle parking</b>	1 per 2 units	128 resident bicycle spaces	Yes
<b>Visitor bicycle parking</b>	1 per 12 units	22 visitor bicycle spaces	Yes
<b>Garages and car parking dimensions (min)</b>	Covered: 3m x 6m Uncovered: 2.5m x 5.2m  Aisle widths must comply with AS 2890.1	Dimensions compliant with Australian Standards	Yes

## b. Building height

Clause 4.3 of the Growth Centres SEPP establishes that the maximum height of buildings on the R3 zoned portion of the subject site is 12m. The Growth Centres SEPP defines building height as follows:

*“building height (or height of building) means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.”*

The overall height of the building complies with the maximum permissible building height with exception of encroachments up to 550mm. The variations include:

- Building C is located on the lowest part of the site and the parapet at the northern most part of Building C has a maximum height of 12.55 metres, whilst the roof level at that point is 12.25 metres. Accordingly the maximum height of the building exceeds the 12 metre height limit by 550mm.

- The northern parapet of Block A also exceeds the height limit, however this is less than 300mm. Similarly, sections of the northern parapet of Block B and Block D also exceed the height limit by less than 300mm. The roof levels of these buildings comply with the 12m height limit.

Clause 4.6 Exceptions to Development Standards of the Growth Centres SEPP enables the consent authority to consider variations to development standards. The objectives of the clause are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 requires the consent authority to consider a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

The applicant has submitted a formal written request for the building height variation, which is held at **Attachment 4**.

Clause 4.6 further states the following:

*(4) Development consent must not be granted for development that contravenes a development standard unless:*

- (a) the consent authority is satisfied that:*
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
  - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
- (b) the concurrence of the Director-General has been obtained.*

Council officers have undertaken an assessment of the applicant's written request for the variation. Council officers consider the variation satisfactory based on the following grounds:

- The development continues to be consistent with the objectives of the development standard. The following assessment considers the objectives of Clause 4.3:
  - (1) The objectives of this clause are as follows:*
    - (a) to establish the **maximum height of buildings** on land within the Area 20 Precinct,*
    - (b) to **minimise visual impact** and protect the amenity of adjoining development and land in terms of **solar access to buildings and open space**,*
    - (c) to **facilitate higher density development** in and around commercial centres and major transport routes.*

#### Maximum height

The maximum height limit on the site is 12m, whilst the maximum height of the development, which occurs at the northern part of Building C at the parapet, is 12.55m. The development does not achieve another residential level as a result of



the exceedance in height. The variation of up to 550mm is at points only, of which the majority comprises the northern parapet of buildings A, B, C and D. Given the topography of the land, the variation is at particular points only, with the majority of all buildings compliant with the 12m height limit. Further, the parapet is a cosmetic element of the building design, as the roof space is a non-trafficable area and is not used as common open space. The parapet encroachment is typically the northern exterior wall elements of the buildings. Only the roof level of the northern end of Building C exceeds the building height limit by 250mm, which is considered minimal.

#### Visual impact

Proposed encroachments are point encroachments only. The overall visual impact of the development is not compromised, given point encroachments are only a result of the topography of the land and to create even building platforms. Furthermore, the design of the development is considered to be of a high standard. The overall bulk and scale of the development is not considered compromised as a result of the height exceedance, as numerical standards in all other cases are met. This includes that the development is significantly under the maximum floor space ratio requirement. The maximum FSR is 1.75:1, whereas the proposed has an FSR of 1.56:1.

#### Solar access to buildings and open space of adjoining development and land

The height exceedance does not result in unnecessary overshadowing impact on adjoining properties and public recreational land to the north of the site. As the Public Recreation zoned land is to the north of the site, adequate sunlight is achieved. In regard to adjoining sites, the development exceeds the minimum side setback of 2m to adjoining properties by providing a minimum side and rear setback of 6m. This ensures that the solar access impact on the properties is minimised.

#### Higher density development in and around commercial centres and major transport routes

The subject site is located within close proximity to the existing Rouse Hill Town Centre (1.2km by road), proposed North West Rail link stations (1.4km by road) as well as existing commercial uses on the opposite side of Windsor Road (400m by road). The objective seeks to encourage high density housing close to such commercial centres and transport routes. The amendment of the design would result in partial deletion of the upper floor, which would result in lower densities. Given the encroachment sought, being a 4.6% variation at points only, the variation is considered acceptable by Council officers.

- The development is consistent with the objectives of the R3 Medium Density Residential zone as the development is permissible and complies with all other numerical standards, providing a variety of unit types to meet housing needs.
- In accordance with Clause 64 of the Environmental Planning and Assessment Regulation 2000, Council has assumed the concurrence of the Director General of the Department of Planning and Environment as the proposed variation does not exceed 10% of the development standard. The variation sought is only 4.6%, which is well below the 10% limit for assumed concurrence.



### c. Area 20 Indicative Layout Plan

The Area 20 Indicative Layout Plan identifies the subject site as a “potential school site”. The figure below is an extract from the ILP.

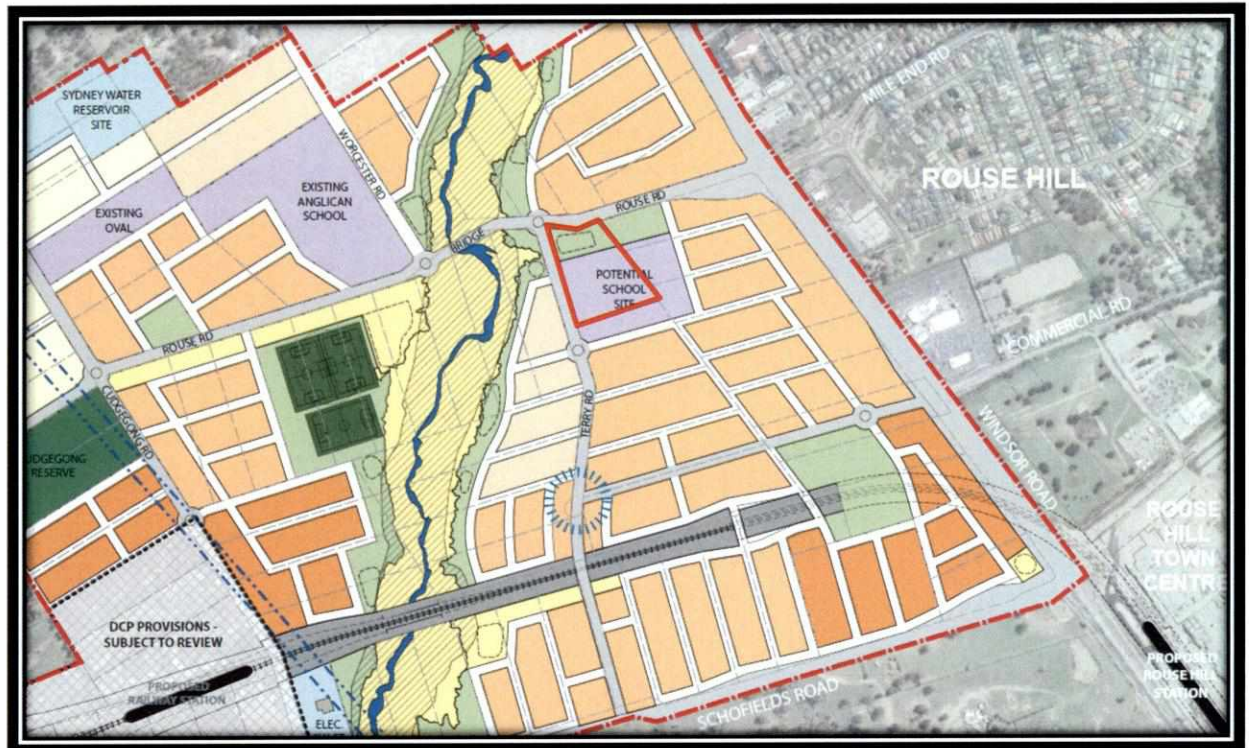


Figure 7 – Extract from Area 20 ILP (Department of Planning, 2012)

Notwithstanding this, the zoning of the site is R3 Medium Density Residential. ‘Residential flat buildings’ are permissible within the R3 zone. Section 2.2 of the Growth Centres DCP requires development to be consistent with the ILP, however a DCP cannot prohibit land uses that are permissible under a SEPP.

The Department of Education and Communities has been made fully aware of the proposal and has been consulted regarding any plans they have for the acquisition of the property. The Department has identified that the property is not within their current acquisition program and that a school is unlikely to be needed in the area for 5 – 10 years. The Department has not raised any objection to the proposal.

In light of the Department’s response, as well as the permissibility of the use under the Growth Centres SEPP zoning of the land, this issue is not considered sufficient to warrant refusal of the DA.

Approval of the DA will mean that a school will not be able to be provided on the subject site and that the Department will need to consider purchasing an alternate site. Their unwillingness to buy this site is regrettable, but it would be inequitable to prevent permissible development on the land in the absence of Government willingness to purchase. The Department should be advised of the approval of the DA and of the loss of this site for a potential school.

### d. Development staging

The development is proposed to be constructed in 4 separate stages. Each stage will be self-contained and will provide sufficient car parking and common open space to satisfy the required development controls.



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**e. Subdivision**

The development proposes 2 forms of subdivision:

- i. paper subdivision for excision of the RE1 Public Recreation zoned land
- ii. strata subdivision of units.

Suitable **conditions** will be imposed for the paper subdivision, requiring consultation with Council's Section 94 Committee regarding the acquisition of the RE1 land (**condition 2.6**). **Conditions** will also be imposed regarding the strata subdivision of the units, after the Occupation Certificate for each stage is issued. (**condition 11**).

**f. Crime Prevention through Environmental Design**

A CPTED assessment has been submitted by the Applicant. The proposed development is considered acceptable from a CPTED perspective as:

- the proposed buildings overlook the streets, future public reserve to the north of the site, internal private accessways and common open space areas to facilitate casual surveillance
- the basement carpark and entrances to the residential areas can be appropriately secured
- CCTV is proposed throughout the site
- residential entrances, pedestrian areas and common open spaces will be illuminated at night by vandal proof security lighting
- buildings will be constructed with external materials that are robust and durable. Measures will also be adopted to discourage vandalism and graffiti.

Where appropriate, suitable **conditions** will be imposed on any consent to ensure that works required to make the development safe and secure are undertaken to Council's satisfaction (**conditions 4.7, 4.9, 4.10, 4.5, 10.10, 10.16 & 4.8**).

**g. Bulk and scale**

The development is considered to be of a suitable bulk and scale, which complies with the numerical development standards within the Growth Centres SEPP and DCP with the exception of minor point encroachments to building height. The development is considered to be consistent with the precinct planning outcomes for the Area 20 Precinct, with a desired future character of the locality intended to be a mix of townhouses and residential flat buildings.

The development provides for a variety of front setbacks which comply with the minimum 6m control. The submitted landscape plan proposes significant landscaping along the Terry Road frontage to soften the development's impact on the streetscape. In addition, the development provides for suitable side and rear setbacks which take into consideration future residents adjoining the site, as well as casual surveillance to the future public park to the north of the site.

**h. Tree removal**

The Applicant has submitted a Tree Inspection report prepared by Treehaven Envirosapes. The site is identified as containing 232 trees, of which 103 trees are proposed to be removed. The tree report has identified that the subject site does contain

degraded remnant Cumberland Plain Woodland. Notwithstanding this, the site is Biodiversity Certified pursuant to Part 7 Section 7 of the Threatened Species Conservation Act 1997. Biodiversity certification enables the approval for the clearance of trees without the need for the 7 part test. Biodiversity certification is a State Government initiative within the Growth Centres which allows for the clearing of trees, with a State Government commitment to protect vegetation elsewhere both within and outside the North West and South West Growth Centres.

The development proposal does not seek to remove any vegetation from within the RE1 Public Recreation zoned portion of the site. Furthermore, the proposal does seek to retain vegetation in the R3 Medium Density portion of the site, where practicable. Suitable **conditions** will be imposed on any consent issued requiring the recommendations of the tree report to be implemented and for trees that are being retained to be adequately cordoned off and protected (**conditions 3.9 & 6.8**).

**i. Landscaping**

In addition to the abovementioned tree report, a Landscape Plan prepared by Canvas Landscape Architects has been prepared for the development. The plan indicates that approximately 19 large canopy trees will be planted which range in height from 7 to 20 metres and include tree species such as Spotted Gums, Blueberry Ash, Flowering Gum, Crepe Myrtle and Little Gem Magnolia. In addition, a large variety of shrubs, ground covers and turf are also to be provided. A **condition** will be imposed on any consent issued requiring landscaping to be provided in accordance with the submitted Landscape Plan (**conditions 10.13.1 & 12.6.1**).

**j. Heritage**

The subject site contains no items of European heritage significance. In regard to Aboriginal Heritage, the site is not identified within the Area 20 Precinct as having potential archaeological heritage. An Aboriginal cultural heritage assessment report has not been submitted as part of the DA. Notwithstanding this, a **condition** will be imposed on any consent issued requiring an Aboriginal Heritage Impact Permit in the event that archaeological evidence is found during construction (**conditions 2.5.3 & 8.8**).

**k. Salinity and soil aggressivity**

A Salinity Assessment has been prepared by Geotechnique Pty Ltd and submitted as part of the DA. The report identifies that the soils at the site are generally non-saline and non-aggressive to steel, but mildly aggressive to concrete. The report states that, as the development will involve disturbing the soils and possibly exposing soils that are moderately aggressive to concrete, a Soil Management Plan to mitigate such risks during and after construction should be implemented. The report provides recommendations for during site preparation, as well as during construction of the development. Compliance with the recommendations will be imposed as conditions on any consent issued (**conditions 4.12, 7.1.14 & 7.15**).

**l. Cut and fill and retaining works**

Cut and fill is proposed to provide an even building platform for the development. The development is proposed to be stepped, to reduce the level of cut and fill required. Site benching has been limited to 1m. The Applicant has identified that 31,488 sq.m of fill is to be removed from the site as part of site preparation works, such as excavation of the basement. **Conditions** will be imposed on any consent issued requiring the legal disposal of fill, with receipts to be submitted to Council prior to issue of an Occupation Certificate (**condition 10.21.2**). In addition, a **condition** will be imposed on any consent requiring a



dilapidation report for Terry and Rouse Roads for Council's Maintenance Section (**condition 3.6.2**).

**m. Fencing**

The Applicant has identified that a front fence of 1.8m high, constructed of aluminium slats and posts, is proposed along the Terry Road frontage. In addition, the Applicant has identified 1.8m timber lapped and capped fencing on all other side and rear property boundaries, including adjoining the future public reserve to the north of the site. Council will not support lapped and capped timber to the future public reserve. It is noted, however, that fencing details have not been submitted to Council. A prior to Construction Certificate condition will be imposed on any consent issued requiring the submission of fencing details, for the separate approval of Council (**condition 4.5**). Whilst Council has no objections to the height of fencing adjoining Terry Road and the public reserve to the north, the fencing is to be open style metal palisade fencing for security and aesthetic reasons.

**n. External building materials and colours**

Initial concerns were raised with the Applicant regarding the 4th floor weatherboard finishes, from a maintenance and durability perspective. The Applicant revised the proposed colours and finishes, now proposing a variety of materials to be used, including rendered and painted finishes for the facade walls, a combination of solid balustrades as well as glazed balustrade treatments, and Alucobond cladding for some walls. Balcony balustrades are of various types and serve differing purposes, being painted and rendered solid walls as compositional devices to divide facades, whilst the glass plate balustrades allow for maximum views.

The proposed external colours and finishes are considered suitable given the scale of the development, long term maintenance and overall architectural design of the buildings. A **condition** will be included requiring finishes to comply with final approved details (**condition 4.3.1**).

**o. Developer contributions**

The subject site falls within Contributions Plan No. 22 – Area 20 Precinct. The following Section 94 contributions are applicable to the site, per stage:

Stage	Base contribution payable*
1	\$1,079,190
2	\$1,088,894
3	\$1,084,472
4	\$1,051,951
<b>Total</b>	<b>\$4,304,507</b>

\*Subject to indexation at time of payment

**p. Impacts during construction**

**Conditions** of Consent will be imposed to mitigate any potential impacts on the amenity of the surrounding neighbourhood resultant from the development (**condition 8.4**).

**q. Social and economic impacts**

It is considered that the proposed residential flat buildings will have a positive social and economic impact on the locality. The development provides for greater housing diversity and choice within the Blacktown local government area. In addition, the site is in close

proximity to commercial centres and public transport, which are considered appropriate for higher densities.

**r. BCA compliance**

A **condition** of consent will require that the proposed development complies with the applicable requirements of the Building Code of Australia, including accessibility requirements (**conditions 5.1 & 8.2**).

**s. Water management**

The application has been reviewed by Council's Development Engineers who have raised no objection to the proposed development subject to the implementation of **conditions (condition 6.11.5)**.

**t. Soil management**

The proposed development is not expected to have an adverse impact in regarding the soil erosion or sedimentation. A **condition** of Consent will require the applicant to ensure that the proposal is carried out in compliance with erosion and sedimentation controls (**condition 6.4**).

**u. Waste management**

A Waste Management Plan (WMP) has been prepared and submitted as part of the application. Council has identified that, whilst Council is capable of servicing the site for 1100L general waste bins, Council cannot service 1100L recycling bins. The Applicant has provided evidence that the site is capable of being serviced by a private contractor with respect to recycling bins.

Notwithstanding this, Council continues to have concerns in relation to the separation of collection methods between Council and private contractors, as future tenants would still be required to pay full Council waste removal fees as well as private contractor fees. As such, a **condition** will be imposed on any consent issued requiring arrangements to be made for the site to be serviced by a private contractor only (**condition 12.9.1**).

## 11 Section 79C consideration

11.1 Consideration of the matters prescribed by Section 79C of the Environmental Planning and Assessment Act 1979 is summarised below:

Heads of Consideration 79C	Comment	Complies
<p><i>a. the provisions of:</i></p> <p><i>(i) any environmental planning instrument (EPI)</i></p> <p><i>(ii) any development control plan (DCP)</i></p> <p><i>(iii) the regulations</i></p>	<p>The provisions of the relevant EPIs relating to the proposed development are summarised under Section 6 of this report. The proposal is considered to be consistent with the relevant SEPPs, including, Growth Centres SEPP, SEPP (Infrastructure) 2007 and the 10 'design quality principles' of SEPP 65.</p> <p>The proposed development is a permissible land use within the R3 Medium Density Residential zone, and satisfies the zone objectives outlined under the Growth Centres SEPP. The proposal does seek to vary the building height control by up to 550mm under Clause 4.6 of the Growth Centres SEPP. Given that the variation is less than 5% of the development standard and is only point encroachments as a result of the topography of the land, the variation is</p>	Yes



	<p>considered acceptable in this instance.</p> <p>The Growth Centres DCP 2010 applies to the site. The proposed development is compliant with all of the numerical controls established under the DCP. The proposal does seek a variation to the Area 20 Indicative Layout Plan which shows the land as a school site, however, this is considered acceptable as the zoning permits RFBs and DEC has not objected to the proposal.</p>	
<i>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</i>	<p>An assessment of the key issues relating to the proposed development is provided under Section 10 of this Report. It is considered that the likely impacts of the development, including traffic, noise, parking and access, bulk and scale, overshadowing, privacy, stormwater, waste management and the like, have been satisfactorily addressed.</p> <p>A thorough site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties. Appropriate measures, including CCTV, lighting and signage will also ensure that security and safety is maximised on and around the site. These will be <b>conditioned</b> in any consent granted (<b>conditions 4.7 &amp; 4.9</b>).</p> <p>In view of the above, it is believed that the proposed development will not have any unfavourable social, economic or environmental impacts given the nature of the zone.</p>	Yes
<i>c. the suitability of the site for the development</i>	<p>The subject site is zoned R3 Medium Density Residential and RE1 Public Recreation pursuant to the Growth Centres SEPP. Residential flat buildings are permissible within the R3 portion of the site, with development consent.</p> <p>The site has an area and configuration suited to the form of development proposed. The design solution is based on sound site analysis and responds positively to the different types of land uses adjoining the site. The site's close proximity to services, facilities, public transport and a major arterial road network also makes this a suitable site for higher residential densities.</p> <p>Whilst the existing area is currently large lot rural residential living, the site and surrounding area has been identified under the Area 20 rezoning for R3 Medium Density Residential.</p> <p>The site is therefore considered suitable for the proposed development.</p>	Yes
<i>d. any submissions made in accordance with this Act, or the regulations</i>	<p>As noted in Section 9 of this Report, a total of 3 submissions have been received regarding the proposal. It is considered that the issues raised within the submissions do not warrant refusal of the application and in many instances can be addressed via suitable conditions of consent.</p>	Yes
<i>e. the public interest</i>	<p>It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides high quality housing stock and provides for a wider range of housing diversity within the Blacktown Local Government area.</p>	Yes

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## 12 General comments

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- 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. It is considered that 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 State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the R3 Medium Density zone and is permissible in the zone with development consent. The proposal also complies with the provisions set out in State Environmental Planning Policy (Infrastructure) 2007 and the Blacktown City Council Growth Centre Precincts Development Control Plan 2010, and is considered satisfactory with regard to relevant matters such as built form, access, stormwater drainage, site contamination, salinity, social and economic Impacts and the like, subject to the imposition of suitable conditions of consent to satisfactorily control the development.
- 12.3 The proposed variation to building height is considered acceptable, as the variation is a 4.6% variation to the development standard and is a result of the topography of the land. Additional floor levels are not being sought as a result of this minor building height variation.
- 12.4 The inconsistency with the Area 20 ILP is considered satisfactory as the development is permissible within the zone as established by the Growth Centres SEPP. A DCP cannot prohibit a land use.

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## 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 be advised of the Sydney West Joint Regional Planning Panel's decision.
- 13.3 The Department of Education and Communities be advised of the approval of the application and that they will need to identify an alternative site for a school in the Area 20 Precinct.



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