

Report to Sydney West Joint Regional Planning Panel

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| JRPP No. | 2014SYW072 |
| DA No: | JRPP-14-903 |
| Local Government Area: | Blacktown |
| Proposed Development: | Construction of a 6 storey residential flat building |
| Development Type: | "Regional Development" – Capital Investment Value > \$20 million |
| Lodgement Date: | 23 May 2014 |
| Land/Address: | Lots 24 and 25 DP 1128, H/Ns 5 – 7 The Avenue, Mount Druitt |
| Land Zoning: | 2(c) Residential pursuant to Blacktown Local Environmental Plan 1988 |
| Capital Investment Value: | \$24,370,000 |
| Applicant: | Coronation Property Co. |
| Report Author: | Sara Smith, Assistant Team Leader |
| Instructing Officers: | Judith Portelli, Manager Development Assessment Glennys James, Director Design and Development |
| Date Submitted to JRPP: | 10 April 2015 |
| Date Considered by JRPP: | 22 April 2015 |



Figure 1 Photomontage

ASSESSMENT REPORT

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Attachment 1 – Draft conditions of consent

Attachment 2 – Development application plans

Attachment 3 – Locality plan

Attachment 4 – Compliance table - Blacktown Development Control Plan 2006 Part C

Attachment 5 – Compliance table - Residential Flat Design Code

Attachment 6 – Assessment against the 10 'design quality principles' for residential flat development

1 Executive summary

- 1.1 Council is in receipt of a Development Application (DA) from Coronation Property Co. for the construction of a 6 storey residential flat building, basement car parking, landscaping and site works at Lots 24 and 25 DP 1128, H/Ns 5 – 7 The Avenue, Mount Druitt. The development has a Capital Investment Value of \$24,370,000.
- 1.2 The site is zoned 2(c) Residential pursuant to Blacktown Local Environmental Plan 1988. Residential flat buildings are permissible with development consent. The land is proposed to be zoned R4 High Density Residential under Draft Blacktown Local Environmental Plan 2015 and the development will remain permissible with consent.
- 1.3 The proposed development was notified to adjoining and neighbouring owners for a period of 14 days between 28 October 2014 and 11 November 2014. During this period no submissions were received. A submission was however later received on 21 February 2015. The issues raised in the submission are addressed in Section 10. The primary concerns related to privacy and safety and construction, and these are not considered sufficient to warrant a recommendation for refusal.
- 1.4 The DA was also referred to NSW Police for comment against the Safer by Design principles. No objections were raised.

- 1.5 The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the Environmental Planning and Assessment Act 1979 and is considered satisfactory. The DA complies with all of the provisions of Blacktown Development Control Plan 2006 (DCP) with the exception of the 16 m height control.
- 1.6 The height limit of the subject site under Draft BLEP 2015 will be 20 m, as opposed to the 16 m height limit currently in place under the DCP. The proposal is therefore consistent with the new controls, with a 6 storey residential flat building clearly envisaged for this area. The current proposal exceeds the 20 m height only because of the lift overruns.
- 1.7 The proposed development complies with key issues such as built form, car parking, traffic impacts and stormwater drainage, subject to the imposition of suitable conditions of consent. The consent will be subject to deferred commencement conditions requiring the applicant to obtain Supreme Court approval to a downstream easement over adjoining land and the creation of the easement under Section 88B of the Conveyancing Act 1919.
- 1.8 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**.

2 Location

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



Figure 2: Location map

- 2.2 The site is located within the suburb of Mount Druitt and is located within walking distance of Mount Druitt railway station, Westfield Mount Druitt and other local shops along Beames Avenue.
- 2.3 The site is located on the south side of The Avenue and has vehicular access to Carlisle Avenue, providing convenient and direct access to adjoining suburbs within the Blacktown LGA and easy access to the M4 Motorway and Great Western Highway. The area is currently undergoing a transformation with the construction of residential flat buildings in the immediate locality.

3 Site description and locality



Figure 3: Aerial photo

- 3.1 The site is currently vacant with only a site shed currently on site. The site is regular in shape and has an area of 3,372 sqm, with a frontage of 40.23 metres to The Avenue and a depth of 84.42 metres.

4 History and current use of the site

- 4.1 The subject site has been used for residential purposes for a number of years. The land is currently vacant as the former dwellings have been demolished.

5 The proposal

- 5.1 Details of the proposal are as follows:

- Removal of 22 trees and retention of 2 trees
- Construction of a 6 storey residential flat building comprising:
 - 27 x 1 bedroom units
 - 56 x 2 bedroom units
 - 2 x 3 bedroom units
- Car parking for 127 vehicles, including 92 residential spaces and 35 visitor spaces to be provided within 2 levels of basement parking
- 3,255 sqm of communal open space comprising of on ground and roof areas
- Landscaping.

- 5.2 The proposal comprises 2 separate functioning buildings which abut each other and share a basement carpark. The development site is benched so that the building fronting The Avenue is 3 m higher than the rear building, to ensure the development works with the sloping topography. Each building is provided with its own lift core.

- 5.3 The proposal includes the stepping of the development at the rear of the site, where a 6 m setback is provided to the ground level through to level 4 and is increased to a setback of 9 m to levels 5 and 6.
- 5.4 Vehicular access to the basement carpark will be via The Avenue along the eastern property boundary.
- 5.5 The building incorporates a variety of external colours and finishes, including primarily rendered masonry and painted finishes, with aluminium cladding around the balconies on levels 1 to 3 to provide architectural interest on the side elevations and timber screening on the ground floor to screen the garbage room.
- 5.6 Shadow diagrams demonstrate that the building and adjoining properties will receive adequate solar access.
- 5.1 The Development Application Plans are provided 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 identifies development classified as 'Regional Development', which requires referral for determination to a Joint Regional Planning Panel (JRPP) in accordance with Clause 20 of the SEPP.

The Development Application is classified as Regional Development as the Capital Investment Value of the application is more than \$20 million. Council is responsible for the assessment of the application and determination falls with the Sydney West Joint Regional Planning Panel.

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

State Environmental Planning Policy No. 65 (SEPP 65) – Design Quality of Residential Flat Development was gazetted on 26 July 2002 and applies to the assessment of this DA. The proposal complies with SEPP 65 and is acceptable. In the same year the State Government also released the Residential Flat Design Code (RFDC). The SEPP also states that the proposal is to "have regard to the publication Residential Flat Design Code (a publication of the Department of Planning, September 2002)". The proposal complies with the controls contained in the RFDC and is acceptable in terms of setbacks, solar access, ventilation, open space and car parking. A full compliance table is provided at **Attachment 5**.

Part 2 of the SEPP outlines 10 'design quality principles' for residential flat development that the Applicant must satisfy, including scale, built form, safety and amenity. This proposal satisfies these principles and a comprehensive analysis of these principles is provided at **Attachment 6**.

The SEPP also outlines the procedures for establishing a 'design review panel', however Blacktown City Council does not have a design review panel.

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

A multi dwelling BASIX Certificate was lodged as part of the Development Application, as well as a NatHERS (Nationwide House Energy Rating Scheme) Assessor Certificate. The BASIX Certificate identifies that the building achieves 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 Certificate. (**Condition 2.4**)

(d) Blacktown Local Environmental Plan 1988

The site is zoned 2(c) Residential pursuant to Blacktown Local Environmental Plan 1988. Under BLEP 1988 residential flat buildings are permissible within this zone.

(e) Draft Blacktown Local Environmental Plan 2015

The site is proposed to be zoned R4 High Density Residential under adopted Draft BLEP 2015. Residential flat buildings will also be permissible in this draft zone and will include a height limit of 20 m. Gazettal of BLEP 2015 is expected before the end of April 2015.

7 External referrals

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

| Agency | Comments |
|------------|---|
| NSW Police | No objections were raised by NSW Police subject to conditions regarding external lighting and installation of CCTV cameras. (Condition 14.14) |

8 Internal referrals

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

| Section | Comments |
|----------------------------------|--|
| Engineering | Council's Engineering Section has reviewed the DA and raises no objection subject to deferred commencement conditions imposed on any consent issued requiring the applicant to secure downstream owner's consent via a Supreme Court ruling under Section 88K of the Conveyancing Act 1919, as well as the creation and construction of the easement. (Conditions 1, 3.5, 7, 11, 13.2 and 13.13) |
| Traffic Management Section (TMS) | Council's Traffic Management Section has reviewed the DA including the Traffic Impact Assessment submitted and prepared by Cambray Consulting. It raises no objection to the proposal subject to the imposition of a condition requiring a contribution of \$63,447 towards the signalisation of the intersection of Durham Street and Carlisle Avenue which was forward funded and provided by Council. (Condition 5.1.2) |
| Waste Services | Council's Waste Services Section has reviewed the DA and raises no objection to the proposal. It is noted that the proposed residential flat building will utilise a private contractor for the disposal of all waste. |
| Heritage | Council's Heritage Advisor has reviewed the DA, including the Statement of Environmental Effects, Design Verification Statement and plans, and has advised that the proposal will have no adverse impact on the nearby heritage item (The Manse) which is located 140m from the site. |

9 Assessment

9.1 An assessment of the relevant key issues is presented below:

(a) Blacktown Development Control Plan 2006

The provisions of Blacktown Development Control Plan 2006 apply, in particular Section 7.0 Residential Flat Buildings. The proposal is considered satisfactory and achieves compliance with the numerical controls of Part C, including setbacks, solar access provision, common open space, private open space and car parking, with the exception of the 16 m height control. **See Attachment 4** for a detailed assessment against the DCP controls.

(b) Building height

The DA complies with all of the provisions of Blacktown Development Control Plan 2006 (BDCP 2006) with the exception of the 16 m height control. However, the height limit of the subject site under Draft BLEP 2015 will be 20 m, as opposed to the height limit currently in place under the DCP of 16 m. The proposal is therefore consistent with the new controls, where a 6 storey residential flat building is clearly envisaged for this area. The current proposal exceeds the 20 m height due only to protruding lift overruns which have an area of 12 sqm and a height of 2.1 metres, and 4 skylights with an area of 12 sqm each and a height of 0.8 m. These point encroachments are minor and will not be visible from the street or impact on the skyline.

Under BLEP 1988 the height of development is not controlled in the LEP but in the Development Control Plan. A height limit of 16 m is nominated across the City for the 2(c) Residential zones.

Under BLEP 2015, the height of development will be controlled by a 'Height of Buildings Map' under the LEP, and not under the DCP. The increased height limit proposed by BLEP 2015 to 20m will result in an additional 2 storeys or 22 additional units for this proposed development.

Council adopted its new comprehensive BLEP on 9 December 2013 and it is going through the final stages of approval by the Department of Planning and Environment. Indications are that BLEP 2015 is expected to come into force by the end of April 2015.

Under BLEP 2015 the height limit of 20 m has now been adopted by Council for the subject site and surrounding area. In view of this, it is considered reasonable and appropriate that the new height be applied to this Development Application now. There is no legal impediment preventing Council from applying the new height limit. In addition, the minor point encroachments should be supported as these are not increasing the number of units, but only plant and equipment.

Council, on 26 November 2014, approved a DA for a residential flat building at 7 – 9 Durham Street, Mount Druitt which sought to vary Council's current height policy on the basis that Draft BLEP 2015 will permit 20 m high residential flat buildings in this area. The current application is consistent with this approved application and Draft BLEP 2015.

(c) Site analysis

The site is located on southern side of The Avenue, Mount Druitt. The residential flat building has been designed taking into consideration the site's relationship to other residential flat buildings and its close proximity to community, retail, recreation and transport facilities. The building will be compatible with nearby buildings and is satisfactory. The proposal is also sufficiently distant from The Manse heritage item to ensure that there is no impact.

(d) Privacy

The proposal will not adversely impact on the privacy of future residents in the building and to occupants of adjoining residential properties. The site is located within an area where residential flat buildings of a similar height are permissible, and will have side setbacks of 6.4 m and rear setbacks of 6 m at ground to level 4, increasing to 9 m for levels 5 and 6 in accordance with the SEPP 65 controls.

Frosted glass balustrades have been provided to the balconies of units to provide privacy to occupants. In addition, the glass frosted balustrades provide architectural relief in design.

(e) Building frontages and entries

The site has street frontage to The Avenue. Vehicle access is proposed from The Avenue, to the basement carpark along the eastern property boundary. Pedestrian access is provided from the street to the entry along the street frontage, and side access is available halfway down the property, providing secondary access points.

(f) Solar access

Shadow diagrams were submitted as part of the application, which demonstrate that adjoining properties will continue to receive adequate solar access upon completion of the development. The provision of solar access to the units complies with the requirements of SEPP 65, where a minimum of 60% of units shall receive 3 hours sunlight in midwinter.

(g) Access, traffic and parking

A Traffic Impact Assessment prepared by Cambray Consulting was submitted with the application. The traffic report has investigated the existing traffic generation within the area and the likely increases in traffic generation that the proposed development will have on the existing locality.

The RTA Guidelines recommend the application of a rate of 0.29 trips per unit per hour during both peak periods for high density residential flat buildings in a metropolitan sub-regional centre. The proposed development has provision for 85 residential units; this would generate 25 vehicle movements per hour during peak periods.

The traffic report concluded that:

- The development will generate in the order of 25 vehicle trips in the peak hour (i.e. 13 arrivals and 12 departures) and this represents less than one vehicle movement every 3 minutes.
- The site is located within walking distance to the Mount Druitt Train Station and is convenient to bus services, and it is expected that the overall traffic generation of the development may be substantially lower.
- The traffic generated by the development should be able to be adequately accommodated in the road network.

TMS has reviewed the DA, including the submitted Traffic Impact Assessment, and raises no objection to the proposal.

The application is subject to a Council policy which requires the applicant to contribute to the already installed traffic lights at the intersection of Carlisle Avenue and Durham Street. The policy was introduced and endorsed by Council in 2003 when DA-02-5510 was approved for a residential flat building. The Council resolution endorsed a contribution of \$50,000 (\$746.43 per unit) to the installation of the traffic lights.

This followed a traffic study undertaken in 1999 to assess the impacts of the redevelopment of single storey dwelling sites in this area into residential flat buildings, which would see an increase in travel demand. It was concluded that a set of traffic lights at the intersection of Carlisle Avenue and Durham Street should be installed.

The Local Traffic Committee (LTC) on 5 August 2003 supported the installation of traffic signals at the intersection of Carlisle Avenue and Durham Street, and it was resolved to seek agreement with the RMS to install the lights utilising the contributions collected from the developers of residential flat buildings in the catchment. Council consequently ratified the LTC recommendation at its Ordinary Meeting of 20 August 2003.

Whilst the contribution is not levied under a Section 94 Plan, the contribution functions similar to a Section 94 contribution and has been levied and paid on 5 Development Applications in the area.

(h) Landscaping

A landscaping plan was submitted with the DA. It demonstrates that 2 existing trees are to be retained and 27 trees are to be removed and that a suitable landscaping scheme is proposed for the development subject to a **condition** regarding street tree planting to Council's requirements. (**Condition 5.8.1**).

The rooftop common open space is suitably embellished with garden beds and tables and chairs. A deck is proposed to provide linkages on the roof, however a **condition** will be imposed on any consent issued to reduce the length of the deck away from the rear wall, to ensure safety is achieved for visitors and residents and to reinstate planter boxes in this area. (**Condition 5.9**).

(i) Utilities and infrastructure

The proposed residential flat building will not adversely impact on existing utilities or public infrastructure. The site is located within an existing residential area with adequate servicing available. An appropriate **condition** will be imposed requiring the applicant to make suitable arrangements with service authorities to service the site. (**Conditions 2.4, 5.6, 13.4 and 13.5**).

(j) Noise

An acoustic report prepared by Wood and Grieve Engineers was submitted to support the proposed residential flat building. The report concluded that the predicted noise levels presented show that the day, evening and night criteria would be met with the implementation of the proposed sound power levels for the external air conditioning units and for the carpark exhaust fan location in basement 1. A **condition** of consent will be imposed on any consent issued requiring compliance with the recommendations of the acoustic report. (**Condition 8.1**).

(k) Utilities and infrastructure

The proposed residential flat building is not considered to adversely impact on existing utilities and facilities. **Conditions** for servicing will be imposed requiring a Section 73 Certificate from Sydney Water Corporation and a certificate from an energy provider. **(Conditions 2.4, 4.2.1, 5.6.1 and 13.5.1).**

(l) Noise and vibration during works

To minimise noise and vibration as a result of construction work, a standard **condition** of consent will be imposed for work, including construction activities associated with the development, and including the delivery of materials to and from the site so as to meet the DEECW 2009 Construction Noise Guidelines. **(Condition 10.4.2).**

(m) Safety and security

The proposed development has been assessed against the requirements for 'Safer by Design' and is considered satisfactory. The development will have security measures in place to limit opportunities for crime, including appropriate lighting. A **condition** will be imposed on any consent issued requiring that these security measures, including CCTV cameras, be implemented. **(Condition 11.8.1).**

(n) BCA compliance

A **condition** will require that the proposed development complies with the applicable requirements of the Building Code of Australia, including accessibility requirements. **(Condition 6.1).**

(o) Impacts during construction

A **condition** of consent is recommended to mitigate any potential impacts on the amenity of the surrounding environment, including hours of construction and the submission and approval of a Traffic Management Plan for construction. **(Condition 5.4.4)**

(p) Social and economic impacts

The development provides a range of accommodation which will benefit the wider community. The proposed development will have positive social and economic benefits.

(q) Water management

The application has been assessed against Council's DCP Part R and reviewed by Council's Drainage Engineer and Development Engineer who have raised no objections to the proposal subject to the implementation of **deferred commencement conditions** of consent requiring the submission of downstream owners consent under Section 88K of the Conveyancing Act 1919. Blacktown Development Control Plan 2006 allows an applicant to lodge an application with the Land and Environment Court or the Supreme Court of NSW under Section 88K of the Conveyancing Act where amicable arrangements cannot be made for a downstream easement. The DCP permits approval of applications subject to a deferred commencement provision where the applicant can demonstrate that the Section 88K application has been lodged. The applicant has now lodged a Section 88K application with the Supreme Court of NSW to obtain the easement. If the applicant gets approval from the Supreme Court for the easement, it also has to be constructed and the easement created on title of the burdened lot benefiting the subject land. Evidence of all these matters having been addressed will have to be submitted before the consent can be activated. **(Conditions 1, 3.5, 7, 11, 13.2 and 13.13).**

(r) Soil management

The proposed development is not expected to have an adverse impact in regard to soil erosion or sedimentation. A **condition** of consent will require the applicant to ensure the proposal is carried out in compliance with erosion and sedimentation measures. **(Condition 7.2).**

(s) Waste minimisation and management

The proposal will engage the services of a private contractor to manage all waste collection. A **condition** will be imposed requiring the applicant to comply with the approved Waste Management Plan. **(Condition 5.7.1).**

(t) Developer contributions

The subject site falls within Contributions Plan (CP) No. 3 – Open Space in Established Residential Areas. The current DA generates contributions for an additional population of 191.9 persons. The development has a base contribution of \$281,134, and this will be subject to the Consumer Price Index (CPI). A **condition** will be imposed requiring the payment of the contribution prior to the release of the Building Construction Certificate at the CPI updated rate applicable at the time of payment. **(Condition 5.1.1).**

The subject site also falls within the catchment that requires a contribution to the already signalised intersection of Carlisle Avenue and Durham Street, undertaken by Council to address the traffic implications of residential flat developments in this area on the intersection. A contribution of \$746.43 per unit is required. A **condition** will also be imposed requiring a contribution of \$63,447 to the signalised intersection, to be payable prior to the release of the Building Construction Certificate. **(Condition 5.1.2).**

10 Public comment

10.1 The Development Application was notified in accordance with Blacktown Development Control Plan Part K – Notification of Development Applications to adjoining and nearby property owners and occupants for a period of 14 days between 28 October and 11 November 2014. During this period no submissions were received. However, a late submission was received on 21 February 2015. The issues raised in this submission from a local resident are addressed below. The proximity of the objector to the proposed development has not been ascertained as the objector has not disclosed his or her address, even after several email requests from the assessing Town Planner. The primary general concerns were regarding privacy, safety and construction, however these are not considered sufficient to warrant refusal of the DA.

10.2 The resident raised a number of questions and these are listed below and a town planning comment is provided to each:

(a) Landscaping

- i. Will Australian natives be included in the landscaped areas and will the median strip be replanted?

Town Planning comment:

- The submitted landscaping plan show that the landscaped areas will include a combination of natives and introduced species. It is considered that the proposed landscaping scheme is acceptable. In addition, the landscaping plans ensure the footpath strip adjoining the development will have street trees that meet Council's Street Tree

Planting Policy. Conditions will be imposed requiring this to be met.
(**Conditions 5.8 and 13.15**).

(b) Construction parking

- i. Where will contractors park during construction work and how this will be managed?

Town Planning comment:

- A condition of consent will require, prior to the release of the building construction certificate, the submission of a Construction Management Plan, however legal on-street parking is permitted. (**Condition 5.4.4**).

(c) Energy saving

- i. What environmental measures are proposed to be implemented for energy saving?

Town Planning comment:

- The design of the residential flat building has incorporated a variety of measures for energy saving and these include the use of double glazed windows, insulation for walls and the roof, shading devices and installation of energy efficient appliances including water fixtures, light fittings and laundry appliances.
- The application was accompanied by a BASIX Certificate which sets benchmarks for water and greenhouse gas emission for residential development. The certificate demonstrates that the design of the proposed development meets the required targets.

(d) Maintenance of the building

- i. Will the building be finished in low maintenance materials to ensure it does not end up looking a ghetto?

Town Planning comment:

- The construction materials are low maintenance materials including rendered masonry and painted finishes, with aluminium cladding around the balconies on levels 1 to 3 to provide architectural interest on the side elevations and timber screening, which ensure that the long term maintenance of the building can be maintained to a high standard. The residential flat building will have a Body Corporate, where responsibility will rest to ensure the ongoing maintenance of the building.

(e) Balconies

- i. Will balconies be screened, as viewing washing on balconies is unsightly?

Town Planning comment:

- All balconies will be installed with rendered and painted balustrades to ensure privacy for occupants and also to adjoining properties.
- The development is provided with a communal clothes drying area and each unit is provided with an internal laundry. In addition, a condition will be imposed requiring that any management plan include a by-law that no clothing is to be dried on balconies. (**Condition 14.3.6**) These

combined measures will ensure that the view of balconies from the street or neighbouring properties is appropriate.

(f) Security measures

- i. Is CCTV proposed?

Town Planning comment:

- Whilst the proposal as submitted does not propose the installation of CCTV cameras, a review of the application by NSW Police encourages the installation of CCTV within the basement car parking areas and around the external perimeter of the development. A condition of consent will be imposed on any consent requiring the installation of CCTV cameras prior to the occupation of the development. (**Condition 13.14.1**)

(g) Inspections during construction

- i. Will Council will be inspecting the work during construction?

Town Planning comment:

- The applicant can elect that either Council or a Private Certifying Authority (PCA) undertake inspections during the construction phases of the development. At this stage it is unknown who the principal certifying authority will be.

(h) Construction hours

- i. Will construction hours be limited to weekdays only?

Town Planning comment:

- The construction hours will be conditioned to meet NSW Environment Protection Authority requirements, which permit noise generating works to be carried out between 7:00 am and 6:00 pm Monday to Fridays and 8:00a m and 1:00 pm Saturdays. No works are to be carried out on Sundays or Public Holidays. (**Condition 10.4.2**)

(i) Australian made products

- i. Will the builder be utilising Australian made products?

Town Planning comment:

- The applicant has advised that where possible they will be utilising Australian made products to support local materials and business.

(j) Building Code of Australia

- i. Will the proposal comply with the Building Code of Australia (BCA)?

Town Planning comment:

- The proposed development is required to comply with the BCA. Council's Building Section has raised no objection to the proposal on this basis. A condition of consent will be imposed requiring the Applicant to comply with the BCA prior to the release of the Construction Certificate. (**Condition 6.1**).

11 Section 79C consideration

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

| Heads of Consideration 79C | Comment | Complies |
|--|--|----------|
| <p>a. the provisions of :</p> <p>(i) any environmental planning instrument (EPI)</p> <p>(ii) any development control plan</p> <p>(iii) the regulations</p> | <p>The provisions of the relevant EPIs relating to the proposed development are summarised under Section 6 of this report.</p> <p>The proposal is considered to be consistent with State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings.</p> <p>The proposal is permissible within the 2(c) Residential zone and satisfies the zone objectives outlined under Blacktown Local Environmental Plan 1988.</p> <p>The proposal is considered to be consistent with Draft Blacktown Local Environmental Plan 2015 where the zoning of the site is proposed to be R4, and where residential flat buildings up to a height of 20 metres will be a permissible form of development.</p> | 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 the key issues and likely impacts of the development, including traffic, solar access, privacy and the like, have been satisfactorily addressed. | Yes |
| c. the suitability of the site for the development | <p>The proposal has been designed taking into consideration the site's location and relationship to adjoining residential flat buildings. The proposal is considered to be compatible within the locality.</p> <p>The site is therefore considered suitable for the proposed development.</p> | Yes |
| d. any submissions made in accordance with this Act, or the regulations | 1 submission was received during the assessment of the application. The issues raised do not warrant refusal of the application. | Yes |
| e. the public interest | The proposal is in the public interest as it will provide additional accommodation located in close proximity to public transport. | Yes |

12 Recommendation

- 12.1 The height control in Blacktown Development Control Plan 2006 be varied to 20 metres, in accordance with adopted Draft Blacktown Local Environmental Plan 2015.
- 12.2 The Development Application be approved subject to the **conditions** held at Attachment 1.
- 12.3 The Applicant and submitter be advised of the Sydney West Joint Regional Planning Panel's decision.



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