

Report to Sydney West Joint Regional Planning Panel

JRPP No.	2014SYW081
DA No:	JRPP-14-1105
Proposed Development:	Tree removal, 2 lot subdivision, construction of public roads and 5 residential flat buildings
Development Type:	Capital Investment Value > \$20 million
Lodgement Date:	13 June 2014
Land/Address:	Lot 17 DP 31797, 60 Pelican Road, Schofields
Land Zoning:	R3 Medium Density Residential SP2 Infrastructure (Local Road) SP2 Infrastructure (Drainage)
Capital Investment Value of Approved Development:	\$95,105,355
Applicant:	Design Cubicle on behalf of Precision Living
Landowner:	Schofields Property Holdings Pty Ltd
Report Author:	Melissa Parnis, Assistant Team Leader Projects
Instructing Officers:	Judith Portelli, Manager Development Assessment Glennys James, Director Design and Development
Date Submitted to JRPP:	2 December 2015
Date Considered by JRPP:	16 December 2015



Figure 1. Photomontage (Design Cubicle, 2015)

ASSESSMENT REPORT

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Attachment 8	–	Assessment of compliance with Blacktown City Council Growth Centre Precincts Development Control Plan

1. Summary

- 1.1 Blacktown City Council is in receipt of a Development Application (DA) from Design Cubicle on behalf of Precision Living. The DA seeks approval for tree removal, a 2 lot subdivision and the creation of public roads and the construction of 5 x 5 storey residential flat buildings containing 322 units at 60 Pelican Road, Schofields.
- 1.2 The proposed development constitutes 'regional development' requiring referral to the Joint Regional Planning Panel (JRPP) as it has a capital investment value of \$95.1 million. While Council is responsible for the assessment of the DA, the Sydney West JRPP is the consent authority.
- 1.3 The development is proposed to be located on the portion of the site that is zoned R3 Medium Density Residential, SP2 Infrastructure (Drainage) and SP2 Infrastructure (Local Road) under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). Residential flat buildings are permissible in the R3 zone with development consent.
- 1.4 A detailed assessment has been undertaken against the provisions of the Growth Centres SEPP and the Blacktown City Council Growth Centre Precincts Development Control Plan (Growth Centres DCP) 2010.
- 1.5 The development complies with the numerical requirements of the Growth Centres SEPP. This includes providing a maximum building height of 16 m and complying with the maximum permissible floor space ratio on the site of 1.75:1.
- 1.6 The development also complies with the Growth Centres DCP, with the exception of setbacks, building separation and minimum landscape areas. The Growth Centres DCP requires a minimum front setback of 6 m, but the development proposes a minimum setback of 5.455 m for building facades and 4.39 m to balcony elements for Blocks B and C only. All other buildings comply with the development control. The variation is a direct result of the widening of local roads by Council. The proposed variation is considered acceptable as it does not result in an increase in overshadowing or privacy impact on adjoining properties and results in a more desirable traffic management outcome for the area as a whole.
- 1.7 The proposal also seeks a variation to the rear setback of 1.5 m for balconies on Buildings D and E only and a point encroachment variation to the side setback requirement of 290 mm for 3% of the building length of Building E. The variations sought are considered acceptable as they do not unreasonably impact on adjoining properties in terms of privacy or overshadowing.
- 1.8 The Growth Centres DCP requires a minimum 30% of the site area to be landscaped area, however the proposal provides 25.3% of the site area as landscaped area. The variation is similarly a partial result of the widening of the local roads as requested by Council, which resulted in a loss of 372 sqm of the site. Should 16 m wide roads have been provided, the development would have provided 27.9% of the site as landscaped area. As the proposal continues to exceed the minimum required common open space area required by the DCP and deep soil zone areas required by the RFDC, on its merits the variation to minimum landscaped area is considered satisfactory.
- 1.9 The proposal also seeks to vary the internal building separation as required by the Growth Centres DCP. The Growth Centres DCP requires a 12 m building separation for buildings, however, the proposal provides for a minimum 9 m building separation between non-habitable rooms and no openings. Other elements of the building design, which provide openings, meet or exceed the 12 m requirement. The variation is considered acceptable as the development meets the state-wide standard established by the NSW Residential Flat Design Code. Further, internal unit amenity in regard to solar access and natural ventilation continues to exceed the minimum requirements.

- 1.10 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. The application has been assessed against the design guidelines provided within the Residential Flat Design Code (RFDC). The development complies with all of the numerical recommendations of the RFDC, with the exception of building separation to the eastern elevation. However, on its merits and given the application's compliance with the DCP standards, the building separation is considered acceptable. As the DA was lodged on 13 June 2014, the proposal predates Amendment 3 of SEPP No. 65 which was published on 19 June 2015. Therefore, the proposal continues to be assessed under SEPP No. 65 before the amendment.
- 1.11 The proposed development was notified to property owners and occupiers within the locality between 8 and 22 April 2015. The DA was also advertised in the local newspapers and a sign was erected on site. One submission was received from a landowner 550 m to the east of the site. The submission raised concerns in relation to land use intensity, traffic and parking, provision of open space and waste storage. All these issues are considered to be adequately addressed through the design of the development. The concerns raised are not considered sufficient to warrant refusal of the DA.
- 1.12 Overall, the development is considered satisfactory with regard to relevant matters such as siting and design, bulk and scale, privacy, access, traffic impacts, parking and stormwater drainage. The proposed development has been assessed against the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, including the suitability of the site and the public interest, and is considered satisfactory.
- 1.13 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 site is located within the Alex Avenue Precinct within the North West Growth Centre as identified by the Growth Centres SEPP.
- 2.2 The site is located within a recently approved subdivision. The location of the site is shown in Figure 2 below. The land immediately to the east of the site is zoned R3 Medium Density Residential, with a building height limit of 12 m. The land immediately to the west of the site is zoned B4 Mixed Use, with a building height limit of 17.5 m.
- 2.3 The site directly adjoins the Alex Avenue Town Centre, and is 450 m from the Schofields railway station.
- 2.4 The existing locality is characterised by large lot rural residential development, however is undergoing transition with a number of subdivisions, dwellings and other residential flat buildings recently approved within the locality.

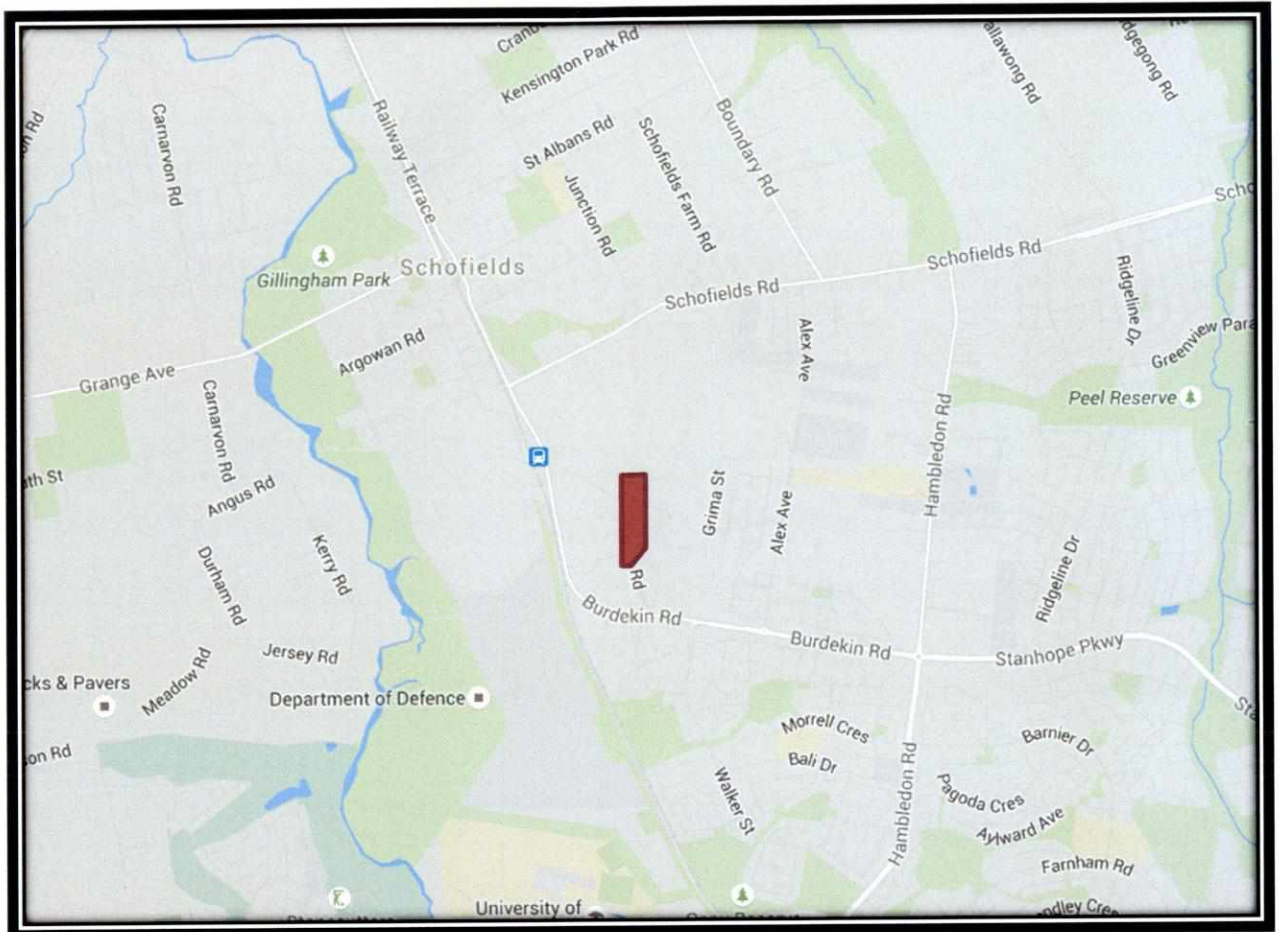


Figure 2. Location map (Google maps, 2015)

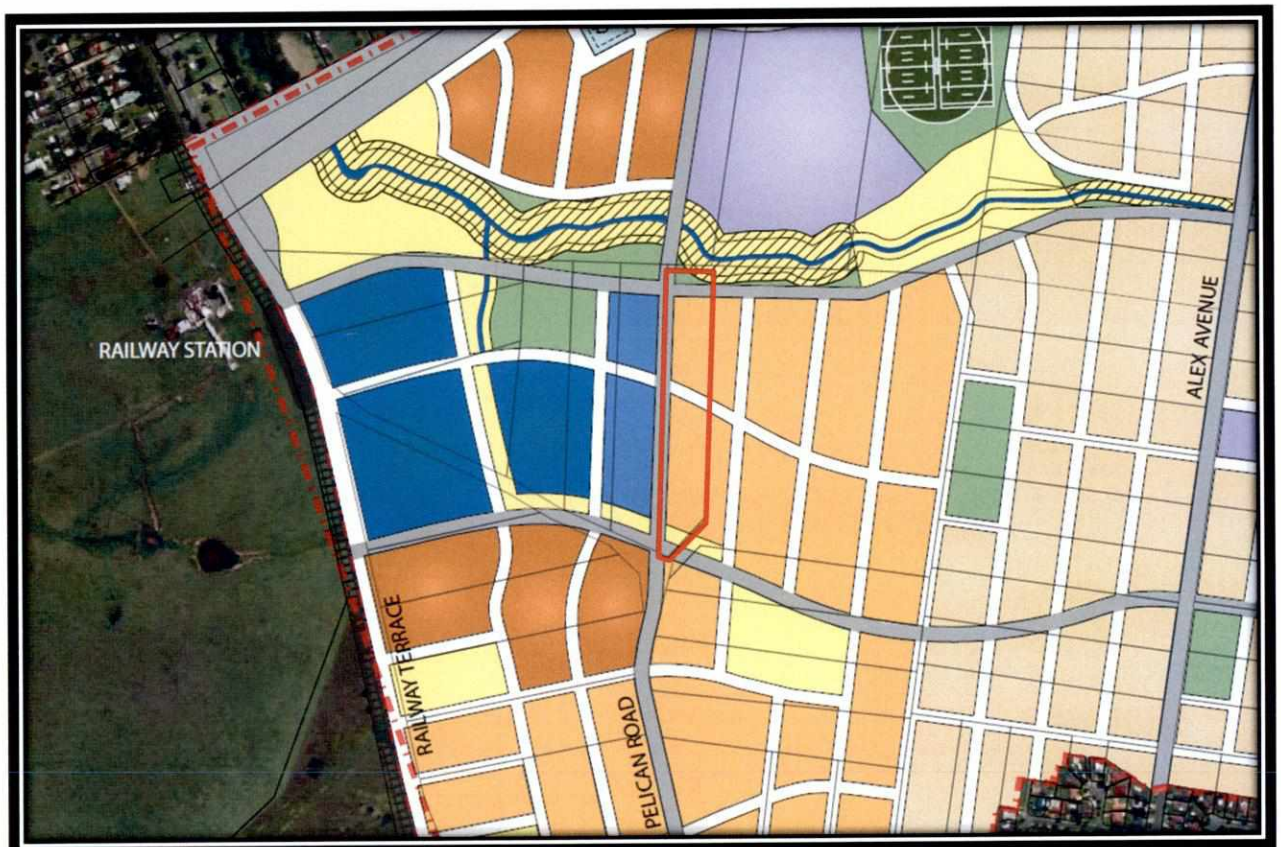


Figure 3. Extract from Alex Avenue Indicative Layout Plan (DoPE, 2010)

3. Site description

- 3.1 The site is known as Lot 17 DP 31797, 60 Pelican Road, Schofields.
- 3.2 The site adjoins Pelican Road to the south. Primary access to the development will be through the internal roads. The total site area of the existing lot is 2.198 hectares. After the exclusion of land zoned SP2 Infrastructure (Local Road) and SP2 Infrastructure (Drainage), as well as local subdivision roads, the net developable area for the site is 14,522 sqm.
- 3.3 The site is vacant land previously used for rural residential purposes.



Figure 4. Nearmap captured 5 July 2015

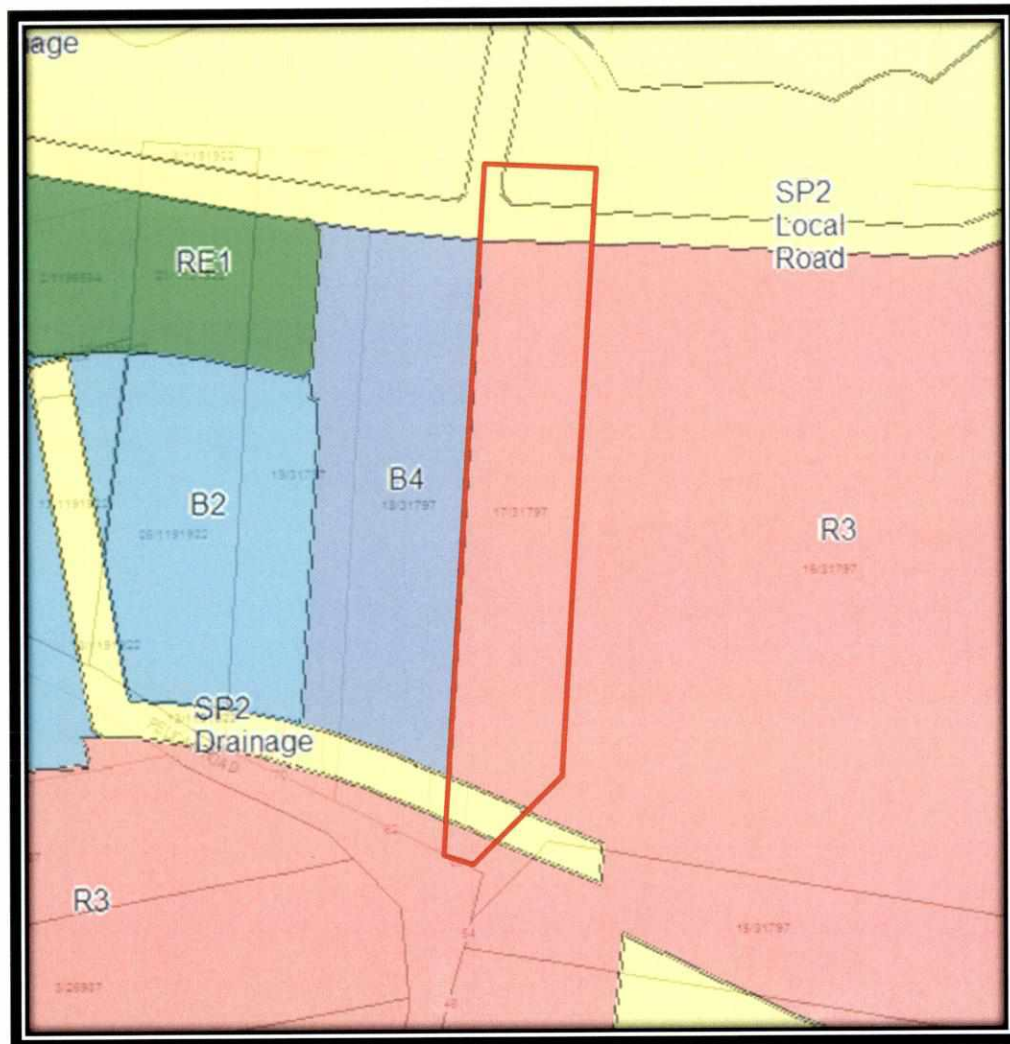


Figure 5. Zoning extract (BCC, 2015)

4. Background

- 4.1 On 17 May 2010, the site was rezoned to R3 Medium Density Residential, SP2 Infrastructure (Local Road) and SP2 Infrastructure (Drainage) under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The site was rezoned from its previous 1(a) Rural zoning under Blacktown Local Environmental Plan 1988 to its current zoning as part of the Alex Avenue Precinct of the North West Growth Centre.

5. The proposal

- 5.1 The DA seeks approval for a 2 lot subdivision, the creation of local roads and the construction of 5 x 5 storey residential flat buildings.
- 5.2 A total of 322 residential units are proposed, including 53 x 1 bedroom units, 262 x 2 bedroom units and 7 x 3 bedroom units.
- 5.3 The maximum building height of the development is 16 m, complying with the maximum height limit of 16 m under the Growth Centres SEPP. This includes plant and equipment on the roofs. No common open space is proposed on the roofs.
- 5.4 The proposal has an FSR of 1.74:1, which complies with the maximum FSR of 1.75:1 permissible on the site.

- 5.5 The proposal seeks a variation to the setback controls, including a reduction to the 6 m front setbacks, being a reduction to 4.39 m for balconies and 5.455 m to the façade of Buildings B and C. The reduction in setbacks is a result of the provision of 18 m wide roads. The development would ordinarily comply with the front and secondary setback control, however the design was revised at Council's request to provide for 18 m wide roads, to benefit the area from a traffic management perspective. The assessment of the variation is undertaken in Section 9 below.
- 5.6 The development also seeks a variation to the minimum landscaped area, providing 25.3% of the site area as landscaped area. The variation is below the minimum 30% of site area landscape requirement established by the DCP. The variation is similarly a result of the widening of the local roads, which resulted in a loss of 372 sqm of the site. Should 16 m wide roads have been provided, the development would have provided 27.9% of the site as landscaped area. The applicant proposes to construct all the roads required by the DCP road pattern. The assessment of the variation is undertaken in Section 9 below.
- 5.7 The DA provides for 3 levels of basement car parking with a total of 474 car parking spaces. The basement provides the following number of parking spaces:
- 409 resident car parking spaces
 - 65 visitor car parking spaces
 - 125 bicycle spaces.

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. Visitor car parking spaces are located on the first level of basement car parking, separate from resident car parking spaces and storage areas.

- 5.8 The development proposes 4 vehicle access points to basement car parking from the proposed roads. The larger basement servicing 3 residential flat buildings is provided with 2 vehicle access points, and the basement servicing 2 residential flat buildings is provided with 2 vehicle access points.
- 5.9 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 2,752 sqm. The common landscaped areas will be embellished with covered pergola areas, seating areas, play areas and shades spaces for children, native planting and turfed areas.
- 5.10 Whilst the buildings within the proposal are designed to present a uniformed design approach, each building is provided with identifiable features. This includes hebel feature walls in 5 different colours so that each building is provided with its own identity and is still unique from the other buildings within the development. The buildings are designed to incorporate architectural roof features, a variety of façade treatments and address factors including sun control, construction technology and apartment amenity. Principal finishes include face brick, render and paint finishes, as well as hebel feature walls. Photomontages which demonstrate the buildings' colours and finishes are held at **Attachment 2**.
- 5.11 A Design Verification Statement prepared by Alex Sibir of Design Cubicle Pty Ltd has been prepared for the development, in accordance with the requirements of SEPP No. 65. As the DA was lodged on 16 June 2014, the proposal predates Amendment 3 of SEPP No. 65 which was published on 19 June 2015. Therefore, the proposal continues to be assessed under SEPP No. 65 before the amendment.

The design verification statement identifies that the development has been designed to respond to the context of the development within an urban release area and creating a

transitional buffer zone between the different components of the precinct. Council officer assessment of the design principles established within SEPP No. 65 is undertaken in Section 6 below.

- 5.12 The Applicant has submitted a Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd. The report assesses the suitability of the proposed vehicle access arrangements, the potential traffic implications of the proposal in terms of road network capacity and the adequacy of the proposed parking provision.

The report identifies that the proposed development could generate 116 vehicle trips per hour during commuter peak periods. It also identifies that the projected increase in traffic activity because of the development proposal is consistent with the objectives of the Alex Avenue Precinct redevelopment and will therefore not have any unacceptable traffic implications in terms of road network capacity.

The proposed parking and loading facilities, including 6.4 m long small rigid vehicles, satisfy the relevant requirements specified in the DCP and Australian Standards. The report concluded that the proposed development will not have any unacceptable parking or loading implications.

- 5.13 A copy of the development plans is included at **Attachment 3**.

6. Planning controls

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

(a) Environmental Planning and Assessment Act 1979

For an assessment against the Section 79C 'Heads of Consideration' refer to **Attachment 4**.

(b) 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 DA will be made by the Sydney West Joint Regional Planning Panel.

(c) 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. As the proposal seeks approval for more than 300 dwellings, the development is classified as traffic generating development to be referred to the RMS under the SEPP. The DA was referred to the RMS and the Sydney Regional Development Advisory Committee (SRDAC). The RMS raised no objection to the DA and provided comments for Council consideration. See Section 7 for further details.

(d) 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 Site Investigation has been prepared by

Environmental Earth Sciences NSW for the development. The report concludes that there are no indications or evidence of heavy industrial contaminating activities, bulk fuel or chemical storage, and no area of significant filling, on the site. Further, the potential for contamination of organochlorine pesticide from use as a market garden is considered very low and that there are no unacceptable contamination risks existing on the site that would preclude residential development. The site is considered suitable for residential use with accessible soils. Suitable contamination **conditions** will be imposed on any development consent (**condition 4.12**).

(e) 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* applies to the assessment of DAs for residential flat buildings 3 or more storeys in height and containing at least 4 dwellings. The State Government *Residential Flat Design Code* (RFDC) also applies. 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)'.

As the DA was lodged on 29 September 2014, the proposal predates Amendment 3 of SEPP No. 65 which was published on 19 June 2015. Therefore, the proposal continues to be assessed under SEPP No. 65 and the RFDC before the amendment, in accordance with the savings provisions of the amendment.

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' set out in Part 2 of the SEPP. 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. The SEPP principles are listed in **Attachment 5**, together with Town Planning comments.

(f) Residential Flat Design Code (RFDC)

In addition to the 10 'design quality principles', SEPP No. 65 requires consideration for the design guidelines provided in the Residential Flat Design Code (RFDC). Council officer assessment of the main numerical guidelines from the RFDC is held at **Attachment 6**.

(g) 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 (**condition 2.4.1**).

(h) State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The site is zoned part R3 Medium Density Residential, part SP2 Infrastructure (Local Road) and part SP2 Infrastructure (Drainage) under the Growth Centres SEPP. Residential flat buildings are permissible within the R3 zone with consent. The Area 20 Precinct Plan applies to the site. **Attachment 7** provides a summary of the development's full compliance with the development standards established within the Growth Centres SEPP.

(i) **Blacktown City Council Growth Centres Precincts Development Control Plan 2010 (Growth Centres DCP)**

The DA was lodged on 13 June 2014, prior to the Growth Centres Housing Diversity Amendment to the Growth Centres SEPP and DCP. Therefore, the Growth Centres DCP 2010 applies to the site. **Attachment 8** outlines the proposal's compliance with the DCP. The development complies with the development standards, in particular Section 4.6.1 Residential flat buildings and shop top housing, with the exception of variations to setbacks, building separation and landscaped area. These variations are discussed in detail in Section 9.

7. External referrals

7.1 The DA was referred to the external authorities as summarised in the table below:

Authority	Comments
Roads and Maritime Services (RMS)	<p>RMS raised no objection to the application. In addition, RMS provided the following comments for Council's consideration in the determination of the application.</p> <ol style="list-style-type: none"> The proposed local road network shall comply with the Alex Avenue Precinct indicative layout plan as detailed in the BCC Growth Centres Precincts DCP 2010. <p>Council comment: The proposed road pattern is consistent with the Alex Avenue ILP.</p> <ol style="list-style-type: none"> The car parking provision is to be to Council's satisfaction. <p>Council comment: Proposed car parking exceeds the minimum requirement under the Growth Centres DCP and is therefore satisfactory.</p> <ol style="list-style-type: none"> The layout of the proposed car parking areas (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions) should be in accordance with AS 2890.1- 2004. A Construction Traffic Management Plan, detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control, should be submitted to Council prior to the issue of a Construction Certificate. <p>Council comment: Points 3 and 4 have been imposed as suitable conditions of consent (conditions 4.13.3 and 3.11).</p>
Rural Fire Service (RFS)	<p>On 22 December 2014 the RFS issued a bush fire safety authority as required under section 100B of the Rural Fires Act 1997, and issued a number of conditions.</p> <p>The RFS conditions have been included within the draft conditions at Attachment 1 (conditions 3.10.1, 3.10.2, 3.10.3 and 3.10.4).</p>
NSW Police	<p>NSW Police reviewed the submitted Crime Prevention Through Environmental Design Report and raised no objections subject to conditions (conditions 4.10, 4.11 and 11.9 to 11.14)</p>

8. Internal referrals

8.1 The DA was referred to internal sections of Council for comment as summarised in the table below:

Section	Comments
Engineering	No objections subject to conditions (conditions 6.1, 6.3 and 11.20).
Building	No objections subject to conditions (conditions 5.1 and 8.2).
Traffic Management Section (TMS)	No objections subject to conditions (conditions 4.13 and 11.15).
Waste Services	No objections subject to conditions (conditions 4.12 and 12.19). A discussion on waste collection is undertaken in Section 9 below.
Environmental Health	No objections subject to conditions (conditions 7.7 and 13.1).

9. Key issues

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

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

Attachment 8 provides a table that outlines the proposal's compliance with the Growth Centres DCP, with the exception of the variations as outlined below.

(i) **Setbacks**

The below table identifies the proposed setbacks in comparison to the minimum setbacks established by the Growth Centres DCP.

Element	DCP	Building A	Building B	Building C	Building D	Building E
Front	6 m	8 m	4.5 m (balconies) 6.395 m (building)	4.39 m (balconies) 6 m (building)	7.7 m	7.7 m
Side	2 m	4.5 m (balconies) 6 m (building)	4.5 m (balconies) 4.48 m – 6 m (building)	4.5 m (balconies) 6 m (building)	N/A	Variable 1.71 m to 6 m for point encroachments only
Rear	6 m	N/A	N/A	N/A	4.5 m (balconies) 6m (building)	4.5 m (balconies) 6m (building)

As can be seen from the table, the applicant seeks the following variations to setbacks:

- Front setback of Buildings B and C
- Rear setback of Buildings D and E
- Side setback of Building E

Justification for each setback variation is discussed below.

a. Front setback variations to Buildings B and C

The variations are considered acceptable as the variations are the result of a request by Council to increase local roads within the R3 zone from a 16 m wide road reserve to 18 m. All the roads under the State Government's DCP in this area have been designed to be 16 m wide only, despite the higher density of development that can be achieved. A 16 m wide road only allows 2 travel lanes and 1 lane of parking.

Given the high density of residents and on-street parking that will occur in this area, we have requested that applicants increase the road width to 18 m so that 2 parking lanes can be achieved. As a result, the site area of the development has decreased, but as a concession to the applicant because of their acceptance to construct the wider roads, the reduced setbacks are considered acceptable.

The increase in road width is considered to be beneficial to the surrounding local community. The decreased front setback is considered to be minor as the bulk and scale of the development has not increased. The further encroachment of the front balconies at points only enables further reduction in the bulk and scale of the development. The overall building separation to development on the opposite side of the road will not be altered either. Had the 16 m roads only be provided, then the development would have complied with the 6 m front setback requirement.

b. Rear setbacks of Buildings D and E

The rear setbacks to the main facades of the buildings meet the 6 m rear setback requirement, however variations are up to 1.5 m for balcony elements.

The proposed variation is a result of the design of the development providing an increased setback to the new local road on the western property boundary. The increased setback is a result of driveway grades required to enable the garbage vehicle to service the development within the basement. A greater driveway length was required to ensure the driveway grade was met. Given the narrow depth of the allotment as opposed to the length of the allotment, the overall building has shifted towards the western property boundary.

The variation is considered acceptable as the main facades of the building still meet the minimum 6 m requirement and the balcony dimensions have increased to meet the DCP requirements. To ensure privacy to adjoining properties, louvers have been provided.

In addition, conditions will be imposed on any consent issued requiring:

- Windows on the eastern elevation within 6 m of the boundary are to be oriented to the north or south of the site. This will ensure separation from the adjoining site is measured to a blank wall (**condition 4.1.1(b)**).
- 5th floor balconies are to be reduced in depth and be setback to 6 m, as all balconies exceed the minimum balcony area requirements (**condition 4.1.1(a)**).

c. Side setbacks

The development seeks a minor variation of 290 mm to the southern elevation of Building E. The variation is at a point only for 3 % of the façade length. The variation is considered acceptable as it occurs at a point only. Further, the southern elevation adjoins land zoned SP2 Infrastructure (Drainage). Therefore there are no additional privacy or overshadowing issues as the land is not to be occupied by residential development.

(ii) Landscaped area

The Growth Centres DCP requires a minimum of 30% of the site area to be provided as landscaped area. The proposal does not comply with this development control, providing only 25.3% of the site area as landscaped area. The variation is a result of a number of factors:

1. Loss of 372 sqm of site area as a result of increased local road widths to 18 m as identified above.
2. Lengthening of the driveway access to ensure driveway grades meet Australian Standards to ensure basement collection of waste. This is in line with Council's request for basement waste collection for the future amenity benefit of residents.
3. Provision of paved ground floor private terrace areas for ground floor apartments.

The proposed variation is considered acceptable as a result of Council's requests. In particular, should 16 m roads have been provided, the development would have provided 27.9% of the site as landscaped area. The proposal continues to exceed the minimum 15% of site area common open space area required by the DCP and minimum 25% of common open space as deep soil zone areas required by the RFDC. Therefore, on its merits, the variation to minimum landscaped area is considered satisfactory.

(iii) Building separation

a. Internal building separation

The Growth Centres DCP establishes a minimum building separation distance of 12 m. Some building elements do not comply with the minimum building separation and other elements exceed the 12 m requirement. The development, however, does comply with the state-wide Residential Flat Design Code requirements, providing:

- 9 m to 11.5 m building separation between non habitable rooms
- 12.5 m to 16.5 m between habitable rooms/balconies and non-habitable rooms

Given that the development proposes a 5 storey building, the application of the RFDC is considered reasonable in these circumstances. Further, the reduced building separation does not result in additional privacy or overshadowing concerns, as the reduced building separation is only to elements of the buildings which will have no openings or balconies.

b. Eastern boundary building separation

The eastern property boundary is considered a side setback to the proposal, and therefore the development complies with the minimum 2 m side setback requirement as applicable to the development within the DCP at time of lodgement. However, in providing only a 2 m side setback, the ability for an equitable share of building separation to the adjoining development is diminished.

The proposal provides a minimum 4.5 m setback to the eastern property boundary. This is compliant with the Growth Centres DCP. The 4.5 m setback is predominantly to balconies, with the main façade setback to 6 m from the property boundary, with the exception of Building B, which has portions of the building façade at 4.5 m. Given the compliance with the DCP in relation to setbacks, the following **conditions** are to be imposed to ensure privacy concerns to the adjoining development are adequately addressed:

- Windows on the eastern elevation within 6 m of the boundary are to be oriented to the north or south of the site. This will ensure separation from the adjoining site is measured to a blank wall (**condition 4.1.1(b)**).
- 5th floor balconies are to be reduced in depth and setback to 6 m as all balconies exceed the minimum balcony area requirements (**condition 4.1.1(a)**).

(b) 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 and internal common open space areas to facilitate casual surveillance.
- The basement carpark and entrances to the residential areas can be appropriately secured.
- CCTV will be required throughout the site, particularly within the basement.
- Residential entrances, pedestrian areas and common open spaces will be illuminated at night by vandal proof security lighting.
- Buildings will be constructed in external materials that are robust and durable. Measures will also be adopted to discourage vandalism and graffiti.

Where appropriate, suitable **conditions** will be imposed to ensure that works required to make the development safe and secure are undertaken to Council's satisfaction (**conditions 4.10, 4.11 and 11.9 to 11.14**).

(c) Fencing

The applicant has proposed a front fence 1.8 m high, with 1.5 m masonry and 300 mm of infill colourbond. Given the required presentation to the street, **conditions** are to be imposed requiring revised fencing with a height of 1.5 m high, constructed of masonry up to 1 m, with 500 mm of horizontal powder coated infill slats to enclose ground floor terrace areas. Fencing enclosing the ground floor private open space is proposed to be setback 5 m from the road reserve. The provision of ground floor terrace fencing is considered satisfactory as it is considered that the fencing creates a sense of ownership, creates separation between public and private spaces and provides security to ground floor units. (**condition 4.8**).

(d) Tree removal

An Arboricultural Impact Assessment and Tree Protection Specification prepared by Tree IQ has been submitted with the DA. The DA seeks approval for the removal of 119 trees to accommodate the proposed development and associated infrastructure. The development provides for new tree planting, and includes deep soil zones to enable sufficient depth for large tree planting. Notwithstanding this, the site is Biodiversity Certified pursuant to Part 7 Section 7 of the Threatened Species Conservation Act 1997. Biodiversity certification enables 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.

In addition, suitable **conditions** are to be imposed for street tree planting in accordance with Council requirements (**conditions 4.3 and 11.1**).

(e) Aboriginal archaeology

The site was identified within the Alex Avenue Precinct Schedule of the Growth Centres DCP as a property with potential Aboriginal heritage constraints. A Due Diligence Archaeological Report prepared by Streat Archaeological Services Pty Ltd was submitted with the application. The Due Diligence assessment identifies that, in view of the surrounding landscape features which indicate that sub-surface Aboriginal objects with potential conservation value may be present, further archaeological assessment is required. The Applicant further consulted with the Darug Aboriginal Cultural Heritage Assessments (DACHA), who concluded, on inspection of the property, that it is disturbed by landfill and records show no Aboriginal sites or Potential Aboriginal Deposits (PADs) recorded. The assessment further advises that there is no evidence found of aboriginal visitation and DACHA has no objection to the proposed development.

Suitable **conditions** will be imposed to ensure that, prior to the release of a Construction Certificate for the site, a further Archaeological Assessment and Aboriginal Heritage Investigation Permit, and potentially a Heritage Impact Permit (if required), must be undertaken in line with Office of Environment and Heritage requirements (**conditions 3.7.1 and 8.11**).

(f) Waste management

The developer seeks to use a private contractor to service the development, with waste collection located in the basement. Evidence has been provided that 2 separate contractors are capable of servicing the site. **Conditions** of consent will be imposed requiring compliance with the submitted Waste Management Plan (**conditions 4.12 and 12.19**).

10. Public comment

- 10.1 The DA was notified to adjoining and nearby property owners and occupants for a period of 14 days from 8 to 22 April 2015. An advertisement was also placed in the local newspaper and a notification sign erected on site.
- 10.2 In response to the public notification, **1 individual submission was received**. The location of the objector, who is located more than 550 m by straight line distance from the site, is identified below:



Figure 6. Location of objector

10.3 The concerns that have been raised are summarised below, with town planning comments provided:

(a) Streetscape, land use intensity and overall amenity

- i. The construction of residential flat buildings on this parcel of land is an over development for the site that is zoned medium density residential. This site is quite visible from low density residential homes and will look out of place in the streetscape, with no natural or built progression to soften the proposed development.

Town planning comment:

- The site is zoned R3 Medium Density Residential under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. 'Residential flat buildings' are a permissible use within the R3 zone under the Growth Centres SEPP.
- The development is considered to meet the objectives of the R3 zone, which includes:
 - To provide for the housing needs of the community within a medium density residential environment
 - To provide a variety of housing types within a medium density residential environment.
- As the development is a permissible land use within the zone, and is, in the main, compliant with the development controls established within the Growth Centres SEPP and Growth Centres DCP, the approval of the development is considered to provide for additional housing types and meet local housing needs. As the site is 450 m from Schofields railway station and directly adjoins the Alex Avenue town centre, the development site is considered suitable for the density proposed.
- The closest land zoned R2 Low Density Residential is 300 m from the subject property, and the objector's property is 550 m from the proposal.

(b) Traffic and parking

- i. Proposed car parking on site is insufficient for the number of cars from the development, and parking would need to be provided on this basis to not impact on the surrounding road network.
- ii. Increase in vehicles will result in serious safety concerns.

Town planning comment:

- The approved subdivision includes the construction of all the required DCP local roads affecting the land to a higher standard of 18 m wide. This is in excess of the Growth Centres DCP requirement for 16 m wide roads. With a carriageway width of 11 m, the wider roads will enable 2 lanes of traffic (one in each direction) and 1 lane of parking on each side of the road.
- In addition, in accordance with the Growth Centres DCP, the development requires the provision of 406 car parking spaces. The proposal provides 474 car parking spaces, which is in excess of the required car parking.
- Both RMS and Council's Traffic Management Section have reviewed the proposal and raised no objections. Therefore, the local road network is considered capable of serving the development and locality.
- Council's Traffic Management Section has also reviewed the proposal in relation to pedestrian sight distances, to ensure suitable sight distances for cars entering and exiting the development will reduce pedestrian safety concerns.

(c) Open space

- i. A greater number of people will be utilising the local parks which are already lacking in the area. If this development is to proceed, a portion of the block should be developed into a public park.

Town planning comment:

- In rezoning the land with various height limits and permissible uses in 2010, the State Government also rezoned land for use as public open space areas. Council is responsible for the delivery of these public recreation areas, with contributions received from developers in accordance with Council's Section 94 Contributions Plan. Section 94 contributions for open space are calculated based on an assumed occupancy rate per dwelling. Therefore, should this development be approved, the contribution would be levied based on the number of units and the relevant assumed occupancy rates, to contribute to the provision of future public recreation areas within the Alex Avenue and Riverstone Precincts.
- The applicant will also provide 2,782 sqm of common open space on the site, which will be suitably embellished with children's play areas, BBQs, seating and sheltered areas for use by future residents of the development.

(d) Waste storage

- i. The proposed development will generate a significant amount of waste. Illegal dumping and litter is a major issue in all multi dwelling development.

Town planning comment:

- General waste and recycling generated by the development is to be serviced within the basement. This will reduce amenity impacts on future residents and reduce unsightly waste storage on the street during collection days.
- A suitable **condition** will be imposed on the development consent for a Building Manager to be present on site for a minimum 2 days a week, including on garbage collection days, to ensure that waste collection for the development is at the highest standard possible.

11. Section 79C consideration

- 11.1 Consideration of the matters prescribed under Section 79C of the Environmental Planning and Assessment Act 1979 is summarised in **Attachment 4**.
- 11.2 It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. Further, the site is considered suitable for the proposed development.

12. Concluding comments

- 12.1 The proposal is consistent with the objectives of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and the R3 Medium Density Residential zone and is permissible in the zone with consent. The proposal complies with the provisions set out in State Environmental Planning Policy (Infrastructure) 2007 and State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. The DA meets the requirements of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010, with some minor variations, and is considered satisfactory with regard to relevant matters such as built form, access, setbacks, noise, stormwater drainage, site contamination and salinity, subject to the imposition of suitable conditions of consent to satisfactorily control the development.
- 12.2 The proposed variations to building setback, landscaped area and building separation are considered acceptable on their merits.

13. Recommendation

- 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 objector be advised of the Panel's decision.



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