

Report to Sydney West Joint Regional Planning Panel

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| JRPP No. | 2014SYW150DA |
| DA No: | JRPP-14-1915 |
| Proposed Development: | 6 x Residential Flat Buildings |
| Development Type: | Capital Investment Value > \$20 million |
| Lodgement Date: | 29 September 2014 |
| Land/Address: | Lot 205 DP 660230, 822 Windsor Road, Rouse Hill |
| Land Zoning: | R3 Medium Density Residential SP2 Infrastructure (Classified Road) |
| Capital Investment Value of Approved Development: | \$60,452,000 |
| Applicant: | Signature Property Developers 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: | 8 July 2015 |
| Date Considered by JRPP: | 22 July 2015 |



Figure 1. Photomontage (Signature Property Developers Pty Ltd, 2014)

ASSESSMENT REPORT

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1. Summary

- 1.1 Blacktown City Council is in receipt of a Development Application (DA) from Signature Property Group Pty Ltd. The DA seeks approval for the construction of 6 x 4 storey residential flat buildings containing 289 units at 822 Windsor Road, Rouse Hill.
- 1.2 The development is proposed to be constructed in 6 stages. Temporary access from Windsor Road is proposed and will be provided until such time as the adjoining properties are developed in accordance with the Area 20 Indicative Layout Plan.
- 1.3 The proposed development constitutes 'regional development' requiring referral to the Joint Regional Planning Panel (JRPP) as it has a capital investment value of \$60.4 million. While council is responsible for the assessment of the DA, the Sydney West JRPP is the consent authority.
- 1.4 The development is proposed to be located on the portion of the site that is zoned R3 Medium Density Residential and SP2 Infrastructure (Classified 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.
- 1.5 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.
- 1.6 The development complies with the numerical requirements of the Growth Centres SEPP and DCP, with the exception of setbacks. The Growth Centres DCP requires a minimum front setback of 6 m, but the development proposes a minimum setback of 5 m, which is a direct result of the widening of local roads under DA-14-1684. 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 In addition, the development seeks a point variation to the required Windsor Road interface setback requirements. The Growth Centres DCP establishes an increased setback requirement for the Windsor Road interface, of 12 m to the property boundary. The average of the development complies with this requirement, however point encroachments to the built form are sought of up to 2 m, but this will ensure that a minimum setback of 10 m is achieved. The variation is considered acceptable as suitable landscaping will be provided and acoustic recommendations have been identified within the submitted acoustic report to ensure the amenity of future residents is achieved. The point encroachments ensure a high quality building design, with suitable articulation to the Windsor Road interface.
- 1.8 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. 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 before the amendment.
- 1.9 The proposed development was notified to property owners and occupiers within the locality between 28 October and 11 November 2014. The DA was also advertised in the local newspapers and a sign was erected on site. The Hills Shire Council was also notified on the proposal as the site adjoins its local government area. One submission only was received. The submission did not object to the proposal, but requested that the roads created were named after the existing landowner of the site. As road naming is not

a matter for consideration as part of the DA, the submitter's request has been forwarded to Council's Land Information Unit for consideration when naming the local roads.

- 1.10 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.
- 1.11 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 Area 20 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 surrounding the site is zoned R3 Medium Density Residential, with a building height limit of 12 m.
- 2.3 The site is located on Windsor Road, being an arterial road. The site is located opposite commercial uses, including the Mean Fiddler pub and Rouse Hill Local Centre, and is approximately 550 m from the Rouse Hill Regional Centre. The site is also 550 m from the existing T-way line and the future Rouse Hill train station.
- 2.4 The existing locality is currently characterised by large lot rural residential development, however is currently undergoing transition with a number of subdivisions and residential dwellings approved within the locality.



Figure 2. Location map (Sydney, 2015)



Figure 3. Extract from Area 20 Indicative Layout Plan (DoPE, 2011)

3. Site description

- 3.1 The site is known as Lot 205 DP 660230, 822 Windsor Road, Rouse Hill. On 23 June 2015, Council approved the subdivision of Lot 205 into 2 residue lots and the construction of 18 m wide roads surrounding the development.
- 3.2 The site adjoins Windsor Road to the east. Primary access to the development will be through the internal roads. The total site area of the existing lot is 2.036 hectares. After subdivision and the creation of roads, 2 new lots (proposed Lot 1 and proposed Lot 2) will be created with lot sizes of 7,034 sqm and 8,520 sqm respectively. Stages 1 and 6 are proposed on proposed Lot 1 and Stages 2 – 5 are proposed on proposed Lot 2. The subdivision will be required to be registered with the Land Property Office prior to any Occupation Certificate being issued for the development (**condition 10.25.1**).
- 3.3 The site is vacant land previously used for rural residential purposes.



Figure 4. Nearmap captured 30 December 2014

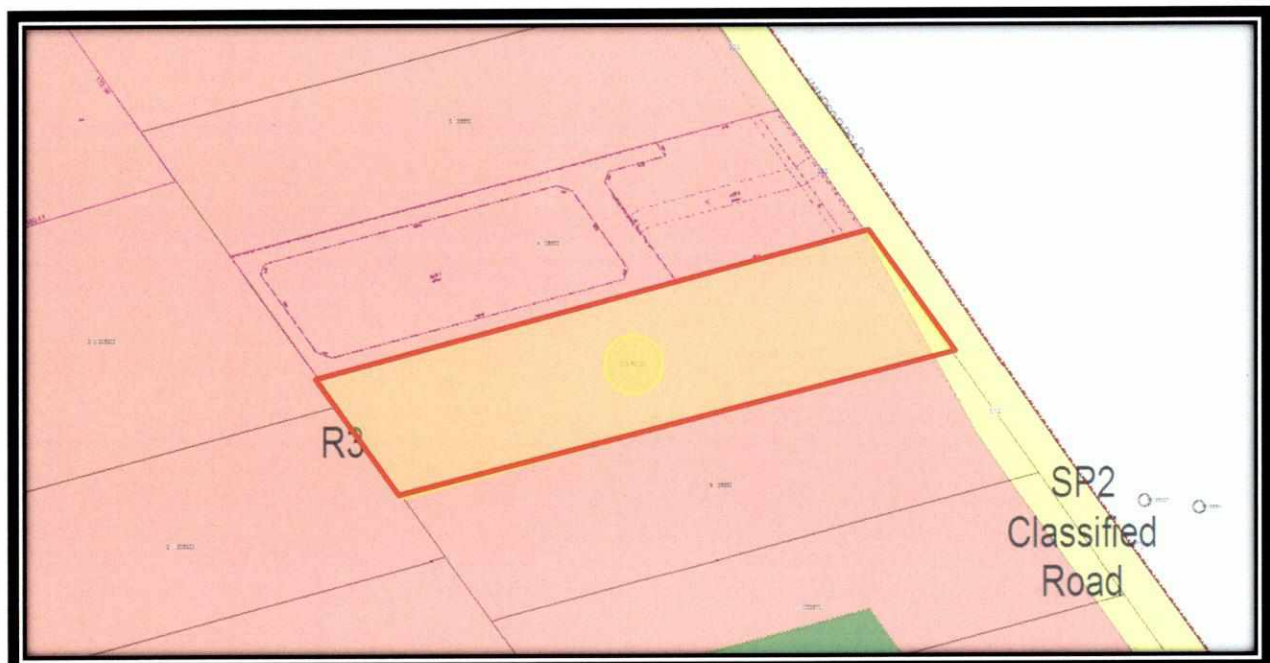


Figure 5. Zoning extract (BCC, 2015)

4. Background

- 4.1 On 21 October 2011, the subject site was rezoned to part R3 Medium Density Residential and part SP2 Infrastructure (Classified Road) 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 Blacktown Local Environmental Plan 1988 to its current zoning as part of the Area 20 Precinct of the North West Growth Centre.

- 4.2 On 23 June 2015, Council approved DA-14-1684 for the subdivision of land. This included the clearing of vegetation, bulk earthworks, road construction and drainage infrastructure to facilitate future development of the lots.

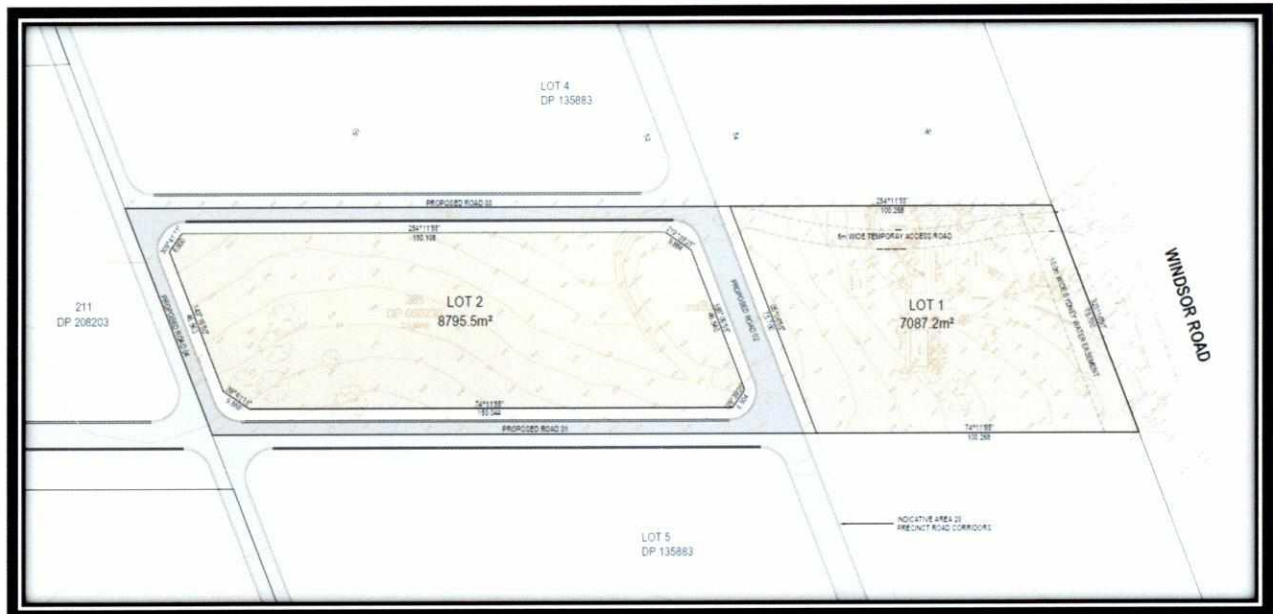


Figure 6. Copy of subdivision plan (ACOR Consultants, 2014)

5. The proposal

- 5.1 A total of 289 residential units are proposed, including 19 x 1 bedroom units, 228 x 2 bedroom units and 42 x 3 bedroom units are proposed.
- 5.2 The development is proposed to be constructed in 6 stages with 1 flat building in each stage. The following table summarises each stage of the development.

| Stage | 1 bedroom | 2 bedroom | 3 bedroom | Total units |
|--------------|-----------|------------|-----------|-------------|
| 1 | 7 | 60 | 2 | 69 |
| 2 | 1 | 28 | 11 | 40 |
| 3 | 2 | 31 | 7 | 40 |
| 4 | 1 | 32 | 7 | 40 |
| 5 | 4 | 31 | 1 | 36 |
| 6 | 4 | 46 | 14 | 64 |
| Total | 19 | 228 | 42 | 289 |

- 5.3 The maximum building height of the development is 11.4 m, complying with the maximum height limit of 12 m under the Growth Centres SEPP.
- 5.4 The proposal has an FSR of 1.63:1, which complies with the maximum FSR of 1.75:1 permissible on the site.
- 5.5 The proposal seeks a variation to the 6 m front and secondary setbacks, of a reduction to 5 m. 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 site area was subsequently revised at Council's request to provide for 18 m wide roads, to benefit the area from a traffic management perspective. Council's assessment of the variation is undertaken in Section 9 below.
- 5.6 The DA provides for 2 levels of basement car parking with a total of 407 car parking spaces. The basement provides the following number of parking spaces:

- 346 resident car parking spaces
- 61 visitor car parking spaces
- 172 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. Each visitor car parking area is centrally located.

- 5.7 The DA proposes temporary access to Windsor Road through Stage 6 of the development until such time as the adjoining blocks have been developed and road access can be provided by the road pattern identified in the Area 20 Indicative Layout Plan. Figure 7 below demonstrates temporary access for Stages 1 to 5.

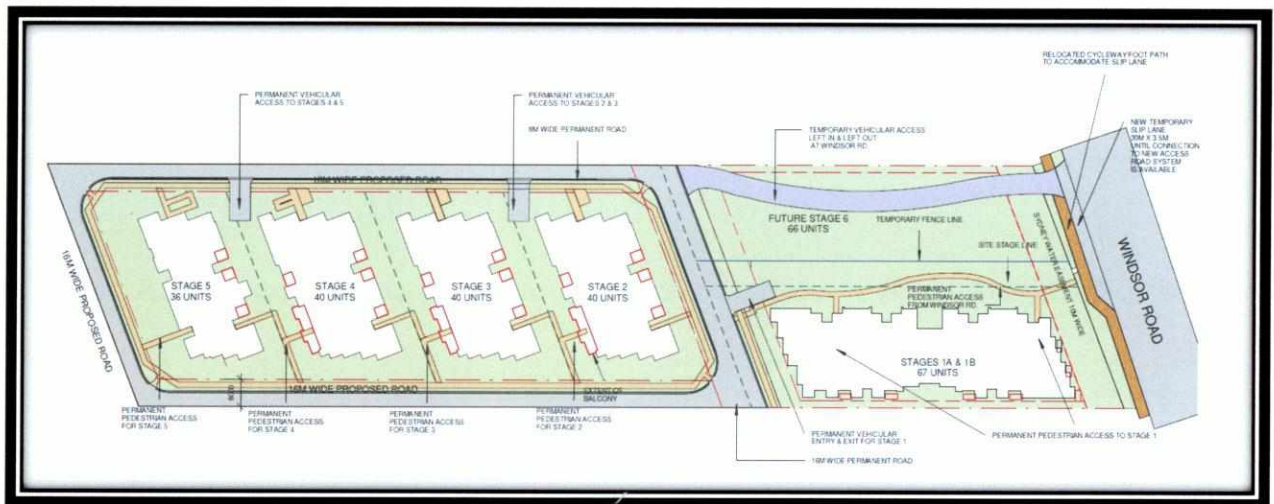


Figure 7. Temporary access (Signature Property Group, 2014)

- 5.8 The development proposes 4 vehicle access points to basement car parking. Stages 1 and 6 will be serviced by 1 accessway. Stages 2 to 5 will be serviced by 2 accessways. Basement levels of Stages 1 and 6 are connected to one another and basement levels of Stages 2 to 5 are connected to one another. A separate accessway for garbage collection only is proposed on the southern side of Stages 2 to 5.
- 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 4,315 sqm. The common landscaped areas will be embellished with native planting and turfed areas.
- 5.10 In each stage, each building is designed to be unique from any other building within the development. Buildings are designed to incorporate architectural roof features and address factors including sun control, construction technology and apartment amenity. Principal finishes include select face brick combined with cantilevered concrete balconies. Other finishes include prefinished cladding, privacy and, amenity screens and louvers. Photomontages which demonstrate the buildings' colours and finishes are held at **Attachment 2**.
- 5.11 A Design Verification Statement prepared by Paul Oreshkin of Mode Design Corp. Pty Ltd has been prepared for the development, in accordance with the requirements of SEPP No. 65. 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 assessment under SEPP No. 65 before the amendment.

The design verification statement identifies that all buildings have their long axis oriented north or north-east, providing maximum solar exposure for the apartments. The buildings

are designed to meet the intended future character of the area and meet the density controls established by the development controls for the Area 20 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 Transport and Traffic Planning Associates Pty Ltd. The report assesses the suitability of the proposed vehicle access arrangements, the potential traffic implications of the proposal and the adequacy of the proposed parking provision.

The report identifies that the proposed development could generate 118 vehicle trips per hour. The report acknowledges that the site has an existing vehicle access connection on the Windsor Road frontage and the ability to obtain access for the development via the new Area 20 road network will be dependent on the completion (or partial completion) of a connection to the collector road system which will be subject to the timing/availability of the land necessary for its construction as other development occurs in the area. In the meantime, there is the need for the temporary left-in / left-out only access connection to Windsor Road. Suitable arrangements will have to be made with the RMS for the provision of temporary access to Windsor Road to RMS standards.

Due to the presence and operation of the traffic signals on Windsor Road at the Commercial Road and Mile End Road intersections, vehicles will be able to exit the site and turn right into Mile End Road without any undue difficulty or delay. Further, it is apparent that the traffic generation outcome from the proposed development will be entirely consistent with the planning for the area as identified on the Indicative Layout Plan for Area 20.

The geometry of internal roads will comply with Council's subdivision road requirements and will not present any unsatisfactory vehicle conflict situations. The access driveways will provide for two-way traffic and will accord with the AS 2890.1 design criteria. The car parking areas have been designed to accord with AS 2890.1 and AS 2890.6, including aisles, ramp width/grade, bays and height clearances, and adequate manoeuvring provision will be available as a result of this design compliance.

- 5.13 A Road Safety Audit prepared by Geo Transport Solutions has been submitted for the proposal to ensure that turning paths of cars and service vehicles is adequate within the basement. With the use of traffic mirrors and widened driveway access, the safety audit identifies that waste collection vehicles will be able to use the proposed access driveways satisfactorily and safely.
- 5.14 Given the site's proximity to Windsor Road, the application has also been supported with an Acoustic Assessment prepared by Acoustic Logic. In assessing acoustic implications of the development, the consultants have conducted an external noise intrusion assessment, primarily traffic noise, and recommended acoustic treatments to ensure that a reasonable level of amenity is achieved for future occupants.

Background noise monitoring to determine noise emission goals for the development to meet Council and NSW DECCW acoustic requirements has also been undertaken.

The report identifies that internal noise levels will primarily be as a result of noise transfer through the windows and doors and roof, as these are relatively light building elements that offer less resistance to the transmission of sound. To negate the noise impacts and satisfy internal noise level criteria, the report recommends glazing requirements for Stages 1 and 6.

- 5.15 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 8**.

(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. The proposed development seeks to provide access within 90 m of a classified road (Windsor Road). Therefore, 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.

In addition, the applicant has submitted an acoustic assessment that identifies measures to be undertaken to ensure compliance with the noise criteria established within Clause 102 of the SEPP. Suitable mitigation measures to the building construction are required to be undertaken, including glazing thickness. A **condition** will be imposed to ensure compliance with the recommendations of the submitted acoustic assessment (**conditions 4.3 and 10.24.1**).

(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 for Contamination and Desktop Salinity Investigation has been prepared for the development by Douglas Partners. The report concludes that, prior to the commencement of bulk earthworks, soil, dam sediment and dam water sampling and analysis should be undertaken to confirm the low probability of contamination and the levels of salinity in the soil. 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 prior to the release of any Construction Certificate (**condition 4.12**).

(e) **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* 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'. 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. The 10 design principles are listed in **Attachment 4**, together with Town Planning comments.

(f) Residential Flat Design Code (RFDC)

In addition to the 10 'design quality principles' listed above, SEPP 65 requires that Council must have 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 5**.

(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 and part SP2 Infrastructure (Classified Road) under the Growth Centres SEPP. Residential flat buildings are permissible within the R3 zone with consent. Appendix 5 - Area 20 Precinct Plan applies to the subject site as the property is located within the Area 20 Precinct. **Attachment 6** 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 Growth Centres DCP applies to the site. **Attachment 7** 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 the front setbacks and Windsor Road interface setbacks. Both variations are discussed in detail in Section 9.

7. External referrals

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

| Authority | Comments |
|--|--|
| Roads and Maritime Services (RMS) | <p>RMS has reviewed the DA and provided concurrence for the proposed temporary access off Windsor Road under Section 138 of the <i>Roads Act 1993</i> subject to the imposition of conditions of consent (conditions 2.7.1 to 2.7.1.8).</p> <p>In addition, RMS has the following comments for consideration in the determination of the application:</p> <ol style="list-style-type: none"> 1. The layout of the proposed car parking areas associated with the development (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. 2. 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. 3. The swept path of the longest vehicle entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. A plan shall be submitted to Council for approval which shows that the proposed development complies with this requirement. <p>Suitable conditions will be imposed (conditions 3.6.1 and 3.6.2).</p> |
| NSW Police | <p>NSW Police reviewed the submitted Crime Prevention Through Environmental Design Report. The Applicant subsequently submitted a CPTED report and no objections were raised by NSW Police subject to conditions (conditions 4.4.1, 4.5.6 and 10.19.1).</p> |
| Sydney Water | <p>The DA was referred to Sydney Water as the development seeks approval for more than 200 units. Sydney Water has reviewed the proposal and identified the need for a Section 73 Certificate. This includes requirements that the developer will be required to construct the drinking water mains, recycled water mains and sewer lead-in main to service the proposed development. Detailed requirements will be provided to the developer at the Section 73 Certificate stage. Conditions have been imposed requiring a Notice of Requirements prior to the release of the CC and Section 73 Certificate prior to the release of the OC (conditions 3.3.1(a) and 10.4.1).</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 10.8). |
| Building | No objections subject to conditions (conditions 5.1 and 8.2). |
| Traffic Management Section (TMS) | No objections subject to conditions, including widening of driveways for Stages 1 and 6 (conditions 4.1.1 and 4.5.1). |
| Waste Services | No objections subject to conditions (conditions 10.21 and 11.8). A discussion on waste collection is undertaken in Section 9 below. |
| Environmental Health | Given the site's proximity to Windsor Road, the proposal and supporting acoustic report was referred to Council's Environmental Health Section. The DA was considered acceptable subject to conditions (conditions 12.1, 4.12 and 4.13). |

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**

The provisions of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010, in particular Section 4.6.1 Residential flat buildings and shop top housing. **Attachment 7** provides a table that outlines the proposal's compliance with the Growth Centres DCP, with the exception of setbacks as outlined below.

(i) **Front setback variation**

The applicant seeks a variation to the Growth Centres DCP requirement for 6 m front setbacks where it will adjoin a local road. The development provides a front setback of 5 m to a local road. The variation is considered acceptable as the variation is the result of a request by Council to increase local roads within the R3 zone from a 16 m wide road reserve to an 18 m road reserve. 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 setback to the road of 5 m is acceptable.

The increase in road width is considered to be beneficial to the surrounding local community. The decreased front setback by 1 m is considered to be minor as the bulk and scale of the development has not increased and the 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.

(ii) Windsor Road interface variation

The Growth Centres DCP establishes that a minimum 12 m landscape setback zone should be provided between the rear of a dwelling and the property boundary when adjoining Windsor Road. The proposal generally complies with this requirement, however point encroachments of living spaces are proposed. The site has a 75.7 m frontage to Windsor Road and approximately 22 m of the building façade encroaches into the setback by up to 2 m. All living spaces will be setback a minimum of 10 m.

The proposed variation is considered acceptable as the development is still considered to comply with the objectives of the control, including to address the acoustic and amenity impacts from Windsor Road and to preserve the visual character of Windsor Road.

The proposal has been supported with an Acoustic Assessment which identifies that the masonry construction materials proposed and the thickness of glazing are suitable to ensure the SEPP (Infrastructure) 2007 requirements of internal noise levels of units are achieved. Therefore, the acoustic amenity of future residents will be satisfactory.

To ensure that the amenity of residents as well as the visual character of Windsor Road is achieved, the landscaping of the setback is of a high quality and will be required to be 50% landscaped with soft landscaping suitable for mature tree planting in accordance with the DCP requirements. A 1.8 m high open style palisade fence is also to be located on the boundary to Windsor Road.

Given that the average of the setback complies and that the acoustic and amenity impacts will continue to be satisfied, the variation is considered acceptable.

(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 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 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 4.4.1, 4.5.6 and 10.19.1**).

(c) Fencing

The applicant has identified that a front fence 1.5 m high will be constructed of aluminium powder coated slats to enclose ground floor terrace areas. Fencing enclosing the ground floor private open space is proposed to be setback 3.5 m from the property boundary. 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. A **condition** will be imposed requiring 1.8 m high open style powder coated palisade fence along the property boundary adjoining Windsor Road (**condition 4.9.2**).

(d) Waste Management

The development 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 development. Stages 1 and 6 are proposed to use the same garbage collection point, with access through the main driveway, and Stages 2 - 5 propose a separate accessway for waste collection only.

Conditions of consent will be imposed requiring compliance with the submitted Waste Management Plan.

10. Public comment

- 10.1 The DA was notified to adjoining and nearby property owners and occupants for a period of 14 days from 28 October to 11 November 2014. 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 submission did not object to the proposal, but requested that the naming of any roads to be constructed on this development be named after the founder of the music school currently operating on the site, the late Rory Thomas OAM.
- 10.3 The naming of any roads in the city is the responsibility of Council's Land Information Unit and this submission has been referred to them for consideration and a separate response to the submitter.

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 in **Attachment 8**.

12. Concluding comments

- 12.1 The proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning and Assessment Act 1979 and is considered to be satisfactory. 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.
- 12.2 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 consent. The proposal also 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, 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.

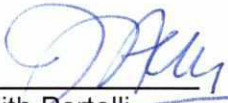
12.3 The proposed variations to building setback are considered acceptable on their merits.

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.



Melissa Parnis
Assistant Team Leader Projects



Judith Portelli
Manager Development Assessment


Glennys James
Director Design and Development