

Report to Sydney West Joint Regional Planning Panel

JRPP No.	2015SYW012
DA No:	JRPP-14-2628
Proposed Development:	10 Storey Mixed Use Development - Retail/Commercial and Residential Flat Buildings
Development Type:	Capital Investment Value > \$20 million
Lodgement Date:	24 December 2014
Land/Address:	Lot 1 DP 883859, No. 1 Zoe Place, Mount Druitt
Land Zoning:	3(a) General Business under Blacktown Local Environmental Plan (BLEP) 1988 B4 Mixed Use under Blacktown Local Environmental Plan (BLEP) 2015
Capital Investment Value of Approved Development:	\$67,784,615
Applicant:	Ausunion First Group Pty Ltd on behalf of Vollandu Pty Ltd
Report Author:	Holly Palmer – Senior Project Planner
Instructing Officers:	Judith Portelli, Manager Development Assessment Glennys James, Director Design and Development
Date Submitted to JRPP:	7 August 2015
Date Considered by JRPP:	20 August 2015



Figure 1 Photomontage

ASSESSMENT REPORT

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1. Executive summary

- 1.1 Blacktown City Council is in receipt of a Development Application (DA) from Ausunion First Group Pty Ltd. The DA seeks approval for the demolition of an existing single storey shopping facility, tree removal, excavation and construction of a 10 storey mixed use building containing 15 ground floor retail/commercial premises, 3 tower forms above comprising 268 units, and 3 levels of basement car parking providing 479 off-street car parking spaces on Lot 1 DP 883859 at No. 1 Zoe Place, Mount Druitt.
- 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 \$67,784,615. While Council is responsible for the assessment of the DA, the Sydney West JRPP is the consent authority.
- 1.3 The subject site is currently zoned B4 Mixed Use under Blacktown Local Environmental Plan (BLEP) 2015 (which commenced on 7 July 2015 following the lodgement of this DA) in which the proposed development is permissible with development consent. Subject to clause 1.8A '*Savings provision relating to development applications*' within BLEP 2015, as this DA was lodged before the commencement of BLEP 2015 and was not determined before that commencement, the DA must be determined as if BLEP 2015 had not commenced.
- 1.4 This DA is being assessed under BLEP 1988, in which the site is zoned 3(a) General Business and mixed use development comprising 'residential flat buildings' and 'commercial premises' is permissible with development consent.
- 1.5 In view of the savings provision, a detailed assessment has been undertaken against the provisions of BLEP 1988 and Blacktown Development Control Plan 2006 (BDCP 2006). The proposed development is fully compliant with the numerical provisions of BLEP 1988, and is fully compliant with the numerical requirements of BDCP 2006 with the exception of the provision of common open space and building separation within the site. However, in the context of the Mount Druitt Centre, this variation is assessed on merit and is supported in this instance.
- 1.6 The proposal is consistent with the objectives of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development (SEPP 65) and satisfactorily achieves the 10 'design quality principles' listed under Part 2 of SEPP 65. This DA 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 and the maximum number of units per single core/corridor. A departure from these controls is supported in this instance.
- 1.7 The site is subject to right of carriageways (ROWs) which benefit the adjoining sites to the north. This proposal seeks to maintain these ROWs, however the ROW at the western portion of the site is sought to be modified to allow for building over this area but providing a clearance height of 4.5m. The applicant has committed to ensuring that the ROWs are capable of being accessed by the beneficiaries at all times during construction works and ongoing operation of the development.
- 1.8 The proposed development was notified to property owners and occupiers within the locality between 4 March and 18 March 2015. The DA was also advertised in the local newspapers and a notice was erected on the site. A total of 3 submissions were received. The main grounds for concern related to: preservation of an existing right of carriageway burdening the subject site and benefitting adjoining landowners to the north; additional commercial/retail uses not supported and additional residential is preferred; perceived lack of car parking provision for commercial uses; and submitter considers that commercial uses have been oriented towards the internal car parking instead of facing the street frontages. The grounds for objection are noted and, where necessary,

the street frontages. The grounds for objection are noted and, where necessary, appropriate conditions are recommended to be imposed on any consent to ameliorate any potential concerns. The grounds for objection are not considered sufficient to warrant refusal of the DA.

- 1.9 Overall, the development is considered satisfactory with regard to relevant matters such as siting and design, bulk and scale, privacy, access, traffic impacts, parking and stormwater drainage. The proposed development has been assessed against the relevant matters for consideration pursuant to Section 79C of the *Environmental Planning and Assessment Act 1979*, including the suitability of the site and the public interest, and is considered satisfactory.
- 1.10 It is recommended that the proposed development be approved subject to the conditions documented at **Attachment 1** to this report. This development consent is recommended to be issued as deferred commencement subject to formal written owner's consent being provided to Council from the beneficiaries of the existing western ROW that they permit the development to be undertaken over the ROW. This amendment is also to be reflected on the subject site's Deposited Plan.

2. Location

- 2.1 The subject site is located at No. 1 Zoe Place (at the corner of Mount Street), Mount Druitt and is within the established commercial area of the Mount Druitt Town Centre. This site is situated on the northern side of Zoe Place between Mount Street and Luxford Road and has a western elevation to Mount Street. Refer to the location map provided at **Figure 2** below.
- 2.2 The subject site is surrounded by commercial businesses with associated car parking facilities in all directions. Mount Druitt Hospital is located further to the east beyond the Luxford Court Shopping Centre and the Shopsmart Outlet Centre. Public recreation areas and the Mount Druitt Swimming Centre are located to the south and south-west, and community uses and Technical College uses further afield. The subject site is also located in close proximity to the Westfield Mount Druitt shopping centre and bus/rail interchange.
- 2.3 Adjoining the subject site to the north is a Red Rooster take away food outlet on the corner of Zoe Place and Luxford Road with vehicular entry/exit driveways via Zoe Place. Also adjoining to the north and located on the corner of Luxford Road and Mount Street are Lots 1, 2, 3 & 4 in DP 285600 which contain a Bob Jane T-Mart tyre outlet, Auto Masters and Super Cheap Auto outlet. Vehicular access to Lots 1, 2, 3 & 4 is via the westbound Luxford Road deceleration lane and entry-only driveway, then exit via either of 2 right-of-carriageways over the subject site to Zoe Place (via the southbound driveway or via the eastbound driveway).
- 2.4 The subject site has vehicular access to Zoe Place, and via Mount Street and Luxford Road has access to the regional road network along Carlisle Avenue to the Great Western Highway and M4 and M7 Motorways.

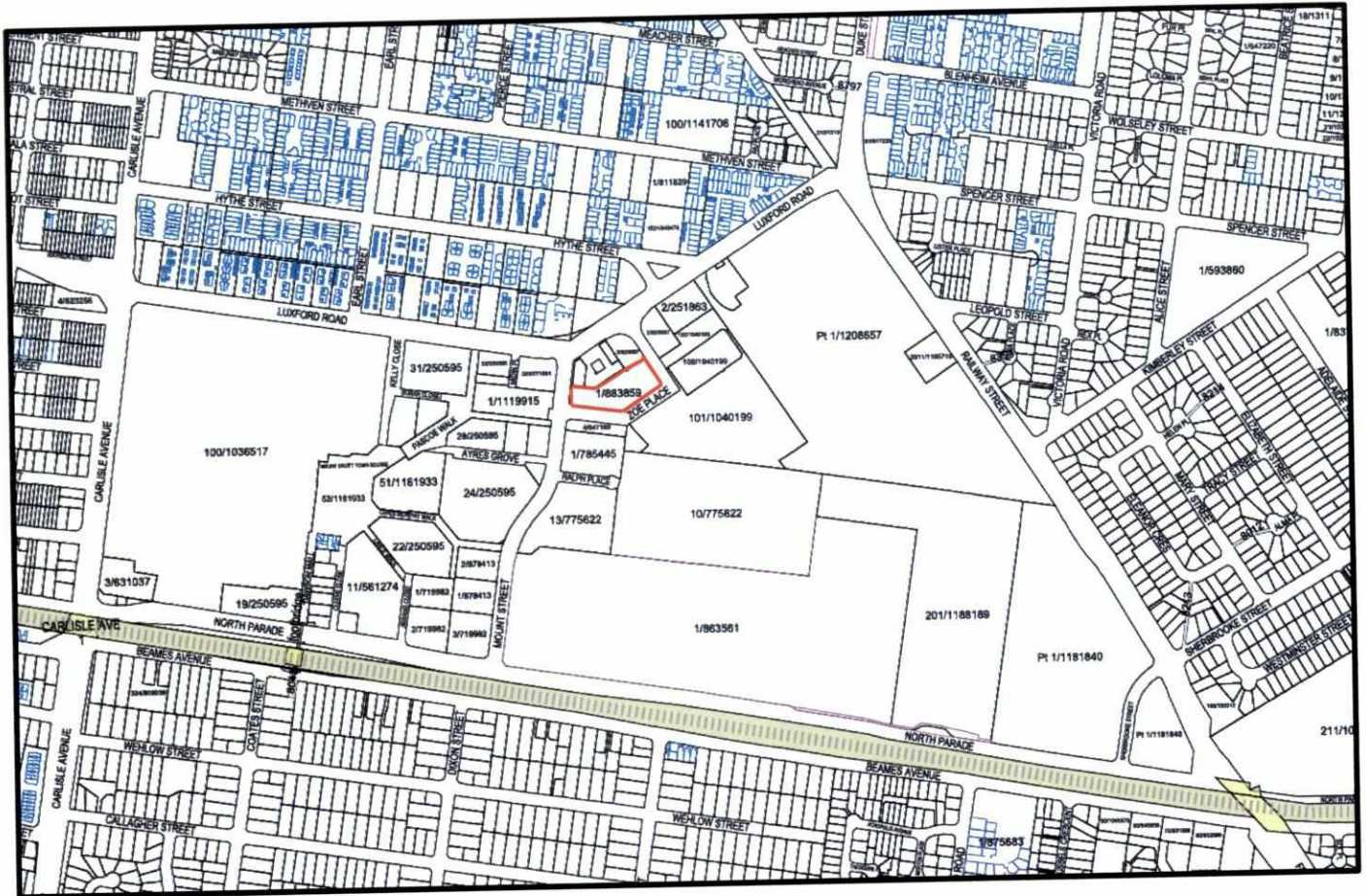


Figure 2 Location map

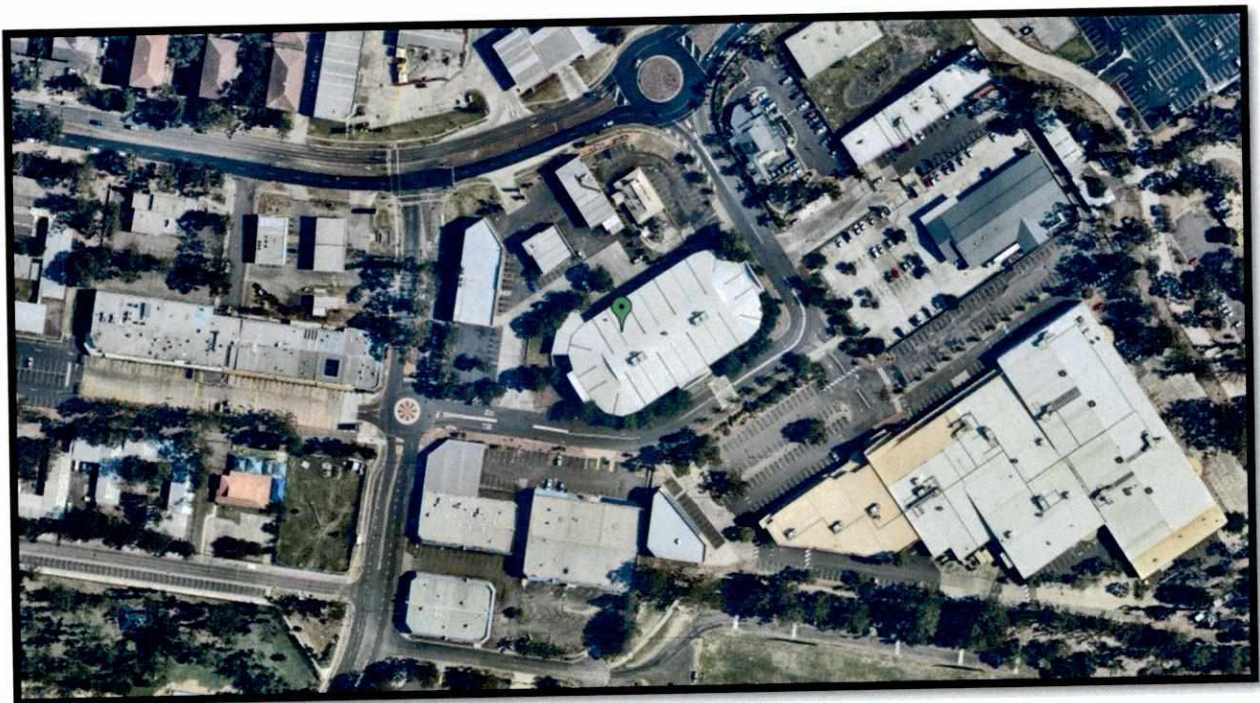


Figure 3 Aerial photo



Figure 4 Aerial photo

3. Site description

- 3.1 The subject site is known as Lot 1, DP 883859 at No. 1 Zoe Place, Mount Druitt. It has a total site area of 6,525 sqm with a frontage of 215.6 m to Zoe Place and 23.3 m to Mount Street.
- 3.2 The subject site contains a single storey commercial warehouse building which is currently occupied by 'Planet X Entertainment' which provides arcade games, roller skating rink, sporting activities, party rooms and refreshments. The western portion of the subject site adjacent the corner of Zoe Place and Mount Street contains an at-grade car parking area with 28 car parking spaces.

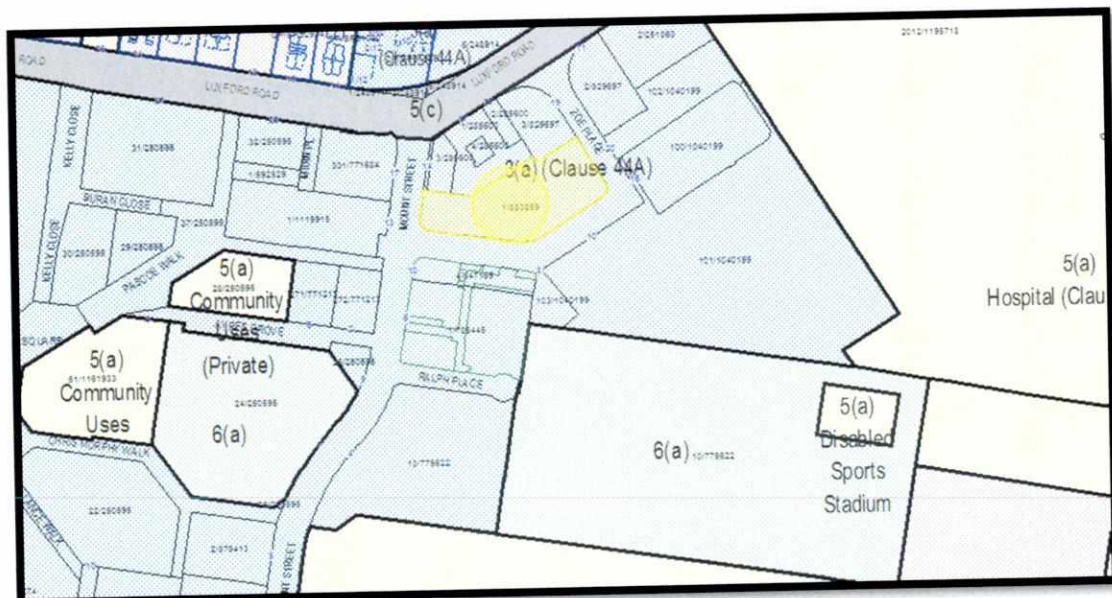


Figure 5 Zoning plan extract

4. Background

- 4.1 The available information indicates that the site historically comprised semi-rural residential land and was largely vacant until its development between 1994 and 2004. Since development, the subject site has been used for commercial (retail) purposes.
- 4.2 Pre-DA discussions were held with Council officers on 9 October and 11 November 2014.
- 4.3 On 24 December 2014 the applicant lodged the subject DA.

5. The proposal

- 5.1 The subject DA has been lodged by Ausunion First Group Pty Ltd for the construction of a mixed use development consisting of 15 ground floor retail/commercial units, 268 residential units contained within 3 tower forms above the podium level, and 3 levels of basement car parking. The development has a capital investment value of \$67,784,615.
- 5.2 The proposed development is as follows:
 - Demolition of the existing single storey commercial building, site clearing, excavation works and the removal of all trees.
 - Construction of 15 ground floor retail/commercial units with a gross floor area (GFA) of 2,449 sqm.
 - Construction of residential flat buildings within 3 towers on Levels 2 to 10 (Building A is the eastern tower, Building B is the central tower and Building C is the western tower), comprising a total of 268 residential units (8 x 1 bedroom, 255 x 2 bedroom and 5 x 3 bedroom units).
 - 479 off-street car parking spaces located at the ground level and within 3 basement parking levels.
 - Basement storage facilities for all 268 residential units.
 - Commercial and residential waste storage and collection and loading facilities.
- 5.3 The 15 ground level retail/commercial units have floor areas which range from 75 sqm to 200 sqm, all of which front Zoe Place.
- 5.4 The maximum building height of the development is 27.3 m as measured at the street frontage alignment and 32 m as measured at the Level 9 and 10 loft apartments which are set back from the street frontages.
- 5.5 The total gross floor area is 25,416 sqm, which equates to a floor space ratio of 4:1 based on the site area of 6,525 sqm.
- 5.6 The residential component of the proposal comprises the following:

Building	1 bedroom	2 bedroom	3 bedroom	Total units
Building A	7	86	2	95
Building B	0	118	0	118
Building C	1	51	3	55
Total	8	255	5	268

5.7 The floor plan of each residential level generally consists of 2 bedroom units, with 8 x 1 bedroom and 5 x 3 bedroom units also provided, plus kitchen, living/dining areas, bathrooms and internal laundry. Private balconies and/or courtyards have also been included to provide residential amenity and an extension of the internal living spaces. The units contained in the uppermost two floors consist of 2 level units in a mezzanine design. These units (on Levels 9 and 10) are further setback behind the building line of the lower levels.

5.8 This DA provides 4 levels of car parking for 479 vehicles across the ground floor (Level 1) and the basement levels (B1, B2 and B3). The breakdown of the parking spaces per level is as follows:

- B3 Level: 63 residential car parking spaces
- B2 Level: 185 car parking spaces
- B1 Level: 163 car parking spaces
- Level 1 (Ground Floor): 68 commercial car parking spaces (3 of which are accessible spaces).

Vehicular access, egress and parking have been designed so that vehicles can enter and exit the site in a forward direction. Elevators provide direct access from the basement carpark areas to all levels, except the mezzanine rooms at Level 10 which are accessed via internal stairs from each of the Level 9 residences below. Each visitor car parking area is centrally located.

A loading dock is provided on Level 1 (Ground Level) for use by service vehicles, waste collection and furniture pantechnicons.

5.9 The proposed mixed use development entails the following elements, as per the amended drawings dated 24 March 2015 and 18 May 2015:

Level	Element of the complex
Basement 3	<ul style="list-style-type: none"> ▪ 63 resident parking spaces ▪ 268 residential storage cage facilities
Basement 2	<ul style="list-style-type: none"> ▪ 185 car parking spaces comprising: <ul style="list-style-type: none"> - 147 resident spaces - 38 visitor spaces
Basement 1	<ul style="list-style-type: none"> ▪ 163 car parking spaces comprising: <ul style="list-style-type: none"> - 70 resident spaces - 69 visitor spaces - 24 retail / commercial spaces ▪ An on-site stormwater detention tank
Level 1 – Ground Level (Zoe Place)	<ul style="list-style-type: none"> ▪ 15 retail/commercial tenancies with floor areas from 75 sqm to 198 sqm ▪ 68 car parking spaces for the retail/commercial tenancies ▪ Commercial and residential waste storage facilities ▪ Loading dock to service the mixed use development ▪ Vehicular 'Entry Only' adjacent to the north-eastern corner of the site (which also provides access to the adjoining site to the north as required by the existing ROW) ▪ Vehicular entry/exit in the south-western portion of the site, as per the

Level	Element of the complex
	current location (which also provides access to the adjoining site to the north as required by the existing ROW)
Level 2	<ul style="list-style-type: none"> 34 apartments comprising: <ul style="list-style-type: none"> 12 units in Building A 15 units in Building B 7 units in Building C 2,016 sqm of common open space at podium level
Levels 3 to 8	<ul style="list-style-type: none"> 34 apartments on each level comprising: <ul style="list-style-type: none"> 12 units in Building A 15 units in Building B 7 units in Building C
Level 9 & Mezzanine (Level 10)	<ul style="list-style-type: none"> 30 two storey loft apartments comprising: <ul style="list-style-type: none"> 11 units in Building A 13 units in Building B 6 units in Building C 601.5 sqm common open space comprising: <ul style="list-style-type: none"> 411.5 sqm common open space on L9 Building B 190 sqm common open space on L9 Building C

5.10 The proposed vehicular access point to the ground and basement car parking levels is via the entry driveway located at the north-eastern boundary of the site via Zoe Place (which also provides access to the adjoining site to the north as required by the existing ROW).

5.11 The development provides a total of 2,617.5 sqm of common open space area at podium Level 2 (2,016 sqm) and Level 9 (601.5 sqm), shared amongst all units. The common open space areas are proposed to be embellished with pathways, pergolas, furniture, native landscaping and turfed areas. This is demonstrated on the proposed Landscape Plans prepared by Jocelyn Ramsay & Assoc. Pty Ltd Landscape Architects (refer to **Attachment 3**). The podium and rooftop common open space areas will provide additional amenity space for future residents. The Landscape Plans also provide details of the proposed public domain street tree planting.

5.12 The proposed 10 storey development consists of a podium and tower form, consisting of 3 separate towers, and has been designed within the site's constraints to address factors including: desired future character, solar access, orientation, architectural design quality, vehicular access and parking, and residential amenity. An external finishes schedule has been submitted and is found appropriate for the design, is low maintenance and provides a modern attractive built form. Photomontages which demonstrate the buildings' colours and finishes are provided at **Attachment 2**.

5.13 A Design Verification Statement prepared by Peter Brooks of Brooks Projects Architects was submitted for the development, in accordance with the requirements of SEPP 65. The Design Verification Statement identifies that the development achieves sufficient solar exposure for the residential units. The development has been designed to complement the desired future character of the Mount Druitt Town Centre locality and is a suitable density as defined by the future development controls for the subject site. An assessment of the design principles established within SEPP 65 are provided at **Attachment 5**.

- 5.14 The applicant has submitted a Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd. The report assesses the quantum of on-site car parking provision, reviews the road network in the vicinity of the site and assesses the traffic implications of the proposal in terms of the capacity of the road network. The report concludes that the proposal satisfies the relevant parking requirements and that the projected increase in traffic activity as a consequence of the development proposal will not result in unacceptable traffic implications in terms of road network capacity.
- 5.15 The Traffic and Parking Assessment Report does not consider the demolition and construction phase traffic impact, in particular the demolition of the existing building and site excavation and bulk earthworks traffic impact upon the road network and haulage routes. It is recommended that a condition of consent be imposed requiring the preparation of a traffic impact assessment for the construction phase (**Condition 4.9.5**).
- 5.16 An Environmental Noise Impact Report prepared by Day Design Pty Ltd Consulting Acoustical Engineers was submitted by the applicant. The report finds the proposal capable of complying with the EPA's NSW Industrial Noise Policy, but notes that the mechanical plant for the carpark exhaust and supply fan has not yet been selected for the proposed development. Council's Environmental Health Officer has reviewed the Environmental Noise Impact Report and raises no objection subject to recommended conditions as discussed in Section 8 below. As such, the assessment recommends imposition of a condition of consent requiring preparation of a final acoustic assessment once the mechanical plant has been selected, prior to the issue of a Construction Certificate (**Condition 4.10**).
- 5.17 The applicant seeks to maintain the existing ROWs which benefit the adjoining sites to the north. The ROW located at the south-western portion of the site is proposed to be modified to allow for cantilevered building heights above a clearance height of 4.5 m, as demonstrated in the submitted legal advice provided at **Attachment 8**. The applicant has committed to ensuring that the ROWs are capable of being accessed by the beneficiaries at all times during construction works and ongoing operation of the development (**Conditions 1 and 10.1.9**).
- 5.18 A full assessment of the proposal is provided under Section 9 of this report and a copy of the development plans is included at **Attachment 3**.

6. Planning controls

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

6.1 Environmental Planning and Assessment Act 1979

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

6.2 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 DA is accompanied by a Quantity Surveyor's Certificate from Heymann-Cohen Pty Limited, confirming that the total construction cost is estimated to be \$67,784,615. As the proposed development has a capital investment value greater than \$20 million, the DA constitutes 'Regional Development' requiring referral to a Joint Regional Planning Panel (JRPP) for determination. While Council is responsible for the assessment of the DA, determination of the application will now be made by the Sydney West Joint Regional Planning Panel.

6.3 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 DA was referred to RMS for comment. RMS raised no objection and considers that the proposal will have a minimal impact on the State Road network. RMS requests that Council ensure that vehicular entry and exit to the subject site and on-street parking provision during construction does not interfere with the operation of the traffic lights at the intersection of Mount Street/Luxford Road. Refer to Section 7 below for further details.

6.4 State Environmental Planning Policy 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 Stage 1 Contamination Assessment was undertaken for the site and submitted to Council. The findings of the assessment recommended an 'intrusive field sampling program' be undertaken to assess the quality of soil and groundwater. Therefore, a Stage 2 Contamination Assessment to assess the quality of soil and groundwater was requested of the applicant.

A Stage 2 Contamination Assessment prepared by Coffey Environments Australia Pty Ltd was submitted by the applicant. The report was required to further assess the significance of potential 'areas of interest' identified within the earlier Stage 1 Preliminary Contamination Assessment. The investigation involved drilling, installation and sampling from 4 groundwater monitoring wells, and collection of soil and groundwater samples for laboratory analysis for a range of chemicals of potential concern. Based on the results of the Stage 2 Contamination Assessment investigation, the subject site is considered to be suitable for the proposed mixed commercial/residential development. The Stage 2 Contamination Assessment report also recommends that, due to the relatively large size of the subject site, and the area currently inaccessible for intrusive investigation, a condition of consent be imposed requiring an unexpected finds protocol to be prepared by an appropriately qualified consultant for implementation as part of the construction phase earthworks associated with the development. This would ensure that any potentially contaminated soils are suitably managed and disposed of during earthworks (**Conditions 8 and 11**).

As detailed at Section 8 below, Council's Environmental Health Officer has reviewed the Stage 2 Contamination Assessment and considers the subject site to be suitable for the proposed mixed use development and raises no objection subject to a condition (**Condition 11**).

6.5 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 development applications for residential flat buildings 3 or more storeys in height and containing at least 4 dwellings. In the same year the State Government also released the *Residential Flat Design Code* (RFDC). The SEPP primarily aims to improve the design quality of residential flat development and states that residential flat development is to "have regard to the publication *Residential Flat Design Code* (a publication of the Department of Planning, September 2002)."

As the DA was lodged on 24 December 2014, the proposal predates Amendment 3 of SEPP 65 which was published on 19 June 2015. Therefore, the proposal continues to be assessed under SEPP 65 and the RFDC before the amendment, in accordance with the savings provisions.

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'. Refer to **Attachment 5** which provides an assessment of the proposal against the 10 design quality principles.

6.6 Residential Flat Design Code (RFDC)

In addition to the 10 'design quality principles' listed above, SEPP 65 requires that when assessing an application, Council must have consideration for the design guidelines provided in the Residential Flat Design Code (RFDC). Refer to **Attachment 6** and Section 9 below which provides an assessment of the proposal in light of the numerical requirements of the RFDC.

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

Multi-dwelling BASIX Certificates were lodged for each of the 3 buildings as part of the DA, 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 should be imposed on any development consent requiring compliance with the submitted BASIX Certificates (**Condition 3.4**).

6.8 Blacktown Local Environmental Plan 2015 (BLEP 2015)

The subject site is currently zoned B4 Mixed Use under Blacktown Local Environmental Plan (BLEP) 2015 (which commenced on 7 July 2015 following the lodgement of this DA), in which the proposed development is permissible with development consent. Subject to clause 1.8A '*Savings provision relating to development applications*' within BLEP 2015, as this DA was lodged before the commencement of BLEP 2015 and was not determined before that commencement, the DA must be determined as if BLEP 2015 had not commenced.

It is noted that clauses 4.3(2) and 4.4(2) of BLEP 2015 provide development standards relating to maximum building height and floor space ratio of 32 m and 3:1 respectively. The proposed development has a maximum building height of 32m which meets the relevant development standard, and a floor space ratio of 4:1 which exceeds the floor space ratio limitation for the subject site. However, given the savings provision as detailed above, this application is subject to a merit assessment under BLEP 1988.

6.9 Blacktown Local Environmental Plan 1988 (BLEP 1988)

This DA is being assessed under BLEP 1988, in which the site is zoned 3(a) General Business. The proposed mixed use development is for the purposes of "commercial premises", "shops" and "residential flat buildings" under the definitions adopted by Clause 6 of BLEP 1988, which are all permissible with development consent.

The relevant objectives of the zoning are as follows:

- To allow for a variety of residential lifestyles.
- To allow for a variety of business uses while consolidating existing commercial centres.
- To protect Blacktown's environmental heritage.

The proposed development is consistent with the above objectives as it will provide for a variety of residential lifestyles and business uses while consolidating existing commercial centres. The subject site does not contain any building or relic that has been identified as a 'heritage item'.

6.10 Blacktown Development Control Plan

Blacktown Development Control Plan (BDCP) 2015 was recently adopted, however given that this DA was lodged prior to this occurring, this DA is assessed against the relevant Parts of BDCP 2006.

The relevant Parts of BDCP 2006 applicable to this application are:

- Part A - Introduction and General Guidelines
- Part C - Residential Flat Buildings
- Part D - Development in the Business Zones.

Part D of BDCP 2006 applies to development in the 3(a) General Business zone. Section 2.1 indicates that:

- The 3(a) General Business zone is flexible in that only totally incompatible uses are prohibited.
- Applications are to be assessed on their merits in terms of zone objectives.

The Mount Druitt Town Centre is identified as a sub-regional centre in the hierarchy of business centres in the Blacktown LGA. Sections 4.12 and 5 in Part D indicate that:

- Residential development is seen as a desirable additional use in business zones, adding to their diversity and enlivening centres outside normal business hours.
- In larger centres, there exists an opportunity to incorporate residential units into retail/commercial developments.
- Residential development should comply with the residential standards in *Part C - Residential Flat Buildings*, while acknowledging that some of the requirements in Part C may not be applicable to the nature of residential development in business zones.
- As far as possible, a diversity of uses is encouraged in sub-regional centres, including the integration of residential accommodation.

The proposal is considered to be consistent with the objectives and general guidelines contained in Parts A, C and D of BDCP 2006. Also refer to **Attachment 7** which provides a detailed assessment of the proposal in light of the numerical guidelines of BDCP 2006.

7. External referrals

7.1 The DA was referred to the following external authorities, and their responses are summarised in the following table:

Authority	Comments
Roads and Maritime Services (RMS)	<p>RMS raised no objection to the proposal. RMS provided the following comment for Council's consideration:</p> <ul style="list-style-type: none"> ▪ Council should ensure that vehicular entry and exit to the site and on-street parking provision during construction do not interfere with the operation of the traffic lights at the intersection of Mount Street and Luxford Road.

Authority	Comments
	RMS comments are noted and it is recommended that a relevant condition of consent be imposed (Condition 13).
NSW Police	<p>NSW Police raises no objection to the proposal. Mount Druitt Local Area Command's Crime Prevention Officer recommends that the following Crime Prevention Through Environmental Design (CPTED) principles be incorporated into the development. These are outlined below:</p> <ul style="list-style-type: none"> ▪ External lighting quality to meet ANZ standards ▪ Lighting maintenance policy be established for this development. ▪ Appropriate CCTV be installed in the carpark, to be of a quality that records at a minimum rate of 10 frames per second as a storage aspect ratio of 720 x 480 pixels being medium resolution and records in a format that can be viewed on any computer using the Microsoft Operating System. ▪ Landscaping to be regularly maintained to a height that allows clear sight lines and to prevent concealment points within the carpark and building surrounds. ▪ Sufficient security measures be put into place in relation to preventing possible theft during construction. ▪ Traffic control and safety messages be incorporated throughout the construction process to increase safety to motorists and minimise risk and theft. <p>It is recommended that a relevant condition of consent be imposed (Condition 4.4).</p>

8. Internal referrals

8.1 The DA was referred to internal sections of Council as summarised below:

Section	Comments
Engineering	No objection subject to conditions of consent (Conditions 3.6, 6, 12 and 14.15).
Drainage Design	No objection subject to conditions of consent (Condition 6).
Building	No objection subject to conditions of consent (Conditions 5 and 10).
Tree Management Section	No objection to the removal and replanting of trees, subject to conditions of consent (Conditions 4.7 and 14.8).
Traffic Management Section (TMS)	No objection subject to standard conditions for car parking spaces to comply with AS2890.1 (Condition 4.9).
Waste Services	No objection subject to conditions relating to the ongoing management of waste bins and collection arrangements (Conditions 7 and 14.14).
Environmental Health	<p>No objection to the Acoustic Assessment subject to conditions (Conditions 4.10 and 14.13).</p> <p>No objection to the Stage 2 Contamination Assessment subject to a condition requiring that an unexpected finds protocol be prepared and implemented during earthworks (Conditions 8 and 11).</p>
Commercial Centres Planner	No objection subject to conditions relating to footpath construction and tree planting species being subject to approval of Council's Asset Design Section (Conditions 6.15.4 and 14.8).

9. Assessment

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

9.1 Right of carriageway

The subject site is burdened by 2 existing right of carriageways (ROWs) of variable width which benefit the adjoining lots to the north. The DA proposes to build over the western ROW (near the corner of Zoe Place and Mount Street) and retain a 4.5 m high clearance above the ROW. The proposal will maintain access over both ROWs during works, and also maintain vehicular access to the adjoining properties. The ROWs are shown on the plan below.

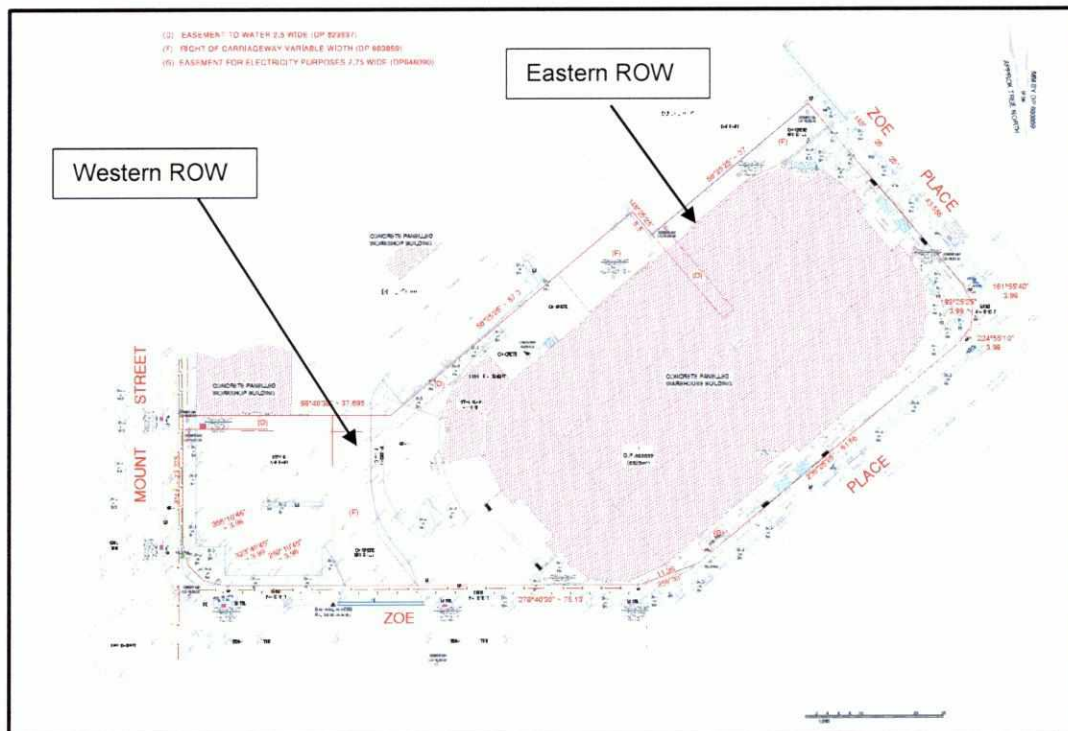


Figure 6 Plan showing right of carriageways

This application is supported by legal advice which was prepared for the applicant by Gadens Lawyers (**Attachment 8**) which advises that:

- The applicant is entitled to build over the ROW but not so as to obstruct the use of it.
- The proposed development provides a 4.5 m clearance over the western ROW to be used by individuals on foot and in vehicles, which does not present a 'substantial interference' with the use of the ROW and therefore would not infringe upon the rights granted under the ROW.
- The dimensions of heavy vehicles in NSW are governed by national regulations and cannot exceed 4.3 m in height, with the exception of vehicles intended to carry large livestock or automobiles. Therefore the ROW will continue to be able to be used by vehicles and ultimately for all purposes for which the ROW was granted.

This application is not supported by formal written consent from the adjoining property owners. However, the applicant has advised that they are presently negotiating the approval with the 3 beneficiaries to the ROWs and so are amenable to a condition of consent being imposed which requires formal written consent to be provided to Council confirming that they support the development being constructed over the ROWs with a

minimum clearance height of 4.5 m. It is also noted that, should the written consent of the 3 beneficiaries not be provided, the applicant may approach the Supreme Court under common law to seek redress.

We consider this arrangement to be acceptable, and recommend that the matter be dealt with via a deferred commencement condition. The condition will require the formal written owner's consent being provided to Council from the beneficiaries of the existing ROWs that they permit the development to be undertaken over the ROWs. This amendment is also to be reflected on the deposited plan and Section 88B instrument for the subject land (**Conditions 1 and 10.1.9**).

9.2 Adaptability of units

The DA provides for 28 wheelchair adaptable units, representing 10.4% of the development comprising:

- 7 units in Building A, being one adaptable unit on each of Levels 2 – 8
- 14 units in Building B, being two adaptable units on each of Levels 2 – 8
- 7 units in Building C, being one adaptable unit on each of Levels 2 – 8.

Clause 7.7.11 of BDCP 2006 requires that not less than 10% of residential units are to be designed for persons with a disability in accordance with Australian Standard 1428.1. The proposal complies with this numerical standard. It is recommended that a condition of consent be imposed requiring certification of the design and construction of the adaptable units from a suitably qualified access consultant, prior to issue of the Occupation Certificate (**Conditions 4.11 and 14.10**).

9.3 Access throughout common open space areas

The design of common open space (COS) areas on the Level 2 Plan shows steps to connect the various components. It is recommended that a condition be imposed requiring the proposed steps be deleted or replaced with ramps to ensure that COS areas are wheelchair accessible (**Condition 4.3.1**).

The proposed Level 9 pedestrian bridge connection between Building B and C also shows steps at the western (Building C) end. It is recommended that a condition be imposed to require the proposed bridge to be made accessible (**Condition 4.3.1**).

9.4 Section 94 contributions

The proposed development is subject to contributions under Contributions Plan No. 3 – Open Space in the Established Areas. A condition of consent will be imposed requiring Section 94 contributions to be paid prior to the release of any Construction Certificate. These contributions are towards the embellishment of open space in the broader Mount Druitt area at a base amount of \$979,206, which will be indexed on the date of final payment in accordance with the CPI (**Condition 4.6**).

9.5 Blacktown Development Control Plan 2006 – height and FSR

The provisions of Blacktown Development Control Plan 2006, in particular *Part D – Development in the Business Zones*, do not provide numerical height and FSR provisions for residential development in the Business zone. The proposed height and FSR is therefore to be considered on merit. It is considered that the maximum building height of 32 metres and an FSR of 4:1 are satisfactory in this instance.

The proposed height and FSR are not considered unreasonable in a Town Centre context, particularly as the scale of residential flat buildings approved nearby in Ayres Grove was for a 9 storey mixed use commercial/residential high rise redevelopment (DA No. JRPP-11-541) and a 9 storey mixed use development was also approved in January

2004 on the corner of Mount Street and North Parade (which has now lapsed as it was not acted upon).

The proposed bulk and scale of the buildings are considered to remain consistent with the following State Government strategies including:

- Metropolitan Strategy – A Plan for Sydney's Future
- Metropolitan Strategy – North West Subregion – Draft Subregional Strategy
- Metropolitan Plan for Sydney 2036.

The North West Subregion – Draft Subregional Strategy identifies Mount Druitt as a “potential major centre”. A major centre under this draft strategy should contain many contributing factors and these include:

“a major shopping centre and business centre serving the immediate subregional residential population usually with a full scale shopping mall, Council offices, taller office and residential buildings, central community facilities and a minimum of 8,000 jobs”.

The subject site is ideally located within the Mount Druitt Town Centre in close proximity to public transport, services and community facilities. It is therefore considered that the proposed height and FSR are acceptable.

9.6 Common open space

The DA has been assessed against the numerical controls contained within *BDCP 2006 – Part C – Development in the Residential Zones* as these are called up by Part D of the DCP where residential development is proposed in a Business zone. The proposal achieves compliance with the numerical controls of Part C with the exception of common open space (COS).

Whilst under Part C the proposal requires a minimum of 10,900 sqm common open space (based on a rate of 30 sqm for each 1 bedroom unit (8 unit), 40 sqm for each 2 bedroom unit (255 units) and 55 sqm for each 3 bedroom unit (5 units)), the proposal provides 2,617.5 sqm (representing 24%) of COS located at the Level 2 podium of Buildings A, B and C and the Level 9 roof terrace of Buildings B and C connected by a pedestrian bridge, plus 3,270 sqm (being 30% of the required COS located within allowed balcony areas greater than 3 m x 2.5 m). The development as proposed therefore provides a combined 5,887.5 sqm of COS, representing 54% of the required 10,900 sqm as set out in Part C of *BDCP 2006*.

Whilst the proposal fails to comply with this numerical control, Part D indicates that, in the sub-regional centre controls, COS for the use of all residents of the development shall be provided at the minimum rate of 42% of the total COS required by *BDCP 2006* in Part C. Further, Section 4.12 of Part D states that, whilst residential development in a Business zone must comply with the residential standards outlined in Part C, it is acknowledged that, due to the unique nature of residential flat development in Business zones, some of the requirements may not be appropriate. In other words, a merit approach will be taken as to what level of compliance with the residential standards is desirable. This ‘42% rule’ equates to a COS area of 4,529.7 sqm and the proposal satisfies this requirement. The application of this ‘42% rule’ has been consistently applied to similar mixed use developments in Business zones throughout the CBDs of Blacktown and Mount Druitt, and this variation is considered acceptable in this instance.

9.7 Building separation – within the development site

The Residential Flat Design Code (RFDC) recommends that building separation increase in proportion to building height to ensure appropriate urban form, and adequate amenity

and privacy for building occupants. The RFDC suggests that building separation increase in proportion to building height as follows:

- *up to 4 storeys/12 metres*
 - *12 metres between habitable rooms/balconies*
 - *9 metres between habitable/balconies and non-habitable rooms*
 - *6 metres between non-habitable rooms*
- *5 to 8 storeys/up to 25 metres*
 - *18 metres between habitable rooms/balconies*
 - *13 metres between habitable rooms/balconies and non-habitable rooms*
 - *9 metres between non-habitable rooms*
- *9 storeys and above/over 25 metres*
 - *24 metres between habitable rooms/balconies*
 - *18 metres between habitable rooms/balconies and non-habitable rooms*
 - *12 metres between non-habitable rooms*

Notwithstanding this, the RFDC permits zero building separation in appropriate contexts, such as in urban areas between street wall building types (party walls). The RFDC's Control Checklist also states that:

- *Building separation controls may be varied in response to site and context constraints.*
- *Developments that propose less than the recommended distances apart must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved.*

The proposal consists of a podium and tower design with 15 retail/commercial units on the ground floor, and 3 tower forms above containing residential units. The 10 storey development results in a maximum height of 32 m, and the building separation of these tower forms is proposed as follows:

- Between Buildings A and B - building separations for Levels 2 – 8 of between 13.5 m to 18 m, and Levels 9 and 10 Mezzanine of between 21 m to 26.4 m
- Between Buildings B and C - building separations for Levels 2 – 8 of 6.74 m, and Levels 9 & 10 Mezzanine of between 15.4 m – 16.4 m.

In applying the RFDC guidelines, the building separation between habitable rooms/balconies is 12 m for up to 4 storeys, 18 m for 5 - 8 storeys and 24 m for 9 storeys and above.

However, the RFDC acknowledges that building separation controls may be varied in response to site and context constraints. Where a proposed development intends to provide less than the recommended distances apart it must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved. As this development proposes less than the recommended building separation, these key parameters are each considered below.

(a) Daylight access

The proposed development complies with the solar access requirements established in the RFDC, as 70% of units would receive a minimum of 3 hours mid-winter sunlight between 9 am and 3 pm. Shadow diagrams submitted with the proposal show that adjoining commercial properties will not be adversely affected by the development. The building separation is therefore considered satisfactory in terms of adequate solar access.

(b) Urban form

The proposed development remains consistent with the urban form guidelines of the RFDC and provides for increasing building separation in proportion to increasing building height. The design of the development encourages activated street frontages to Mount Street and Zoe Place and achieves a high design quality with suitable bulk and scale responding to the site's constraints. The urban form of the proposed development is therefore considered to be consistent with the surrounding urban form.

(c) Visual and acoustic privacy

The building layout, orientation and fenestration of the windows minimises direct overlooking of rooms and private open spaces of adjacent apartments with the use of highlight windows, screens to secondary bedroom balconies and landscaped elements, to limit horizontal views to neighbouring units including masonry fencing around the private open space areas on the podium level.

The closest building elements in Levels 2 - 8 of Buildings B and C that are separated by 6.74m contain bedrooms with highlight windows and secondary balconies with screens. The use of these bedrooms in the side elevations of these buildings are not considered to result in adverse acoustic impacts upon adjacent apartments.

Based on the above assessment of solar access, urban form and visual and acoustic privacy, the proposed building separations are considered satisfactory and therefore a variation to the suggested building separation requirement is considered reasonable in this circumstance.

In light of the above, the departure from the numerical requirements of the RFDC guidelines are considered acceptable in this instance and are not considered to warrant refusal of this application.

9.8 Building separation – to the northern boundary

(a) Setbacks as required by the BDCP 2006

The BDCP 2006 does not contain specific side and rear setback controls for this site and this form of mixed use development. The site is located within the Mount Druitt Town Centre, which is considered to be comparable to the context of the Blacktown Central Business District, which is subject to the following relevant controls:

Part 5 – Sub-regional Centres, 5.3 Blacktown Central Business District, 5.3.1 Residential/Mixed Use Development – Specific Controls, Side and Rear Setbacks:

A zero setback to the side and rear boundaries is permitted for the ground floor and the 1 - 2 levels above, i.e. the podium.

For the levels of the building above the podium, each development site shall be examined on its individual merits with the **absolute minimum setback being 6 metres**.

However, in order to ensure a quality environment, especially in regard to solar access and privacy for the future residents of the CBD, **setbacks greater than 6 metres are highly desirable** and are advocated by Council.

Balcony encroachments into any building setback area which is not to a street frontage will not necessarily be accepted but will be assessed on

their merits. In this respect, Council will have regard to matters such as privacy, overlooking and articulation of the façade.

The proposal satisfies the minimum 6m side and rear setback (to the northern boundary) for all building elements above the podium level (Levels 2 to 10). To further protect the visual and acoustic amenity of the future occupants and the future redevelopment of the adjoining property, the applicant has also provided privacy screening measures. These measures are demonstrated in Figure 6 below, which is an extract of the proposed 'Building A, Level 4 - 8 Plan', which has a building setback from the northern boundary of 6 m, which satisfies the minimum DCP requirements. The proposal seeks to mitigate potential adverse privacy impacts on the adjoining site by providing highlight windows and screening measures to orientate the openings away from the adjoining site.

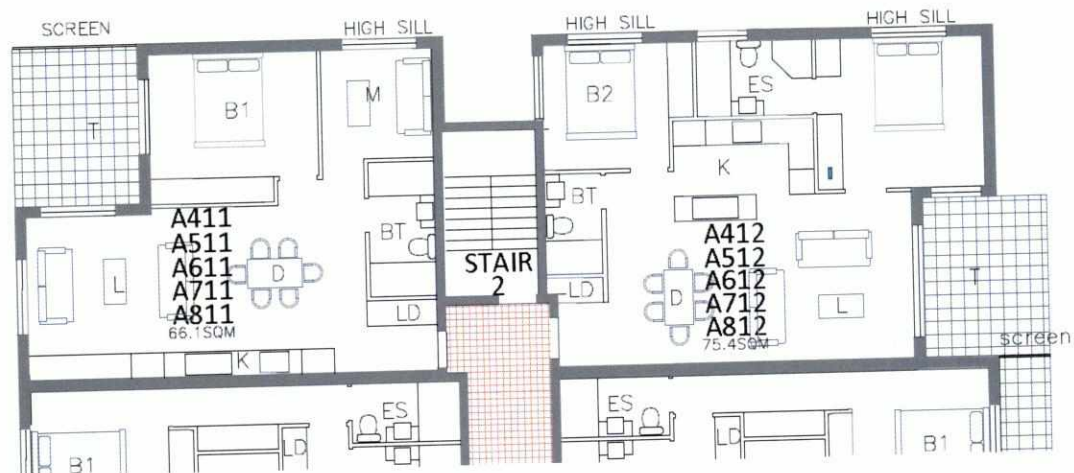


Figure 7 Extract of the proposed 'Building A Level 4 - 8 Plan' which demonstrates the proposed measures in response to the reduced building separation.

The proposal satisfies the minimum building setback to the northern boundary as required by BDCP 2006 in relation to developments in a sub-regional centre context and is satisfactory.

(b) Setbacks as required by the RFDC Guidelines

Further to the discussion in Section 9 above with regard to the RFDC requirements for building separation, this section assesses the building separation in relation to the northern boundary, and the requirements to share the building separation obligations in relation to the future redevelopment of the adjoining site for residential purposes.

The Ground Floor (Level 1) of the proposal consists of a zero setback for the retail/commercial unit which is located at the western portion of the site. As detailed above, this zero setback is considered satisfactory in the context of this town centre retail environment.

The proposal consists of residential units on Levels 2 to 10 which do not strictly satisfy the building separation requirements to the northern boundary. The separation distances are detailed on Sk6d Roof Plan (provided at **Attachment 3**). The following parts of the development do not satisfy the required separation distances:

Table 1: Analysis of proposed variations to the RFDC building separation requirements

Part of the development	Required separation distance to the northern boundary	Separation distance provided	Proposed variation
Building A, Level 2 - 4	6 m	6 m	Complies
Building A, Level 5 - 8	9 m	6 m	3 m
Building A, Level 9 - 10	12 m	8.215 m	3.785 m
Building B, Level 2 - 4	6 m	8.265 m	Complies
Building B, Level 5 - 8	9 m	8.265 m	0.735 m
Building B, Level 9 - 10	12 m	11.6 m	0.4 m
Building C, Level 2 - 4	6 m	8 m	Complies
Building C, Level 5 - 8	9 m	8 m	1 m
Building C, Level 9 - 10	12 m	10 m	2 m

The proposal satisfies the minimum building setback to the northern boundary as required by BDCP 2006, however does not satisfy the minimum requirements in accordance with the RFDC guidelines for several parts of the development, as identified in **Table 1** above. The applicant has provided the following justification to support the departure from the building separation requirements:

We note that the separation distances noted in the RFDC are suggestions to achieve the objectives of building separation. They are also qualified by context and the checklist requires that the proposed setbacks be tested against daylight access, and visual and acoustic privacy.

Generally we have maintained a 9 m setback from habitable rooms and terraces to the boundary with neighbouring properties. This is 50% of the recommended separation for residential buildings above 4 storeys assuming the adjacent sites will maintain similar when they develop.

The setbacks to the northern elevation of Building A have been reduced to provide a continuity of building form along this part of the Zoe Place frontage. Visual and acoustic privacy has been maintained by the use of recessed windows with solid masonry screens or by the use of high sill windows. This area of reduced setback will not obstruct any daylight access to any future development on the adjacent sites. It is our opinion that this is an appropriate setback in the context of the presentation of this building in the streetscape to Zoe Place.

The minimum setbacks of Building B to the northern boundary are at corner points of the building which is not parallel to the northern boundary. The average setback between the building and this boundary is 14.6 m. The proposed design will not result in any loss of daylight access to any future developments on the adjacent properties and will not result in any loss of visual or acoustic privacy either, as the small areas that are within the RFDC suggestions are walls with no windows or terrace areas with screens.

We have reduced this setback to generally 8 m on Building C. Given the reduced width of our site in this location and the width of the adjacent site at this point we consider this to be a reasonable setback in the context of the site. Any increased setback that any future development on the adjacent site is offset by the reduced setback they will need for separation from Building B. Where some bedroom windows are closer than 8 m we propose 1.5 m sill heights on these windows which are not the principal windows for these rooms.

The setback of 8 m of Building C from the northern boundary will not result in the loss of any daylight access to any development on the adjacent site. It is proposed that the terrace areas with 8 m setbacks to this boundary will be provided with moveable screens to minimise any impact that these areas will have on the loss of visual or acoustic privacy to any future development on the adjacent site. The other habitable rooms that are setback 8 m from this boundary are bedrooms and any loss of visual or acoustic privacy resulting from the 1 m shortfall will be minimal.

The RFDC acknowledges that building separation controls may be varied in response to site and context constraints. Where a proposed development intends to provide less than the recommended distances apart, it must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved. The following is an assessment of these key parameters in light of the future redevelopment of the adjoining site to the north for a mixed use development.

(c) Daylight access

The adjoining site is sited to the north of the subject site, and benefits from favourable exposure to daylight. Therefore, the proposed building separation will not result in any impact on the future redevelopment of the northern site in terms of daylight access.

(d) Urban form

The proposed development remains consistent with the urban form guidelines of the RFDC and provides for increasing building separation in proportion to increasing building height. This design is capable of being replicated on the adjoining site to the north in a manner which achieves a high design quality with suitable bulk and scale responding to the constraints of both sites.

(e) Visual and acoustic privacy

Where the building separation requirements are not met, there are several measures incorporated into the design (as detailed above) to mitigate potential direct sight lines towards the adjoining site to the north. These privacy measures are also considered to assist in mitigating potential acoustic impacts from the units and the common open space and private open space areas.

Based on the above assessment of solar access, urban form and visual and acoustic privacy, the proposal is considered to reasonably share the building separation obligations with the adjoining northern site, subject to the privacy screening measures being implemented (**Condition 14.9.3**). Therefore, a variation to the RFDC building separation requirement is considered reasonable.

In light of the above, the departure from the numerical requirements of the RFDC guidelines is considered acceptable in this instance and is not considered to warrant refusal of this application.

9.9 Internal circulation

The RFDC states that where units are arranged off a double-loaded corridor, the number of units accessible from a single core/corridor should be limited to 8. This requirement is satisfied, with the exception of Building B, which has up to 15 units per floor. The layout of Building B provides an 'L-shaped' corridor with 1 core/2 lifts located at the bend. The proposed variation is considered to be in keeping with the better design practice of the RFDC and to provide satisfactory amenity and safety as follows:

- Suitable corridor widths and circulation space is provided

- Natural lighting is available
- Corridor lengths are suitable
- Clear lines of sight are achieved, and tight corners are avoided
- No long tunnel effect is created in this proposal.

Therefore, the departure from this control is supported in this instance.

10. Public comment

10.1 The DA was notified to adjoining and nearby property owners and occupants for a period of 14 days from 4 March 2015 to 18 March 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, 3 individual submissions were received. Their locations are indicated in **Attachment 9**. The concerns raised, together with Town Planning comments, are provided below.

10.3 Right of carriageways

The submitter advises that 2 right of carriageways (ROW) benefit the adjoining lots to the north. Part of the development is proposed to be built across part of the western ROW, but the eastern ROW will be unaffected. Currently access to the association property is via the storage lane on Luxford Road, with no exit permitted from this entry point. The ROW to the west is proposed to be built over at a height of 4.5 m.

Town Planning comment:

- Currently there is a ROW over the property in favour of the adjoining commercial properties to the north known as 13 - 15 Luxford Road and 14 Mount Street, Mount Druitt. The existing ROW passing through the site in a north-south direction is proposed to be built over at a height of 4.5 m. It is noted that the proposal has since been modified, and there are no building elements over the existing ROW at the north-eastern portion of the site.
- The applicant has also provided legal advice prepared by Gadens Lawyers confirming that they are able to build over the existing ROW in accordance with the DA and maintain uninterrupted access to the adjoining lots which rely on the ROW (**Attachment 8**). The applicant is amenable to a condition of consent that requires this matter to be resolved prior to the consent becoming effective.
- The applicant has also indicated that, separate to this application, they are amenable to allowing the owners of the adjoining site to the north to extinguish their existing ROW which benefits the subject site in terms of rights of access. This will be subject to agreement between the relevant parties.
- We consider this arrangement to be acceptable, and recommend the matter be dealt with via a deferred commencement condition subject to formal written owner's consent being provided to Council from the beneficiaries of the existing western ROW that they permit the development to be undertaken over the ROW. This amendment is also to be reflected on the deposited plan and Section 88B instrument for the subject land (**Conditions 1 and 10.1.9**). It is also noted that, should the written consent of the 3 beneficiaries not be provided, the applicant has the avenue of modifying the easements via Supreme Court proceedings.

10.4 Car parking

The development will place additional pressure on car parking surrounding the proposed site from numerous retail activities and the adjacent Mount Druitt Hospital.

Town Planning comment:

- The proposed retail/commercial tenancies are required to provide car parking at a rate of 1 space per 30 sqm GFA. This equates to a requirement to provide 78 commercial car parking spaces. The proposal provides 92 commercial car parking spaces (68 located at Level 1 (ground floor) and 24 located at Level B1) and thus provides a surplus of 14 commercial car parking spaces, thereby complying with the car parking requirement of BDCP 2006. Council's Traffic Section and the RMS have reviewed the DA and raise no objections. The potential for any adverse pressure on surrounding car parking provision is not considered likely.

10.5 Design

The 15 retail/commercial units are sought to be amended so as to create dual frontages to the street frontage as well as the internal carpark area. Alternatively, to amend the design to ensure some tenancies front the street frontage whilst others front the internal car parking area.

Town Planning comment:

- The shopfronts of each of the retail/commercial tenancies address the street frontages to Zoe Place and Mount Street. It is also noted that the rear of the tenancies serve as service corridors which connect to the waste collection and loading dock.
- When considered in light of optimising the visibility, functionality, safety and casual surveillance of the development, its occupants and customers, and the public domain, this orientation is considered to be satisfactory. This is particularly the case given that this orientation achieves a high level of street activation and caters for direct pedestrian entry from the public domain.

10.6 Need for more residential space

The Mount Druitt area needs more living space, not shopping space.

Town Planning comment:

- The proposed development provides 268 new residential units and 15 ground floor retail/commercial tenancies. The provision of 268 new residential units offers a positive contribution to increasing the current housing stock in the Mount Druitt Town Centre. The retail/commercial component is appropriate for the 3(a) General Business zone and would provide additional services and convenient facilities to meet the needs of future residents. Mixed use development within the Mount Druitt Town Centre is supported by BDCP 2006 and will contribute to a more sustainable and liveable city with reduced car dependency, increased pedestrian activity and casual surveillance.

10.7 None of the grounds for concern warrant refusal of the DA.

11. Section 79C consideration

- 11.1 The proposal has been considered against the matters prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* (as amended) and is considered satisfactory. A detailed analysis against the Section 79C heads of consideration is provided at **Attachment 4**.

12. Concluding comments

- 12.1 The proposed development has been assessed against the matters for consideration listed in Section 79C of the Environmental Planning & Assessment Act 1979 and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. Further, the subject site is considered suitable for the proposed development.
- 12.2 The applicant has committed to ensuring that the right of carriageways are capable of being accessed by the beneficiaries at all times during construction works and ongoing operation of the development, which will be dealt with by deferred commencement conditions of consent.

13. Recommendation

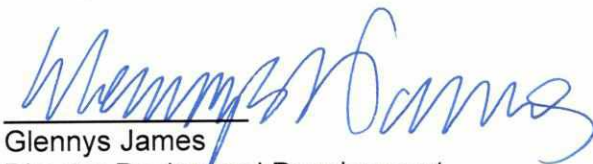
1. The Development Application be approved by the Sydney West Joint Regional Planning Panel as a deferred commencement development consent subject to the conditions in Attachment 1.
2. The applicant be advised of the Sydney West Joint Regional Planning Panel's decision.
3. The objectors be advised of the Sydney West Joint Regional Planning Panel's decision.



Holly Palmer
Senior Project Planner



Judith Portelli
Manager Development Assessment



Glennys James
Director Design and Development