

## Blacktown City Council assessment report Sydney West Central Planning Panel

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| <b>Panel Reference</b>                                                 | 2015SYW166                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>DA Number</b>                                                       | JRPP-15-01990                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>LGA</b>                                                             | Blacktown City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Proposed Development</b>                                            | Demolition, removal of trees, subdivision, new public roads, residential flat buildings and landscaping                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Street Address</b>                                                  | 65 Cudgegong Road, Rouse Hill                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Applicant</b>                                                       | Blue Sox Developments Pty Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Owner</b>                                                           | Blue Sox Developments Pty Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Date of DA lodgement</b>                                            | 3 September 2015                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Land zoning</b>                                                     | R3 Medium Density Residential                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Number of Submissions</b>                                           | Nil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Recommendation</b>                                                  | Approval subject to conditions of consent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Regional Development Criteria (Schedule 4A of the EP&amp;A Act)</b> | The proposed development constitutes 'regional development' requiring referral to a Joint Regional Planning Panel for determination as it has a capital investment value of \$98.8 million.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>List of all relevant s79C(1)(a) matters</b>                         | <ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• State Environmental Planning Policy (Infrastructure) 2007</li> <li>• State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>• State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX)</li> <li>• State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>• Sydney Regional Environmental Plan No.20 – Hawkesbury - Nepean River</li> <li>• Blacktown City Council Growth Centre Precincts Development Control Plan 2010</li> </ul> |
| <b>Documents submitted for the Panel's consideration</b>               | Council officer assessment report                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Report prepared by</b>                                              | Holly Palmer, Senior Town Planner, Blacktown City Council                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Report date</b>                                                     | 22 December 2016                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

### Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

### Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

### Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **Yes**

### Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Yes**

### Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

## Assessment Report

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| Attachment 8 | – Extract of plans demonstrating the master bedrooms                                         |



Figure 1 Photomontage (Aleksandar Design Group 2015)

# 1 Executive summary

- 1.1 Blacktown City Council received an integrated Development Application (DA) from Blue Sox Developments Pty Ltd for a 'residential flat building' development at 65 Cudgegong Road, Blacktown. The DA seeks approval for the demolition of the existing structures, removal of trees, subdivision to create 2 lots for development, the construction and dedication of new public roads and the construction of 4 x 8 storey residential flat buildings comprising 434 apartments, 3 levels of basement car parking and landscaping.
- 1.2 The proposed development constitutes 'regional development' requiring referral to a Joint Regional Planning Panel (JRPP), as it has a capital investment value of \$98,814,325. While Council is responsible for the assessment of the DA, the Sydney West Central Planning Panel (SWCPP) is the consent authority.
- 1.3 The site is zoned R3 Medium Density Residential under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). The site is within the Area 20 Precinct. Residential flat buildings are permissible in the R3 zone with development consent.
- 1.4 A detailed assessment has been undertaken against the provisions of the Growth Centres SEPP and the Blacktown City Council Growth Centre Precincts Development Control Plan (Growth Centre DCP) 2010. The development complies with the development standards contained within the SEPP with the exception of building height. The development complies with the development controls within the DCP with the exception of setbacks to public roads and the dimensions of car parking spaces.
- 1.5 The applicant has lodged a request under Clause 4.6 for the variation to the development standards under the SEPP. The building height is varied by up to 300 mm above the permissible height limit of 26 m, being a variation of 1.2%. The variation is considered acceptable as the additional height relates to a minor portion of the roof structure and rooftop plant and equipment of Buildings A and C only. The roof structure and rooftop plant and equipment is unnoticeable from the ground level, does not result in excessive bulk and scale, and does not result in adverse shadow and amenity impacts on surrounding properties. The height variation does not result in additional floor levels.
- 1.6 The Growth Centres DCP requires a minimum building setback of 6 m where adjoining a 16 m wide public road. This 16 m road width allows only 2 travel lanes and 1 lane of parking. At our request, the proponent has increased the road width from 16 m to 18 m, so that 2 lanes of parking can be achieved. Although this application pre-dated the DCP changes that Council made so as to enforce the 18 m width, the applicant was willing to provide the increased 18 m road width. As a result, the site area of the development has decreased, but as a concession to the applicant because of its acceptance of the wider roads, the reduced setback to the road of 5 m is acceptable.
- 1.7 The DCP requires that the car parking spaces are to have minimum dimensions of 2.5 m x 5.2 m. The development provides car parking spaces with a width of 2.4 m, which does not comply with the DCP. The applicant was previously requested to comply with this requirement, however the amended plans do not reflect the DCP's minimum width for each car parking space. Therefore, it is considered suitable to require each car parking space to have a minimum width of 2.5 m and demonstrate compliance with the Australian Standards (AS 2890.1). Given that the proposal provides a car parking surplus of 27 spaces, the basement car parking levels are capable of accommodating this requirement to achieve compliant car parking dimensions.
- 1.8 The proposal is consistent with the objectives of SEPP No. 65 and satisfactorily achieves the 9 'design quality principles' listed under Schedule 1. Council officers have assessed the application against the requirements within the Apartment Design Guide (ADG). The development complies with the numerical requirements of the ADG with the exception of master bedroom size.

- 1.9 The ADG requires master bedrooms to have a minimum area of 10 sqm, excluding wardrobe space. The master bedrooms vary in size, with 53% of the units having an area of between 9.3 sqm and 9.9 sqm. Despite this minor shortfall, the master bedrooms are considered to benefit from a suitable level of amenity given they have built-in wardrobes, and the majority of master bedrooms have an ensuite and direct access to a balcony, as shown in **Attachment 8**. This minor non-compliance with the ADG is considered satisfactory in this instance.
- 1.10 The proposed development was notified to property owners and occupiers within the locality between 6 and 20 October 2015. One submission was received raising concerns with regard to consistency of the subdivision and new public roads with the Indicative Layout Plan, clarification of the width of roads, and stormwater management and consideration of the upstream and downstream drainage network. In response to these concerns, the applicant submitted additional information. The objector then confirmed that their concerns were resolved and the objection was withdrawn.
- 1.11 The proposal has been assessed against relevant clauses within the applicable environmental planning instruments. The development is considered to satisfy all relevant clauses. A detailed assessment is at Section 6 of this report.
- 1.12 The development is considered satisfactory with regard to relevant matters such as siting and design, bulk and scale, privacy, amenity, overshadowing, access, traffic impacts, parking and stormwater drainage. The proposed development has been assessed against the relevant matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, including the suitability of the site and the public interest, and is considered satisfactory.
- 1.13 It is recommended that the proposed development be approved subject to the conditions at **Attachment 1**. The applicant has been forwarded the draft conditions and has raised no objection to them.

## 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. The location of the site is shown in Figure 2 below.
- 2.2 The adjoining land to the east and south of the site is also zoned R3 Medium Density Residential, with a building height limit of 16 m to the east and 26 m to the south. The adjoining land to the north is 'Cudgegong Reserve', which is zoned E2 Environmental Conservation and features densely planted Shale Plains Woodland. The zoning of the site and surrounding land is shown in Figure 4.
- 2.3 The future Cudgegong Road Train Station and Local Centre is located approximately 70 m to the south of the site and comprises a B4 Mixed Use zoning and B2 Local Centre zoning.
- 2.4 The area to the west is the Riverstone East Precinct, which was rezoned in August 2016 by the Department of Planning and Environment.
- 2.5 The existing locality is currently characterised by rural-residential development, and is currently undergoing transition with a number of residential subdivisions and residential flat developments now approved within the locality.



**Figure 2** Location map (Source: Google maps 2016)

### 3 Site description

- 3.1 The subject site is known as Lot 75 DP 208203, 65 Cudgegong Road, Rouse Hill. The site has a 72.05 m street frontage along its eastern boundary to Cudgegong Road. The northern and southern boundaries have a length of 280.86 m. The western boundary is 72.05 m in length. The total site area is 20,230 sqm.
- 3.2 The site has an easement along the eastern portion of the site with a width of 30.48 m. the easement benefits Endeavour Energy and contains electricity transmission lines.
- 3.3 The high point of the site is centrally located. The site slopes towards the eastern and western boundaries, with a gradient of up to 8%. The slope is approximately 8 m to the east and 9.5 m to the west.
- 3.4 The site contains an existing dwelling and associated garage and sheds, swimming pool, tennis court, a dam at the rear of the site, trees and landscaping.
- 3.5 The site is zoned R3 Medium Density Residential under the Growth Centres SEPP and is within the Area 20 Precinct area.



Figure 3 Aerial image as of 23 February 2016 (Source: BCC 2016)

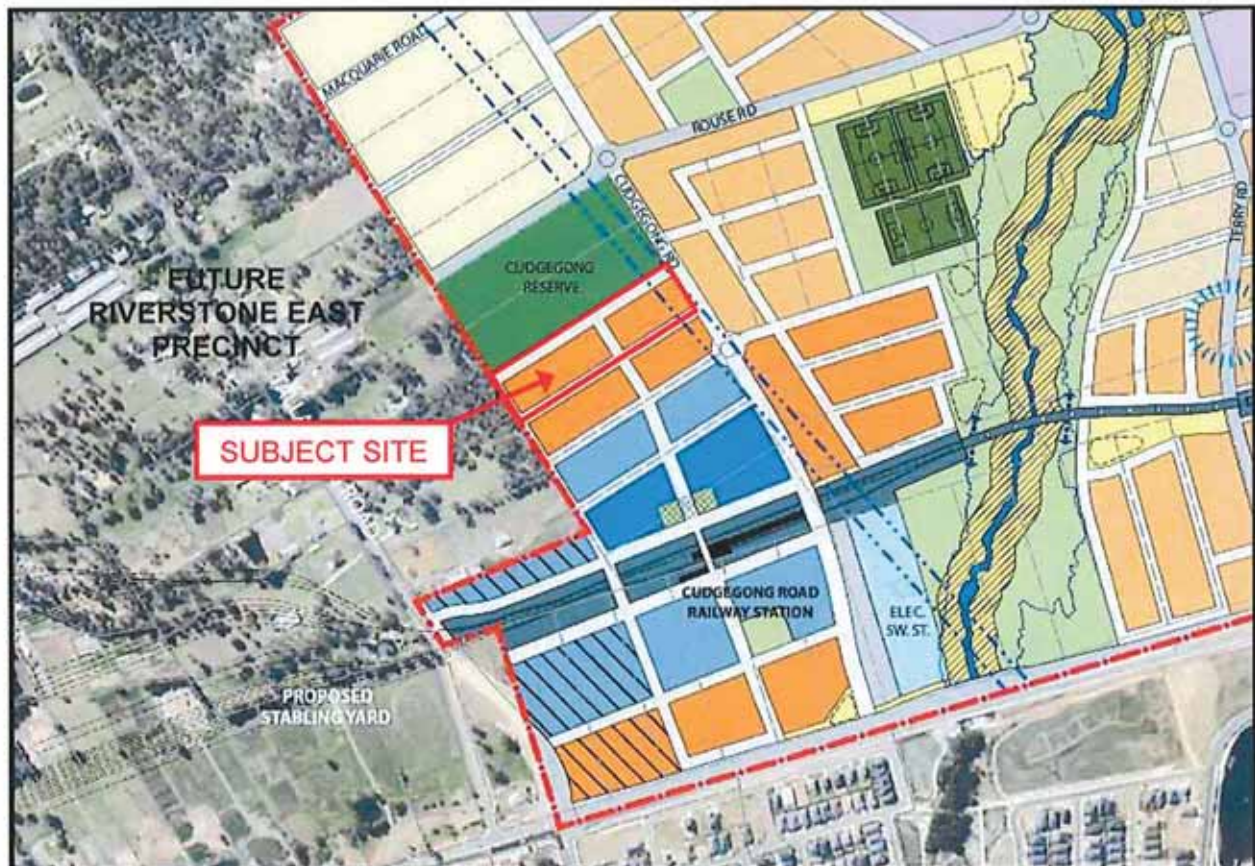


Figure 4 Extract from the Area 20 Precinct Indicative Layout Plan (DoPE, 2016)

## 4 Background

4.1 On 3 September 2015 the applicant lodged this DA (JRPP-15-01990).

## 5 The proposal

- 5.1 The proposal involves the demolition of existing structures, the removal of 185 trees, and the provision of replacement landscaping and trees throughout the site, including 43 native street trees and 100 medium native trees.
- 5.2 The applicant seeks to subdivide the site to excise the new public roads and construct those roads. The subdivision also seeks to create 2 development lots for the construction of the proposed residential flat buildings (RFBs), being Lot 1 with an area of 5,151 sqm and Lot 2 with an area of 6,845 sqm.
- 5.3 The proposal is for the construction of 434 apartments. Building A is on proposed Lot 1. Buildings B, C and D are on proposed Lot 2. The breakdown of the proposed apartments is as follows:

| Bedrooms     | Building A<br>(Lot 1) | Buildings B, C<br>& D<br>(Lot 2) | Total<br>Apartments | Apartment<br>Mix % |
|--------------|-----------------------|----------------------------------|---------------------|--------------------|
| 1 bed        | 42                    | 77                               | 119                 | 27%                |
| 2 bed        | 116                   | 158                              | 274                 | 63%                |
| 3 bed        | 8                     | 33                               | 41                  | 9%                 |
| <b>Total</b> | <b>166</b>            | <b>268</b>                       | <b>434</b>          |                    |

- 5.4 The proposal will have 214 basement car parking spaces for Building A and 355 car parking spaces within the shared basement levels of Buildings B, C and D, being a total of 569 spaces. Vehicular access to the 3 levels of basement parking is from 2 driveways via the new public road along the northern boundary.
- 5.5 The basement levels also accommodate all waste storage and collection facilities, general loading bays and 156 bicycle parking spaces.
- 5.6 Waste collection is to be undertaken by a private contractor.
- 5.7 A total of 51 of the units will be adaptable, being 12%. The proposal includes 54 car parking spaces for the adaptable units.
- 5.8 Communal rooms are provided at the ground level of Buildings A, C and D for the use of residents and for owners' corporation meetings. These rooms feature both indoor and outdoor recreational areas.
- 5.9 The eastern portion of the site, which is affected by the transmission line easement, also features a Community Pocket Park and Community Garden for residents only. Outdoor communal open space areas are also provided at ground level between the proposed buildings and within central courtyards. The overall outdoor communal open space features courtyards, picnic areas with seating and BBQs, play areas with children's equipment, passive and active recreation areas, water features, outdoor gyms, pedestrian links throughout the site and hard and soft landscaping.
- 5.10 The total provision of Communal Open Space area is 3,292 sqm. It is noted this proposal does not comprise any Communal Open Space on the rooftops of the buildings.

- 5.11 The new public roads have a width of 18 m to allow 2 lane travel with intermittent parking on either side, with the exception of the new road along the northern boundary, which adjoins the Cudgegong Reserve, with a width of 15.5 m. The building setback to these new public roads is 5 m. The proposal achieves the minimum 12 m building separation between buildings within this development and to future developments on adjoining sites.
- 5.12 The maximum building height of the development is 26.3 m, being a 300 mm departure from the 26 m maximum height limit under the Growth Centres SEPP. This variation of 1.2% is considered acceptable as the additional height relates to point encroachments of a minor portion of the roof structure and rooftop plant and equipment on Buildings A and C only. The applicant has lodged a Clause 4.6 request to vary the development standard. The applicant's Clause 4.6 request is at **Attachment 2**. Council's assessment of this variation is undertaken in Section 7.
- 5.13 The proposal has an FSR of 1.73:1, which complies with the maximum FSR of 1.75:1 for the site.
- 5.14 Photomontages showing the patterns created by the articulation of the building, colours and finishes are at **Attachment 3** and the development plans are at **Attachment 4**.
- 5.15 The DA is accompanied by a Design Verification Statement prepared by Aleksandar Jelcic of Aleksandar Design Group, in accordance with the requirements of SEPP No. 65. The development has been designed so that each building has a distinct colour palette and character, which creates a high level of visual interest. The proposed colours and finishes include varied white and grey cement rendering and Alucobond panels in black/dark colours and varied copper tones. The buildings are stepped to follow the slope of the site and have a high level of vertical and horizontal articulation. The overall building presentation features a strong podium, expressive middle and recessive top, which is accompanied by a green edge between the building and the street and landscaping planter boxes throughout the upper levels. Refer to **Attachment 5** for consideration of the design principles established within SEPP No. 65.
- 5.16 Council's Bushfire Prone Land Map identifies the subject property as containing designated Category 1 Vegetation and its associated 100 metre buffer zone. As such, the proposal constitutes Integrated Development under Section 91(1) of the Environmental Planning and Assessment Act 1979. The proposal is accompanied by a Bushfire Hazard Assessment Report prepared by Building Code and Bushfire Hazard Solutions, which states that the site will have maintained lawns and gardens around the proposed apartment blocks. The separation from the hazard interface includes land entirely within the subject site, including maintained land around the proposed apartment blocks and future roads. This report also states that the highest Bushfire Attack Level (BAL) to the proposed apartment blocks was determined from Table 2.4.2 of AS3959 – 2009 to be 'BAL 40,' and that the proposal is consistent with this construction requirement. The NSW Rural Fire Service provided its concurrence to the DA subject to conditions.
- 5.17 In response to the removal of trees on the site, the proposal includes a Landscape Strategy which provides replacement landscaping and trees throughout the site, including 43 native street trees and 100 medium native trees. Conditions are recommended to be imposed to ensure that appropriate measures are undertaken during the dewatering of the dam and removal of trees to protect and relocate fauna, where necessary.
- 5.18 The DA is also accompanied by a Traffic Impact Assessment Report prepared by Ason Group. The report reviews the road network in the vicinity of the site and assesses the traffic implications of the development proposal in terms of road network capacity. The report identifies that, in accordance with the Roads and Maritime Services publication *Guide to Traffic Generating Developments, Section 3 – Land Use Traffic Generation* updated 2013, the development proposal yields a traffic generation potential of approximately 130 vehicle trips per hour during commuter peak periods. The report identifies that the projected increase in traffic activity as a consequence of the

development proposal is very moderate. This is consistent with the objectives of the rezoning of the local area and will not result in unacceptable traffic implications in terms of road network capacity.

- 5.19 The report has also undertaken an assessment of the required car parking for the proposal in respect of the development controls established by the Growth Centre DCP. The development proposal necessitates an off-street car parking requirement of 541 parking spaces. The proposal satisfies this requirement by providing 569 spaces. The report also concludes that the layout of the proposed car parking facilities has been designed to comply with the relevant requirements as specified in Australian Standard 2890.1, in respect of vehicular access, car parking and servicing areas. Conditions of consent are recommended to be imposed to ensure the proposal demonstrates compliance with the relevant Australian Standards, and minimum car parking space widths of 2.5 m as required by the Growth Centre DCP, as discussed in Section 7.

## 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 Section 11.

**(b) State Environmental Planning Policy (State and Regional Development) 2011**

The Joint Regional Planning Panel (JRPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million. The DA has a CIV of \$98,814,325. While we are responsible for the assessment of the DA, determination of the application is to be made by the Sydney West Central Planning Panel.

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

SEPP (Infrastructure) 2007 ensures that the Roads and Maritime Services (RMS) is given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP.

The proposed development is for more than 300 dwellings and is therefore classified as 'traffic generating development' requiring referral to RMS. RMS has reviewed the DA and no objection is raised subject to conditions of consent.

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

*i. Clause 7 - Contamination and remediation to be considered in determining development application*

State Environmental Planning Policy No. 55 aims to 'provide a State wide planning approach to the remediation of contaminated land'. Clause 7 requires a consent authority to consider whether the land is contaminated and if it is suitable, or can be remediated to be made suitable, for the proposed development, prior to granting development consent.

This DA is accompanied by a Stage 1 Preliminary Site Investigation report. This report identifies that the site has been in private ownership since the mid-1800s and has been used for rural and semi-rural ('hobby farm') land uses only. There is no record that the subject site and surrounding properties have been used for any significant industrial activity or intensive agriculture.

Soil testing was undertaken which identified that there were no heavy metals, asbestos or other materials of concern on the site which exceed the health based soil investigation levels.

This report confirmed that a Stage 2 Detailed Site Investigation (DSI), as defined in the EPA NSW *Guidelines for Consultants Reporting on Contaminated Sites* Nov 1997, is not considered necessary. This report confirmed that the site is suitable for the proposed residential use.

The Stage 1 Preliminary Site Investigation report comprises recommendations with regard to demolition works, removal of soil and the importation of any virgin excavated natural material (VENM), which are to be conditioned.

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

State Environmental Planning Policy No. 65 applies to the assessment of development applications for residential flat buildings 3 or more storeys in height and containing at least 4 dwellings.

*i. Clause 28 Determination of development applications*

Clause 28 of SEPP No. 65 requires a consent authority to take into consideration:

- (a) the advice (if any) obtained from the design review panel
- (b) the design quality of the development when evaluated in accordance with the design quality principles, and
- (c) the Apartment Design Guide.

Blacktown City Council does not have a design review panel. However, Council's assessing officer's comments in relation to the 9 design quality principles and assessment against the relevant design concepts and numerical guidelines of the ADG is provided at **Attachment 5**. The proposal is considered to satisfy each of the design quality principles.

**(f) Apartment Design Guide (ADG)**

SEPP No. 65 requires that, when assessing an application, consideration is to be given to the Apartment Design Guide (ADG). Council's assessing officer's assessment against the relevant design concepts and numerical guidelines of the ADG is held at **Attachment 5**.

The development complies with the ADG with the exception of the size of the master bedrooms. This non-compliance is discussed in Section 7.

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

A BASIX certificate has been lodged as part of the DA, as well as a NatHERS (Nationwide House Energy Rating Scheme) assessor certificate. The BASIX certificate indicates that the development has been designed to achieve the required water, thermal comfort and energy scores. Suitable conditions will be imposed requiring compliance with the submitted BASIX certificate.

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

Appendix 6, Area 20 Precinct Plan, to the SEPP applies to the site as it is located within the Area 20 Precinct. **Attachment 6** provides an assessment of the development standards established within the Growth Centres SEPP and the proposal's compliance with these standards. The development complies with the

development standards contained within the SEPP with the exception of building height.

*i. Clause 2.3 Zone objectives and land use table*

The consent authority must have regard to the objectives for development in a zone when determining a Development Application in respect of land within the zone.

The subject site is zoned R3 Medium Density Residential pursuant to the Growth Centres SEPP. A residential flat building is permissible within the zone with consent. The proposal is defined as a residential flat building and the development meets the objectives of the zone.

*ii. Clause 4.6 Exceptions to development standards*

A consent must not be granted for development that contravenes a development standard unless the consent authority is satisfied that the applicant has made a written request that has adequately addressed the matters required to be demonstrated that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard. The consent authority must also be satisfied that the proposed development will be in the public interest because it is consistent with the objectives of the zone.

The applicant is seeking an exemption under Clause 4.6 to the height of building development standard. A copy of the applicant's Clause 4.6 variation request is provided at **Attachment 2**, while an assessment against the development standards is discussed in detail in Section 7.

*iii. Clause 6.1 Public utility infrastructure*

The consent authority must not grant consent to development unless it is satisfied that any public utility infrastructure that is essential for the proposed development is available, or that adequate arrangements have been made to make that infrastructure available when required.

Council has received confirmation from Sydney Water and Endeavour Energy that drinking water, sewerage and electricity are available in the Area 20 Precinct. In addition, suitable conditions of consent will be imposed requiring a Section 73 Certificate and a Notification of Arrangements prior to the release of an Occupation Certificate.

**(i) Sydney Regional Environmental Plan No. 20 – Hawkesbury - Nepean River (SREP 20)**

*i. Clause 4 Application of general planning considerations, specific planning policies and recommended strategies*

A consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6 of SREP 20. The planning policies and recommended strategies under SREP 20 are considered to be met through the development controls of the Growth Centres SEPP. The development is generally consistent with the development standards and controls established within the Growth Centres SEPP, to enable the orderly development of the site. Therefore, the proposal is considered to satisfy Clause 4 of SREP 20.

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

The Growth Centre DCP applies to the site. **Attachment 7** provides a table that outlines the proposal's compliance with the DCP. The development complies with the development standards with the exception of setbacks to public roads and the dimensions for car parking spaces. Both variations are discussed in detail in Section 7.

- 6.2 Council's assessing officers consider the development to satisfy relevant clauses within applicable environmental planning instruments.

## 7 Assessment

### 7.1 Variation to the Growth Centres SEPP development standard

**(a) Building height variation**

The proposal seeks to vary the building height by up to 300 mm above the permissible height limit of 26 m, being a variation of 1.2%. This variation relates to a minor portion of the roof structure and rooftop plant and equipment of Buildings A and C only. The height variation does not result in additional floor levels.

The rooftop plant and equipment and lift overrun are centrally located and would not be visible from the street. The additional 300 mm in height is therefore considered acceptable.

The portion of the roof structure of Buildings A and C which exceeds the height limit does not result in excessive bulk and scale and does not result in adverse shadow and amenity impacts on surrounding properties.

The additional height does not result in any additional yield and does not result in an additional storey and is supported.

**(b) Request under Clause 4.6 to vary from the development standard**

The applicant has submitted a request for variation to the building height development standard pursuant to Clause 4.6 of the Growth Centres SEPP. The objective of Clause 4.6 is to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from the development by allowing flexibility in particular circumstances.

Clause 4.6 requires consideration of the following:

1. *Has the applicant submitted a written request that seeks to justify the contravention of the development standard by demonstrating:*
  - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
  - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
2. *Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.*
3. *Has the concurrence of the Director-General been obtained.*

The applicant's written request has adequately justified that compliance with the height development standard is unreasonable and unnecessary in this instance.

There are sufficient environmental planning grounds to justify varying this development standard. A copy of the applicant's written request is at **Attachment 2**.

The variation will not have unreasonable impacts on neighbouring properties or the character of the area. The proposal is also consistent with the objectives of the development standard and the R3 Medium Density Residential zone.

In accordance with Clause 64 of the *Environmental Planning and Assessment Regulation 2000*, a consent authority, in this case the Planning Panel, has 'assumed concurrence' from the Secretary (formerly the Director-General) of the Department of Planning and Environment.

**(c) Justification for the variation**

The Land and Environment Court has established the following 5-part test for a consent authority to take into consideration when deciding whether to grant concurrence to a variation to a development standard:

**1. The objectives of the standard are achieved notwithstanding non-compliance with the standard**

Height

The objectives of Clause 4.3 Height of buildings are as follows:

- (a) *To establish the maximum height of buildings on land within the Area 20 Precinct.*
- (b) *To minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space.*
- (c) *To facilitate higher density development in and around commercial centres and major transport routes.*

- **Maximum height**

The maximum height limit on the site is 26 m under the SEPP. Although the development exceeds the permissible height by 300 mm, the development does not achieve an additional residential level. The increase in height therefore does not impact on the density / floor area of the development. The increased height also has no impact on the scale of the development. The additional height simply accommodates the roof structure and rooftop services.

- **Solar access to buildings and open space of adjoining development and land**

The additional shadow impacts are negligible. The overshadowing caused by the non-compliance is due to the rooftop plant and equipment which is captured within the roof space itself. The additional height does not result in any adverse visual impact, given it is visually unnoticeable from the ground level.

- **Range of building heights in appropriate locations**

The site is considered suitable for the development given its proximity to the future Cudgegong Road Train Station and Local Centre. The proposed number of storeys, being 8, is consistent with the storeys

anticipated for land adjacent to the Local Centre and is suitable given its proximity to future transport and retail and commercial services.

With regard to the views from Rouse Hill House Estate which is located to the north of the subject site, it is noted that this site is not directly visible from the Rouse Hill House Estate as it is blocked by the existing local tree canopy, and the subject site is not within the identified view corridors.

The objectives of the development standard are achieved as the development is representative of the building height anticipated close to the Local Centre and does not result in a bulky appearance. The interesting and varied design elements used throughout the development assist with ensuring that it is consistent with the desired future character of the immediate locality. Therefore, this minor variation to building height is considered acceptable in this circumstance.

**2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary**

The purpose of the standard is still considered relevant to the proposal. However, 100% compliance in this circumstance is considered unreasonable.

**3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable**

The purpose of the development standard would not be defeated if compliance was required. However, 100% compliance is considered unreasonable as the variation is acceptable based on merit. The objectives of the standard, as outlined above, will still be achieved despite the variation.

**4. The development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable**

Variations to building height have similarly been considered in the Area 20 Precinct of the Growth Centre. JRPP-14-00091 approved in December 2014 for the construction of 4 x 4 storey residential flat buildings included a variation to the 12 m height limit, being 500 mm or 4.6% for the plant and equipment.

JRPP-14-01907 approved in May 2015 for the construction of 6 x 5 storey residential flat buildings included a variation of up to 11.25% to the 16 m height limit. However, the variation is also as low as 1.25% because of the slope of the land. The variation involved a 1.8 m change to the roof height.

Variations to the roof structure and lift overruns are consistent with deviations considered elsewhere within the Growth Centre.

**5. The compliance with the development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone**

The development is a greenfield site. Full compliance with the development control would be able to be achieved, but the variations do not increase residential density. Compliance would be unreasonable in the circumstances.

Based on the above assessment, the requested variation under Clause 4.6 is considered reasonable, well founded and is recommended for support.

## 7.2 Variation to the Growth Centre DCP 2010 requirements

The provisions of the Growth Centre DCP are considered in detail at **Attachment 7**. The proposal satisfies these requirements with the exception of setbacks to public roads.

### (a) Dimensions of car parking spaces

The DCP requires that the car parking spaces are to have minimum dimensions of 2.5 m (width) x 5.2 m (length). The development provides basement car parking spaces with a width of 2.4 m, which does not comply with the DCP.

The applicant was previously requested to comply with this requirement, however the amended plans do not reflect the DCP's minimum width for each car parking space. Given that the proposal provides a car parking surplus of 27 spaces, the basement car parking levels are anticipated to be capable of providing the compliant number of car parking spaces with compliant car parking dimensions. Furthermore, it is noted that the proposal provides a surplus of 107 spaces when considered in light of the RMS Guide to Traffic Generating Developments, given the site's proximity to the future Cudgegong Road Train Station.

Therefore, it is considered suitable to impose a condition of consent requiring each car parking space to have a minimum width of 2.5 m and demonstrate compliance with the Australian Standard (AS 2890.1).

The applicant was advised of this requirement and no objection was raised.

### (b) Building setbacks to public roads

At the time of lodgement of the DA, the DCP required a minimum building setback of 6 m adjoining a 16 m wide public road. This 16 m road width allows 2 travel lanes and intermittent on-street parking. At our request, the proposal has increased the road width from 16 m to 18 m so that parking can easily occur on both sides of the road and still maintain 2 travel lanes.

Council has since amended the DCP to require 18 m road widths where residential flat development is permissible. Although this application pre-dated the DCP changes to road widths, the applicant was willing to provide the increased 18 m road width.

As a result, the site area of the development has decreased, but as a concession to the applicant because of its acceptance of the wider roads, the reduced setback to the road of 5 m is considered acceptable in this instance.

## 7.3 Variation to the Apartment Design Guide

SEPP No. 65 requires that consideration must be given to the requirements of the Apartment Design Guide (ADG). Council's officer's assessment against the relevant design concepts and numerical guidelines of the ADG is at **Attachment 5**. The development complies with the ADG with the exception of proposed master bedroom sizes as discussed below.

### (a) Bedroom size

The ADG has a design criteria that requires master bedrooms to have a minimum area of 10 sqm excluding wardrobe space. The proposed master bedrooms range in size, with 53% of the apartments comprising master bedrooms with an area ranging from 9.3 sqm to 9.9 sqm.

Despite this minor shortfall for 53% of the apartments, the master bedrooms are considered to benefit from a suitable level of amenity given that they have built-in wardrobes, and the majority of master bedrooms have an ensuite and direct access to a balcony, as shown in **Attachment 8**.

The layout of each apartment is considered to be appropriately designed to accommodate a variety of household activities and needs and therefore provides an appropriate design response to this component of the ADG. This minor non-compliance is not considered to diminish the amenity of the future residents of the apartments and is considered satisfactory in this instance.

## 8 Internal referrals

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

| Section                         | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Engineering                     | No objection subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Building                        | No objection subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Traffic Management Services     | No objection subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Waste Services                  | Council's Waste Services Section does not raise any objection to the proposal subject to conditions. Waste collection is to be managed by a private waste contractor due to the height clearance to the basement carpark being only 3.5 m.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Environmental Health Section    | No objection subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| City Architect                  | <p>Council's City Architect raised a number of concerns with the original and amended DA plans with regard to:</p> <ul style="list-style-type: none"> <li>i. Resolution of levels between the building footprint and the property line, above ground carpark roof slabs and the internal courtyards.</li> <li>ii. Insufficient deep soil planting within the internal courtyards to permit established large trees. Deep soil planting areas are to be provided in locations that will provide visual amenity to outlook from living spaces, privacy by screening and to help reduce the urban heat load.</li> </ul> <p>In response to these concerns, the applicant submitted amended plans which satisfactorily resolve these concerns and no objection is now raised by the City Architect.</p> |
| Open Space and Tree Maintenance | <p>Council's Open Space and Tree Maintenance Coordinator requested additional information with regard to the potential impact on trees on neighbouring sites, and in particular trees within the adjoining Cudgegong Reserve to the north. The applicant submitted additional information which resolved these concerns, subject to conditions.</p> <p>These conditions include the requirement for a suitably qualified Site</p>                                                                                                                                                                                                                                                                                                                                                                  |

| Section | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         | <p>Arborist to prepare a Tree Management Plan and establish and manage tree protection zones during development works in accordance with AS4970:2009. The Site Arborist is to undertake independent, periodic inspections and provide updated reports to both the client and Council.</p> <p>The conditions also require a tree preservation bond be applied to trees 175, 176, 188, 198 and 190 (located within Council's Cudgegong Reserve), along with any other trees identified in the Tree Management Plan by the Site Arborist. The bond is to be a minimum of \$2,500 per tree. The period of the bond should be applied for a 12 month period after the issue of the Occupation Certificate.</p> <p>A Street Tree Planting Plan is also required to be submitted to Council's satisfaction for appropriate street tree locations and species.</p> |

## 9 External referrals

9.1 The DA was referred to external authorities as summarised below:

| Section                       | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>NSW Rural Fire Service</b> | <p>Council's Bushfire Prone Land Map identifies the subject property as containing designated Category 1 Vegetation and its associated 100 metre buffer zone. As such, the proposal constitutes Integrated Development under Section 91(1) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>The NSW Rural Fire Service (RFS) provided its concurrence for the DA subject to conditions to address the following aspects of the development:</p> <p>Asset Protection Zones - to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.</p> <p>Water and utilities - to provide adequate water services for the protection of buildings during and after the passage of a bushfire, and to locate gas and electricity so as not to contribute to the risk of fire to a building.</p> <p>Access for public roads - to provide safe operational access to structures and water supply for emergency services, while residents are seeking to evacuate from an area.</p> <p>Design and construction – to ensure that buildings are designed and constructed to withstand the potential impacts of bushfire attack. Construction of the proposed buildings shall comply with relevant standards.</p> |
| <b>RMS</b>                    | Roads and Maritime Services (RMS) reviewed the DA and raised no objection to the proposal subject to conditions.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>NSW Local Police</b>       | The applicant's completed Crime Prevention Through Environmental Design (CPTED) checklist was forwarded to the Quakers Hill Local Area Command (LAC) for review. The LAC has raised no objection to                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| Section                 | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                         | the development subject to conditions to ensure specific CPTED principles are provided for this particular development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Sydney Water</b>     | <p>Sydney Water has confirmed that:</p> <ul style="list-style-type: none"> <li>The preferred connection point for the proposed development site is the 200 mm main in Cudgegong Road.</li> <li>To service the proposed development, a 200 mm diameter recycled water extension will be required from the existing 450 mm main located within Windsor Road.</li> <li>To serve the proposed development, a wastewater extension will be required from the 600 mm wastewater main located to the east of the subject site.</li> </ul> <p>Sydney Water advises that detailed requirements for each of these items will be provided at the Section 73 Application phase, which will be conditioned.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Endeavour Energy</b> | <p>Endeavour Energy has advised that there is an easement over the site benefitting Endeavour Energy. There are also overhead power lines to the Cudgegong Road frontage of the site.</p> <p>This is a very important easement as it houses the 'backbone supply' to the North West Growth Centre developments from TransGrid's Vineyard bulk supply substation to supply Endeavour Energy's Rouse Hill Switching Station located at 83 Schofields Road, Rouse Hill.</p> <p>There are two overhead 132,000 volt (132kV) circuits, being Feeders 9JA and 938, which are specialised / very high capacity conductors.</p> <p>As the proposed development will encroach / affect Endeavour Energy's easements / electrical assets, contact must be made with Endeavour Energy's Easements Officer. This officer has provided the following preliminary advice:</p> <ul style="list-style-type: none"> <li>Trees, plants or shrubs with a mature height that does not exceed 3 m may be planted within the easement area provided they are no closer than 15 m from the closest structure and no closer than 5 m from the vertical projection of the closest conductor. No plants are permitted in an area where they may obstruct access.</li> <li>As the plans indicate that they are proposing drainage pipework within the easement, Endeavour Energy will require a detailed plan of all works within the easement area for assessment before any work can commence.</li> </ul> <p>Endeavour Energy has confirmed that, subject to the above, it raises no objection to the proposal subject to its conditions.</p> <p>The applicant was made aware of Endeavour Energy's comments, and has confirmed that these requirements can be met at the detailed design stage of the development. In particular, the minimum required setbacks of buildings and landscaping can be achieved.</p> |

## 10 Public comment

10.1 The DA was notified to property owners and occupiers within the locality between 6 and 20 October 2015. An advertisement was also placed in the local newspaper and a notification sign was displayed on site.

10.2 In response to the public notification, 1 submission was received objecting to the proposal. This submission was received from the adjoining property to the south.

- 10.3 The objector raised concerns with regard to consistency of the subdivision and new public roads with the Indicative Layout Plan, clarification of the width of roads and stormwater management, and consideration of the upstream and downstream drainage network.
- 10.4 In response to these concerns, the applicant submitted additional information, including an overlay of the proposal against the Indicative Layout Plan, a Subdivision / Road Reserve Plan, a Draft Deposited Plan with dimensions and revised stormwater plans and reports.
- 10.5 These items were made available to the objector to review. The objector then confirmed in writing that their concerns were resolved and their objection has been formally withdrawn.
- 10.6 There are now no objections to this development proposal.

## 11 Section 79C consideration

- 11.1 Consideration of the matters prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* are summarised below:

| Heads of Consideration 79C                                                                                                                                            | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Complies |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| a. The provisions of :<br>(i) any environmental planning instrument (EPI)<br>(ii) any development control plan (DCP)<br>(i) the regulations                           | <p>The provisions of the relevant EPIs relating to the proposed development are summarised in Section 6 of this report. The proposal is considered to be consistent with the relevant EPIs, including the Growth Centres SEPP 2006, SEPP (Infrastructure) 2007, SEPP No. 55 Remediation of Land, SEPP BASIX 2004 and the 9 'design quality principles' of SEPP No. 65.</p> <p>The proposed development is a permissible land use within the R3 Medium Density Residential zone and satisfies the zone objectives outlined under the Growth Centres SEPP. The proposal is consistent with the Area 20 Precinct Plan, with the exception of the principal development standard for building height. The applicant has submitted a request to vary this development standard pursuant to Clause 4.6 of the SEPP. The height control is varied by up to 300 mm. The proposed variation is discussed in detail in Section 7 and is considered satisfactory.</p> <p>The Growth Centre DCP applies to the site. The proposed development is compliant with the numerical controls established under the DCP, with the exception of setbacks to public roads and the dimensions of car parking spaces. The variations are discussed in detail in Section 7 and are considered acceptable.</p> | Yes      |
| b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality | <p>An assessment of the key issues relating to the proposed development is provided in Section 7. It is considered that the likely impacts of the development, including traffic, noise, parking and access, bulk and scale, overshadowing, privacy, amenity, waste management, stormwater management and the like, have been satisfactorily addressed.</p> <p>A site analysis was undertaken to ensure that the proposed development will have minimal impacts on surrounding properties.</p> <p>In view of the above it is believed that the proposed development will not have any unfavourable social,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Yes      |

| Heads of Consideration 79C                                              | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Complies |
|-------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
|                                                                         | economic or environmental impacts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |          |
| c. The suitability of the site for the development                      | <p>The subject site is zoned R3 Medium Density Residential with a 26 m building height limit under the Growth Centres SEPP. A residential flat building is permissible on the site with development consent.</p> <p>The site has an area and configuration that is suited to this form of development. The design solution is based on sound site analysis and responds positively to the different types of land uses adjoining the site. The site is located within close proximity to the future Cudgegong Road Train Station and Local Centre. The proposal is consistent with the Area 20 Precinct Plan. The proximity to future services, facilities and a major arterial road network make the site suitable for higher residential densities.</p> | Yes      |
| d. Any submissions made in accordance with this Act, or the regulations | One submission was received in objection to the development. In response to these concerns, the applicant submitted additional information. The objector then confirmed that their concerns are now resolved and their objection has been withdrawn.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes      |
| e. The public interest                                                  | It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal provides high quality housing stock and provides for a wider range of housing diversity within the Area 20 Precinct.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Yes      |

## 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 the Growth Centres SEPP and the R3 Medium Density Residential zone and is permissible in the zone with development consent. The development addresses the main requirements of the Growth Centre DCP 2010 and is considered satisfactory with regard to relevant matters such as siting and design, bulk and scale, privacy, amenity, overshadowing, access, traffic impacts, parking and stormwater drainage, site contamination and economic impacts and the like, subject to the imposition of suitable conditions of consent to satisfactorily control the development.
- 12.3 The proposed variation to the principal development standard of height of buildings under the Growth Centres SEPP will not result in any commercial gain for the developer (in terms of yield or number of storeys) and will be visually imperceptible. The requested variation under Clause 4.6 is considered reasonable, well founded and is recommended for support.
- 12.4 The variations to the building setback to public roads, the dimensions of car parking spaces and the area of some master bedrooms are also considered satisfactory based on their merits and will have negligible impacts on amenity (e.g. in terms of streetscape, privacy, amenity and access to parking) of the future occupants of the building or the adjacent properties.

- 12.5 The objector has confirmed that the concerns raised in their submission have been resolved as a result of additional information provided by the applicant. Therefore, their submission has been formally withdrawn.

### **13 Recommendation**

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- 13.1 The Development Application be approved by the Sydney West Central Planning Panel subject to the conditions held at Attachment 1.



Holly Palmer  
Senior Town Planner



Judith Portelli  
Manager Development Assessment



Glennys James  
Director Design and Development