

Summary of residents' concerns and Council response

1 Summary of submissions

As a result of the public exhibition of this Development Application (DA) we received 2 individual submissions and 6 pro forma letters.

The submissions raised concerns with regard to the ability of the proposed road access to service the development, inadequate provision of public transport, and the impact on the local school and existing amenities. Concern was also raised with regard to loss of amenity to local residents, development which differs from the current land use, the size of the development, and dust nuisance as a result of earthworks and construction.

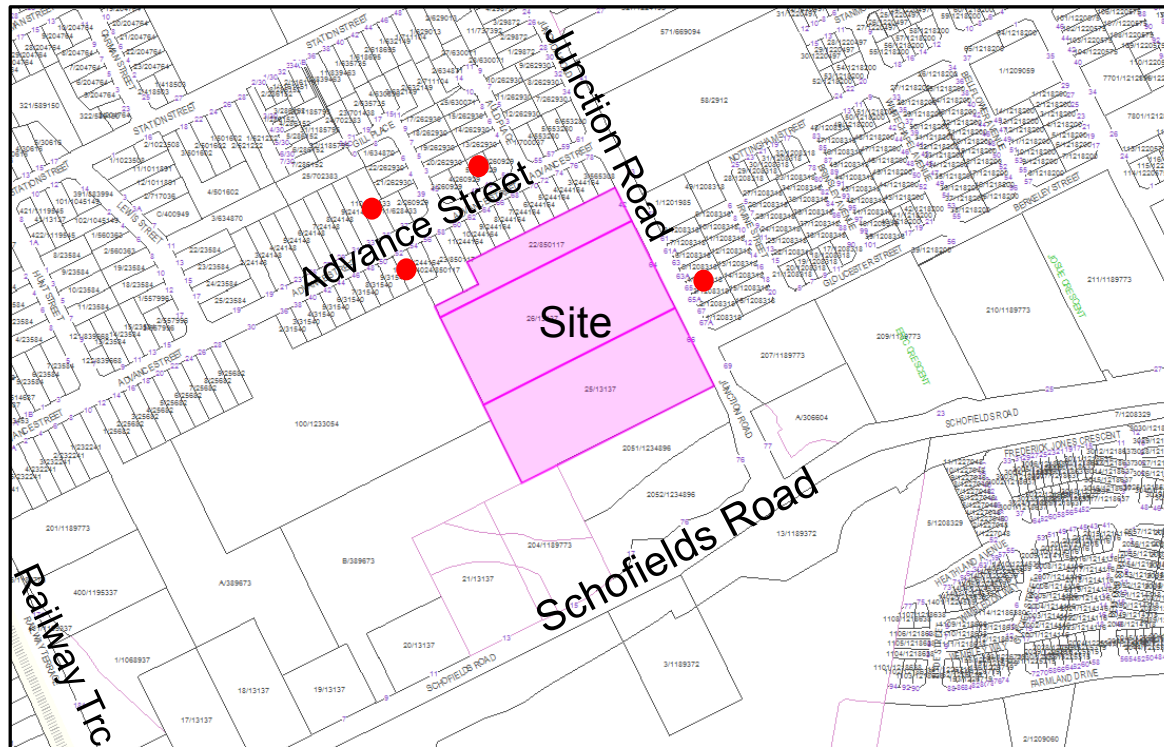
Concern was raised regarding the ability of the dwellings to the east of Junction Road to continue enjoying the use of their land due to privacy impacts and the increased traffic and people passing by, provision of a green space area to act as a buffer to neighbouring dwellings to the east, and lack of infrastructure to service the large influx of residents.

6 pro forma letters were received objecting to the proposed dwelling density, height of buildings, number of storeys, crowding and amenity, traffic, environmental impact due to the destruction of native trees and habitat, communal open space and access to sunlight, BCA compliance violations, adaptable housing unevenly distributed throughout the buildings, inappropriate apartment mix, no outdoor drying areas, monoculture of higher density dwellings, capacity of local amenities, risk of the Sydney property price bubble impacting on the commercial viability of developments, and significant change to the character of the local area.

In response, the Applicant submitted a detailed response to each of the concerns raised and submitted amended plans which also included design improvements as requested by our City Architect, who is now satisfied that these show an improved and acceptable development. This has been achieved by improvements to the selection of external materials, the level of articulation on the building facades and the interface of the basement and driveway near the northern boundary.

A summary of these concerns and the Applicant's response is provided below, followed by our consideration of the issues raised.

2 Location of submitters



Key:

The site the subject of this application is highlighted in purple.

● = Location of submitter property.

Notes:

- The properties of 2 submitters are not shown as they are confidential submissions.
- In some cases, multiple submissions signed by different individuals were received from the same property.

3 Consideration of issues raised

Issue	Applicant's response	Planning comment/response
<p>1) Our enjoyment of the use of our land will be greatly reduced as we do not want hundreds of people looking down into our house. All these apartments will have direct views into our main and second bedrooms. We also feel that our children will not be safe playing in our front yard as they currently do due to the large amount of increased traffic and people passing by. (Issue raised by owners of 65 Junction Road, Schofields).</p>	<p>The land is zoned to permit residential apartment buildings. The buildings provide compliant setbacks to Junction Road and deep soil landscaping is provided to this frontage to enable a landscaped buffer to improve the interface. The development uses a combination of setbacks, deep soil landscaping and additional separation given the width of Junction Road to provide a suitable interface.</p>	<p>The distance between the proposed apartments, across Junction Road and to the property boundary of the dwellings to the east is 26 m.</p> <p>The eastern façade of the apartments of Buildings B, C, D and E which are directed towards the dwellings to the east of Junction Road comprise a mix of balconies, living room windows and bedrooms windows. Most notably, the eastern façade of Building D comprises extensive glazing to windows, doors and balcony balustrades. There are no privacy devices shown to the plans to deter occupants looking into neighbouring properties.</p> <p>To ensure that visual and acoustic privacy is maximised, a condition is recommended to be imposed requiring the apartments at the south-eastern corner of Building B, and on the eastern side of Buildings C, D and E which are directed towards residential properties to the east of Junction Road, to have translucent or masonry balcony balustrades, a sill height of at least 1.4 m to bedroom windows, at least 1 privacy screen to each balcony and the planting of evergreen trees within the street setback area.</p>
<p>2) A division of green space (parks) between multi-storey apartments, being only 2 or 3 storeys, and housing should be considered to provide privacy for residents. (Issue raised by owners of 65 Junction Road, Schofields).</p>	<p>The form of development proposed is permitted in the zone and complies with the planning controls to provide sufficient separation to maintain privacy to surrounding properties.</p>	<p>The Growth Centres SEPP comprises a transition from the low density residential development to the eastern side of Junction Road to medium density residential development to the western side of Junction Road. In this case, the transition is achieved by the 20 m road width of Junction Road and the 6 m building setback to the development proposed in this DA.</p> <p>To further protect the visual privacy of the properties to the east of Junction Road, additional privacy measures are required to be imposed as conditions</p>

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		of consent, as discussed in 1) above.
<p>3) Complaint regarding control of earthworks in subject property creating a dust nuisance to neighbouring properties, indicative of lack of care in respect of residents in their development processes.</p>	<p>Generally a Construction Management Plan is required to be prepared and adhered to during construction works. A condition may be imposed, should consent be granted, to address this matter.</p>	<p>Conditions of consent are recommended to be imposed requiring a Construction Management Plan and appropriate protection measures to be in place during any demolition, earthworks and construction activities.</p>
<p>4) Exceeds zoned density. The site is zoned for 25 dwellings per hectare. The proposed development is 168 dwellings per hectare. Under the May 2017 land use plan for this growth area, the proposed development is located in a 25 to 35 dwellings per hectare zone. At 168 dwellings per hectare, the allowable density has been exceeded by 480%. At the maximum density of 35 dwellings per hectare, this land would have a maximum number of 143 dwellings (not 690). The Riverstone Precinct was planned to provide up to 9,000 new houses over 975 hectares. This development alone represents 7.6% of the planned dwellings, at only 0.4% of the land area. This demonstrates that the development is out of scale with the area's expected population. Council has a responsibility to the current and future residents of the area to provide appropriate capacity of amenities. To approve this development in its current form would be a disservice to the local community, as it would contribute to additional strain on local amenities which the council has not planned for.</p>	<p>The Growth Centres SEPP 2006, DCP and the Greater Sydney Region Plan – A Metropolis of Three Cities have identified increased density within this locality and including the subject site. The Growth Centres SEPP 2006 establishes a minimum density and the development complies with this. The NSW Department of Planning and Environment's North West Priority Growth Area Land Use and Infrastructure Implementation Plan has not yet been incorporated into the SEPP and therefore is not a statutory document required for consideration. The submitted Statement of Environmental Effects (SEE) and supporting documentation has suitably justified the proposed development and complies with the minimum density controls.</p>	<p>This application was lodged in 2016, prior to the proposed maximum dwelling density being exhibited in May 2017. Although the proposal is inconsistent with the maximum dwelling density exhibited in May 2017, there is no certainty or imminence to these amendments coming into effect, and therefore this is not a matter that should be given determinative weight in consideration of this application. The proposal reflects the scale of development anticipated for this site, with portions of the development being under and over the building height limit. The proposed new local roads and residential flat buildings are a permissible land use in the R3 Medium Density Residential zone that was established by the NSW Government in 2010. Therefore, the proposed dwelling density is as originally anticipated and is satisfactory.</p>

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<p>5) Exceeds height limit and number of storeys. The site is zoned for 25 dwellings per hectare. This density is described by the Development Control Plan as "Generally single and double storey dwellings with some 3 storey buildings." The proposed development is part 5, part 6 storeys, which is 2 to 3 storeys higher than the standards state.</p> <p>The development also exceeds the 16 m height limit over 26.7% of the building footprint, or 3,570 m². This includes large portions of the roof as well as all lift overruns. On Building E, the roof reaches up to 17.95 m, exceeding the height limit by more than 12%. On Building G, the lift overrun reaches up to 20.2 m, exceeding the height limit by more than 26%. Only the roof of Building H is in compliance with the height controls.</p> <p>These excessive variations contribute to the density exceedance. The development should reduce the number of floors, which would allow compliance with the height controls, as well as reducing the overdevelopment and overpopulation of the area.</p>	<p>The proposed heights are generally consistent with the 16 m height control. A variation to height is a result of the topography of the site. The accompanying plans, Clause 4.6 and Statement of Environmental Effects demonstrate that the variations will not adversely affect adjoining properties or future buildings within the development. 73.3% of the development will comply with the 16 m height control. Also, the proposed FSR of 1.46:1 is significantly lower than the SEPP maximum of 1.75:1.</p> <p>As noted above, the density of the development is well below the maximum permitted FSR on this site.</p>	<p>The proposed height of buildings is supported, as discussed in Section 7 of the Assessment Report. Section 3.1.1 Residential Density of the DCP states that the typical characteristics of this site, having a minimum residential density of 25 dwellings per hectare, is for 'generally single and double storey dwellings with some 3 storey dwellings'.</p> <p>However, this statement in the DCP is inconsistent with the zoning and development standard for height of buildings in the Growth Centres SEPP, which is the higher-order planning instrument and permits residential flat buildings and a 16 m building height.</p> <p>The proposed height of buildings is supported, as discussed in Section 7 of the Assessment Report.</p>
<p>6) Crowding and amenity. There are multiple encroachments and deviations which collectively show that the proposed design would overcrowd the site:</p> <ul style="list-style-type: none"> - exceed density, height, storeys, building depth - excessive corridor length. 	<p>As noted above, the density of the development is well below the maximum permitted FSR on this site. The form and scale of the development is consistent with the desired future character of the precinct.</p> <p>The locality is transitioning in nature and the proposed redevelopment is consistent with the SEPP and DCP controls, and variations have been justified in the accompanying Statement of Environmental</p>	<p>The transition of the site from a vacant and generally grassed site to a residential flat building development is substantial. However, the proposal is in keeping with the desired future character of the Precinct and reflects the aim of the Apartment Design Guide to achieve better design and planning for residential apartment development.</p> <p>We consider the proposal to provide a development</p>

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Overall the development is out of scale and character when combining the above.	Effects and supporting documentation.	which balances a medium density scale development with carefully considered design principles and achieves a high level of amenity for future residents.
<p>7) Traffic impact.</p> <p>Half-width roads are proposed for new Roads 2 (southern boundary) and 3 (western boundary). As Road 3 is the only access point for the basement carpark for Buildings F, G, and H, this road will service a high level of traffic. This traffic level on a narrow road could cause a hazard to pedestrians and motorists, as well as reducing the potential for on-street parking.</p> <p>The traffic assessment identifies the development as generating 149 peak hour trips, which is 7.7 to 10.2% of the expected traffic on Junction Road.</p> <p>This is an undue burden for a single development to place on the road network, and reflects the result of exceeding the zoned density (amenities such as road network cannot cope effectively with the additional population).</p> <p>The basement carpark of Buildings A and B are accessed directly off Junction Road, which could cause a negative impact to traffic flows on this collector road.</p>	<p>The application includes all necessary roads to service the development. The provision of half road construction ensures an equitable provision of roads to service all developments. The remaining half roads will be completed in conjunction with adjacent development sites. The traffic report submitted with the application demonstrates that the site can be appropriately serviced and the location of all basement entries is compliant.</p>	<p>The proposal has been assessed by our Traffic Management Section and is considered satisfactory with regard to the adequacy of the new public roads and the capacity of the surrounding road network.</p> <p>The proposal also provides primary access to the site by introducing 2 new public roads. These roads are continued to the site to the west (30 Advance Street which was approved under JRPP-16-04461 in November 2018). Refer to attachment 5.</p>
<p>8) Environmental impact: destruction of native trees and habitat.</p> <p>Out of the 268 trees listed in the tree report, 45 (18%) were listed as being recommended for removal due to damage, disease or being a pest species. The remaining 209 trees are listed as being non-retainable simply due to the development. No trees were recommended to be retained.</p> <p>The Blacktown City Council Growth Centre Precincts Development Control Plan 2.3.4</p>	<p>Vegetation was considered holistically prior to the rezoning of the Growth Area Precinct. The removal of trees from the site is reasonable and any significant vegetation identified prior to the release of the Growth Area Precinct is generally and has been identified on the Native Vegetation Protection Map within the Growth Centre SEPP.</p>	<p>Our assessment of the proposal includes the potential to retain existing trees, and due to the extent of works required to achieve the appropriate road and stormwater levels, the retention and protection of trees on the site is not possible.</p> <p>The proposal includes replacement trees and landscaping throughout, including new street trees, which is considered satisfactory to contribute to the amenity of the area.</p> <p>We will impose a condition requiring the Applicant/developer to be responsible for protecting</p>

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<p>Objective a. is "To conserve and rehabilitate the remaining native vegetation within the relevant Precinct," with Control 1: "Native trees and other vegetation are to be retained where possible by careful planning of subdivisions to incorporate trees into areas such as road reserves and private or communal open space." Clearly, this development has not attempted to retain these native trees and this development should therefore be rejected.</p> <p>As no wildlife report has been submitted, we don't know what the impact of removing these native trees is – they may have hollows that house native animals. We strongly oppose the destruction of these important trees for this development.</p>		<p>fauna on-site during works, under the instruction of a suitably qualified ecologist.</p>
<p>9) Communal Open Space and access to sunlight.</p> <p>The development relies heavily on rooftop terraces to comply with the required 25% communal open space, with rooftop open spaces on Buildings A, B, C, D, H and G.</p> <p>The Apartment Design Guide states that "Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter)" and that "Direct, equitable access should be provided to communal open space areas from common circulation areas, entries and lobbies."</p> <p>However, the communal space immediately available to Buildings E and F, to the north of the buildings, is in shadow for almost the entire day during midwinter. If residents of these Buildings (E and F) want to access communal open space with direct sunlight, they must either use the courtyard surrounded by</p>	<p>Compliant communal open space is provided to each of the lots within the development. The communal open space is provided in a range of forms including at ground level, podium level and rooftop space. Residents will have access to the various communal open space options within each superlot/block. Each lot also has access to an internal communal room. The plans accompanying the application demonstrate that the communal open space complies with the ADG.</p>	<p>When each lot is considered as a whole, the proposal provides communal open space areas shared throughout each lot. The future residents of Buildings E and F (at the southern part of the site), have direct access to a landscaped courtyard area facilitating a BBQ and seating area. A central thru-site link is also provided to provide access to the central courtyard and rooftop areas which receive direct sunlight in mid-winter.</p> <p>The proposal demonstrates that the minimum requirements for communal open space are satisfied.</p>

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<p>Buildings D or G, or they must access the rooftop terraces of buildings D or G via elevator. As the buildings and elevators will be electronically accessed via fobs or cards, the residents of other buildings must be allowed access to Buildings D and G, and the elevator access to the rooftop terraces. This access is not direct or equitable, and may result in residents of Buildings E and F having poor access to communal open space.</p> <p>No solar access or cross ventilation diagrams have been provided, nor has the "unit schedule" referred to multiple times in the Statement of Environmental Effects. This makes it difficult to assess the claims that refer to this "unit schedule."</p>		
<p>10) BCA compliance violations.</p> <p>The BCA Report identified several issues of non-compliance, such as "the distance of travel to an exit or a point of choice between alternative exits exceeds the maximum of 6 m permitted by BCA Clause D1.4" for 31 units, as well as the "protection of openings in accordance with BCA Clause D1.7(c) along the path of travel from the point of discharge of a fire-isolated exit" for 8 units.</p> <p>The corridor in Buildings A and B was also identified as requiring smoke doors due to the length exceeding 40 m.</p>	<p>Any minor variations to the BCA will need to be addressed at the Construction Certificate stage. The Applicant will need to demonstrate compliance with the deemed to satisfy provisions or justify an alternate solution as permitted by the BCA.</p>	<p>The proposal has been reviewed by our Building Surveyor and is satisfactory with regard to BCA requirements. Conditions of consent are recommended to be imposed to ensure that the detailed design and construction of the development complies with the BCA or a deemed to satisfy alternate solution.</p>
<p>11) Adaptable housing unevenly distributed.</p> <p>Although the overall development complies with the required 10% adaptable units, these units are not evenly distributed over all buildings. Buildings A, B, E, and F contain no adaptable units, while Building C contains 30 units, Building D contains 6 units, Building G contains</p>	<p>The application provides adaptable housing in a range of forms and locations, providing sufficient housing choice.</p>	<p>The Growth Centres DCP requires that in all residential flat building developments a minimum of 10% of all apartments are to be designed to be capable of adaptation for access by people with all levels of mobility. Dwellings must be designed in accordance with the Australian Adaptable Housing Standard (AS 4299-1995), which includes 'pre-adaptation' design details to ensure visitability is</p>

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<p>6 units and Building H contains 28 units. This uneven distribution would reduce choice for those requiring an adaptable unit.</p>		<p>achieved.</p> <p>The proposal provides 70 adaptable apartments, being 10% of all apartments in this development. The DCP does not specify that the adaptable apartments are to be evenly distributed between each building in a development. Therefore, the proposal satisfies the minimum requirements of the DCP, and is satisfactory.</p> <p>A condition will be imposed to ensure that the above DCP requirement is met by the Applicant.</p>
<p>12) Inappropriate unit mix.</p> <p>The mix of proposed units is: 20% x 1 bedroom, 70% x 2 bedroom and 10% x 3 bedroom.</p> <p>This configuration caters to a limited demographic and perpetuates the housing affordability crisis for families who require more space. In an area that is predominantly large detached houses, this apartment mix is not consistent with the current market demands and future demographic trends.</p>	<p>The unit mix caters for a range of housing types and family typologies. The area is transitioning towards higher density living and the proposed unit mix provides a diversity of unit types that will suit the changing market.</p>	<p>The proposal consists of a mix of dwellings which is responsive to anticipated market and demographic demands.</p>
<p>13) No outdoor drying areas are shown on plans, but are a requirement of the Growth Centres DCP:</p> <p>‘Outdoor clothes lines and drying areas are required for all dwellings and can be incorporated into communal areas for multi-dwelling development and residential flat building developments.’</p>	<p>Dryers will be provided within each laundry.</p> <p>The accompanying BASIX Certificate achieves compliance.</p>	<p>Suitable mechanical drying facilities are provided for each apartment and the requirement is satisfied by an alternate means.</p>
<p>14) Missing documents.</p> <p>These documents do not appear to have been provided/published, preventing the community from making a full assessment and potentially making the proposal non-compliant:</p> <ul style="list-style-type: none"> • Threatened Species Report • Geotechnical Report 	<p>All documents and reports to support the application have been submitted to Council.</p>	<p>The Development Application submission documents are adequate and enabled the full and complete assessment of this proposal.</p>

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<ul style="list-style-type: none"> • Cross-ventilation diagram or solar access diagram. 		
<p>15) Monoculture of higher density dwellings.</p> <p>Landcom's Density Guide Book recommends a mix of densities to create areas of different character. The NSW Department of Planning and Environment recommends providing more diverse housing options by increasing the supply and quality of low rise medium density housing, so as to not saturate the market with high density apartments. This block is an ideal opportunity to address 'the missing middle', but instead a block of units has been proposed which does not comply with the DCP standards.</p> <p>This is a pattern across many of the dwelling developments currently proposed for this area (such as DA-17-00431, DA-17-01702, JRPP-16-03330 and JRPP-16-03339). These apartment blocks do not fit with Blacktown Council's intended zone/density characteristics.</p> <p>Should this application be approved, despite the clear breach of many of Blacktown Council's development standards (as listed above), it should be a rare exception.</p> <p>Instead it would be one of a number of such apartment blocks being approved, contributing to monoculture and additional strain on amenities that was not planned for.</p> <p>The DCP has an objective 'to encourage a diversity of housing types,' yet this development proposes 690 of the same housing type: apartments.</p> <p>To comply with the DCP, this development should be altered to include low rise medium density options such as townhouses, terraces and dual occupancy homes. This will provide</p>	<p>The BCC Growth Centre Precincts DCP has set a minimum density rate of 25 dwellings per hectare.</p> <p>This control is a minimum <u>not maximum</u> control.</p> <p>With regard to the 'Missing Middle' document, this is a <u>draft</u> document intended to provide more affordable housing that requires less land area. This 'draft' document is for strategic consideration for Council and the State Government when preparing/amending SEPPs and LEPs to guide future development.</p> <p>The current controls allow for the development of residential flat buildings and the proposed density is acceptable as discussed above.</p> <p>The new roads, public domain, proposed materials and finishes and landscaping will ensure 'monoculture' is minimised.</p>	<p>Although the proposal is inconsistent with the draft maximum dwelling density exhibited in May 2017, there is no certainty or imminence to these amendments coming into effect, and therefore this is not a matter that should be given determinative weight in consideration of this application.</p> <p>The objective for residential density in the DCP is to promote housing diversity and affordability. This objective relates to the overall Growth Centre Precincts, and does not specify that different dwelling types are to be provided on each site. The proposal provides a mix of 1, 2 and 3 bedroom apartments, which contributes to housing diversity and affordability with regard to the overall Growth Centre Precincts.</p>

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better amenity to the future residents and neighbourhood.		
<p>16) Capacity of local amenities.</p> <p>This development will place additional strain on the local train station, especially the parking lot, which is already over capacity. The development site is approximately 1.2 km walk from Schofields Train Station, which exceeds the DCP definition of 'walking distance' (400 m).</p> <p>As such it is unrealistic to assume all or most residents would walk to the station, or to catch a bus from Schofields Road, especially considering factors like weather conditions and the age, fitness and potential disability of residents. This development will also place additional strain on local schools, the road network and recreational facilities.</p> <p>As this development is 4.8 times the maximum zoned density, it will clearly contribute to this problem.</p>	<p>The Growth Centres SEPP and the recent Draft North West Land Use and Infrastructure Implementation Plan (May 2017) have carefully considered amenities and infrastructure within the release areas.</p> <p>The area is still transitioning in density and the development is appropriate given proximity to the Richmond railway line and construction of the Sydney Metro Northwest. The development of this site is below the maximum floor space ratio permitted on the site, accordingly resulting in an appropriate development density.</p> <p>The site is also appropriate for the redevelopment given the existing amenities.</p> <p>As outlined above there is no maximum density only a minimum, which the development complies with.</p>	<p>The site is appropriately serviced by amenities, infrastructure and public transport as directed by the Growth Centre Precinct requirements and is satisfactory.</p> <p>The locality also features existing schools and infrastructure. These are currently being improved, or will be improved in the future, by the NSW Department of Education, to support the intent of the Growth Centre Precinct.</p>
<p>17) Sydney property price bubble.</p> <p>Consensus is building that the Sydney property market has been experiencing a bubble, and that the downturn has already begun.</p> <p>Apartment prices have already started to fall in Sydney, with oversupply a major concern. Once this occurs, these large crowded blocks of units over an hour from the CBD will no longer be commercially viable. Despite uncertainty, this is a serious risk to consider when regulating the saturation of remote north-west Sydney with high density developments.</p>	<p>This is not a relevant planning consideration.</p>	<p>Noted. However, this is not a matter for planning consideration.</p>

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<p>18) Significant change to the character of the local area.</p> <p>While the area is being developed and density must increase, consideration must be given for the current residences.</p> <p>This development represents an excessive deviation from the intended character of the local area, which is currently a quiet residential area consisting mainly of low density single or double storey housing.</p> <p>The development is situated at the edge of the R3 Medium Density Residential and R2 Low Density Residential zones. The R3 zone is 25 to 35 dw/ha and the R2 zone is 15 to 25 dw/ha.</p> <p>To have a 5 - 6 storey development at 168 dw/ha in this area would be a significant change to the character of the local area, and does not fit with the current or intended future area character.</p>	<p>The maximum LEP FSR permits development up to 1.75:1. This development only seeks an FSR of 1.46:1, significantly below the maximum.</p> <p>The development is consistent with the transitioning nature of the area and the height variations have been justified in the Statement of Environmental Effects and the Clause 4.6 report.</p>	<p>The density, height and scale of the proposal reflects the objectives and building form anticipated by the relevant planning controls that are in place at the moment, including the Riverstone Precinct Plan and the Apartment Design Guide. The scale of the proposal is that of a medium density development which is responsive to the existing characteristics of the site and its surrounds.</p> <p>This application was lodged in 2016 <u>prior to</u> the exhibition of the proposed maximum density in May 2017. The proposed maximum density control has not been introduced, and is not at this point relevant to this application.</p>

Conclusion

We do not consider the concerns raised in the public submissions to be sufficient to warrant the refusal of this application. Several of the concerns are considered capable of being resolved through the Applicant's amendments to the proposal and by conditions.