

Council assessment of Clause 4.6 request to vary floor space ratio development standard

Discussion of floor space ratio

The Stage 1 Concept Plan (JRPP-15-01543 as modified in MOD-17-00299) approved a maximum floor space ratio for all buildings of 1.27:1, being a total floor area of 60,690 m².

When calculated against the notional 10,466 m² site area for the stage the subject of this application, Stage 3, the proposed floor space ratio is 2.12:1 which exceeds the maximum permitted floor space ratio development standard of 1.75:1 under *Sydney Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

The proposed floor space ratio is acceptable in the circumstances as overall density across all stages of development (1-5) will remain below the maximum floor space ratio of 1.75:1 with a floor space ratio 1.27:1 based on the redistribution of the building mass. This approach was supported in principle as part of the Stage 1 Concept Plan approval.

Assessment of Clause 4.6 variation request

1. Consideration regarding if compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (Clause 4.6(3)(a))

The underlying objective of the standard is still considered relevant to the proposal. However, 100% compliance in this circumstance is considered both unreasonable and unnecessary as the proposal was considered in the Stage 1 Concept Plan (JRPP-15-01543 as amended) and deemed to be acceptable in this circumstance. The redistribution of building mass across the site was a carefully considered master planned approach. The development standard is still enforceable on the site by virtue of the Concept Plan approval. This application is consistent with the Concept Plan approval, is compatible with the emerging scale of development in the locality and is consistent with the scale of buildings approved in the immediate vicinity.

The proposal provides a better planning outcome by redistributing the building mass in a manner consistent with the Concept Plan approval which improves solar access, the provision of recreational facilities and amenity for its occupants.

2. Consideration of sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6(3)(b))

The proposal demonstrates sufficient environmental planning grounds to justify contravening the floor space ratio development standard for the following reasons:

- The proposal promotes the orderly and economic use and development of the site because it is consistent with the Stage 1 Concept Plan approval (JRPP-15-01543 as modified) which redistributes the building mass across the site in a carefully considered master planned approach which was deemed to be acceptable in the circumstance.
- The proposal promotes the social welfare of the community by providing improved opportunities for solar access within the site and the 'Village Green' recreational area in particular, compared to a compliant 5 storey development across the whole site.
- The proposal promotes the sustainable management of built and cultural heritage, in particular with regard to Rouse Hill House Estate which is approximately 1 km to the north of this site. This site is not contained within the views from the Rouse Hill House Estate and is not directly visible from Rouse Hill House Estate as it is blocked by the existing local tree canopy.

- The proposal promotes good design and amenity of the built environment

The Applicant's written request seeking to justify the contravention of this development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3) in Points 1 and 2 above.

3. The objectives of the standard are achieved notwithstanding non-compliance with the standard (Clause 4.6(4)(a)(ii))

Appendix 6 – Cudgegong Road (Area 20) Precinct Plan 2011 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006	
Objectives of Clause 4.4 'Floor space ratio'	How the proposal achieves the objective
a. The objective of this clause is to control the bulk and scale of buildings within the Area 20 Precinct by setting maximum floor space ratios for development.	When considered in light of the overall Stage 1 Concept Plan site, the bulk and scale of buildings is controlled by virtue of the building envelope plans approved in the Stage 1 Concept Plan (JRPP-15-01543 as amended). This application for the detailed design of Buildings D1 and D2 further ameliorates the impression of the bulk and scale of their built form by providing architectural design measures to break up their visual appearance.
b. The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.	When considered in light of the overall Stage 1 Concept Plan site, the proposed floor space ratio is acceptable in the circumstances as overall density across all stages of development (1-5) will remain below the maximum floor space ratio of 1.75:1 with a floor space ratio 1.27:1. This approach was supported in principle as part of the Stage 1 Concept Plan approval.

Therefore, the proposal is in the public interest because the development is consistent with the objectives of this particular development standard.

4. The objectives of the zoning are achieved notwithstanding non-compliance with the standard (Clause 4.6(4)(a)(ii))

Appendix 6 – Cudgegong Road (Area 20) Precinct Plan 2011 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006	
Objectives of the R3 Medium Density Residential zone	How the proposal achieves the objective
a. To provide for the housing needs of the community within a medium density residential environment.	The proposal provides for the housing needs of the community by providing 215 apartments and associated communal open space areas, including the 'Village Green' recreational facility.
b. To provide a variety of housing types within a medium density residential environment.	The proposed residential flat buildings provide a mix of 1, 2 and 3 bedroom apartments which contributes to the variety of housing types in this Precinct. In the context of the Stage 1 Concept Plan approval (JRPP-15-01543 as amended), a variety of townhouse style dwellings and apartments are provided which further contributes to the variety of housing types in this Precinct.
c. To enable other land uses that provide facilities or services to meet the day to day needs of residents.	In the context of the Stage 1 Concept Plan approval (JRPP-15-01543 as amended), communal open space areas, including the 'Village Green' recreational facility serviced the day to day needs of the residents.
d. To support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density	Not applicable to this application.

Appendix 6 – Cudgegong Road (Area 20) Precinct Plan 2011 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Objectives of the R3 Medium Density Residential zone	How the proposal achieves the objective
residential environment.	

Therefore, the proposal is in the public interest because the development is consistent with the objectives for development within the R3 Medium Density Residential zone in which this development is to be carried out.

5. The concurrence of the Secretary has been obtained (Clause 4.6(4)(b))

This Clause 4.6 written request to vary a development standard in an Environmental Planning Instrument has been considered in accordance with Planning Circular PS 08-003. The Secretary (formerly Director-General) of the NSW Department of Planning and Environment's concurrence is assumed as this request is adequate, does not raise any matter of significance for State or regional environmental planning, and there is no public benefit of maintaining the standard, as discussed below.

6. Contravention of the development standard does not raise any matter of significance for State or regional environmental planning (Clause 4.6(5)(a))

There is no identified outcome which would raise any matter of significance to planning matters of State or regional significance as a result of varying the development standard as proposed under this application.

7. There is no public benefit of maintaining the standard (Clause 4.6(5)(b))

When compared to providing a development which strictly complies with the floor space ratio development standard for this individual stage, this application offers public benefit because it is consistent with the Stage 1 Concept Plan approval (JRPP-15-01543 as amended) which has previously been considered to offer improved outcomes for and from development. Therefore, there is no public benefit in maintaining strict compliance with the development standard.

Based on the above assessment and given the development is underpinned by the Stage 1 Concept Plan approval (JRPP-15-01543 as amended). The Clause 4.6 variation request is considered reasonable and well founded. It is recommended for support to allow flexibility in the application of the development standard.