

Assessment report to Sydney Central City Planning Panel

Panel reference: PPS-2017SWC086

Development application

DA number	SPP-17-00017	Date of lodgement	30 June 2017
Applicant	HBL Developments Pty Ltd		
Owner	Mr Will Lin and Ms Yi Li		
Proposed development	Integrated development: subdivision into 3 Torrens title superlots, 3 public roads, construction of 7 x 5 storey residential flat buildings (RFBs) containing 315 apartments over the 3 lots, with basement car parking and associated works		
Street address	50 Tallawong Road, Tallawong		
Notification period	1 to 15 August 2017	Number of submissions	1

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	Capital investment value (CIV) \$30 million plus (DA has CIV of \$103,546,675 incl GST)
Relevant section 4.15(1)(a) matters	- Environmental Planning and Assessment Act 1979 - State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - State Environmental Planning Policy No. 65 (Design Quality of Residential Apartment Development) and Apartment Design Guide - State Environmental Planning Policy No. 55 – Remediation of Land - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy No. 19 – Bushland in Urban Areas - Rural Fires Act 1997 - Blacktown City Council Growth Centre Precincts Development Control Plan 2010 - Central City District Plan 2018 - Blacktown Local Strategic Planning Statement 2020
Report prepared by	Ruth Bennett, Senior Development Planner
Report date	25 November 2020
Recommendation	Approve, subject to a deferred commencement consent including conditions listed in attachment 10.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material

- 5 Development Application plans
- 6 Assessment against planning controls
- 7 Summary of public submission and Council response
- 8 Applicant's Clause 4.6 variation request
- 9 Council assessment of Clause 4.6 request
- 10 Draft conditions of consent

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the Assessment report?	Yes
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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 summarised in the Executive Summary of the Assessment report?	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (Clause 4.6 of the SEPP) has been received, has it been attached to the Assessment report?	Yes
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)?	Yes
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Conditions

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

1	Executive summary.....	4
2	Location.....	5
3	Site description	5
4	Background	6
5	The proposal.....	6
6	Assessment against planning controls	7
7	Key issues	7
8	Issues raised by the public.....	11
9	External referrals	11
10	Internal referrals.....	11
11	Conclusion.....	12
12	Recommendation.....	13

1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- The proposed variation to the height of buildings development standard. The variation results only from minor encroachments of amenities for the common open space provided on each rooftop and lift overruns for access to these areas, which will provide additional accessible facilities for the amenity of residents. The applicant has submitted a Clause 4.6 request to vary the height, which is supported in this instance.
 - Our City Architect's Office expressed concerns about the proposed repetitive building form and a monocultural urban design, which does not sufficiently provide each building with its own different identity. There is also insufficient landscaping proposed along the Tallawong Road frontage of the development in the 6 m setback which will result in a lack of dense vegetative screening for residents who will look out onto the Sydney metro maintenance and stabling yard opposite. Deferred commencement conditions for both these issues are included.
 - Internal changes to address amenity to improve solar access and ventilation, including removal of windowless rooms and improving amenity in relation to solar access and ventilation within the common circulation areas and also at the uppermost building level. These changes can be made to the plans as part of a deferred commencement condition.
 - Significant tree removal on proposed lot 1, which is intended because of bulk earthworks. There are 37 existing endemic trees mainly on the perimeter of proposed lots 2 and 3 in the subdivision which will be retained. Any fauna on site impacted by tree removal will be relocated under the supervision of an ecologist to the adjacent reserve in line with the requirements of State Environmental Planning Policy No. 19 – Bushland in Urban Areas. The landscape plan proposes the planting of 72 native trees and 95 exotic trees and other plants and shrubs to compensate in part for this loss. This does not include street tree planting.
 - Potential noise issues due to the Sydney Metro train maintenance and stabling facility opposite the site, which is located west of Tallawong Station at the corner of Tallawong Road and Schofields Road. Sydney Metro and Council's Environmental Health Unit have provided conditions to address noise impacts.
 - Deferred commencement conditions to address unresolved stormwater and drainage matters.
 - The excess parking provision and the layout of some of the car parking. An excess of 138 car parking spaces has been proposed, which significantly exceeds the ADG/RMS requirement. A condition is proposed to achieve compliance with the applicable rate.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments have not identified any issues of concern that cannot be addressed by the recommended conditions of consent.
- 1.3 The application is assessed as satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel support the Clause 4.6 request to vary the height of buildings development standard in this instance. The proposal will provide a built form scale of 7 x 5-storey residential flat buildings, which is consistent with the R3 Medium Density zone in the Riverstone East Precinct. The height exceedances relate only to point encroachments on the roof, lift overruns, stair accessways and communal open space areas located on the rooftops.

- 1.5 This report recommends that the Panel approve the application subject to the recommended conditions listed at attachment 10 for the reasons listed in the Recommendation at Section 12 below.

2 Location

- 2.1 The site is located at the south-eastern edge of the Riverstone East Precinct of the North West Growth Area. The location of the site is shown at attachment 1 and illustrated in the aerial photograph at attachment 2.
- 2.2 The site is located in a previously semi-rural area that is undergoing transformation as it redevelops into an urban area.
- 2.3 The site is located with good access to transport, services and facilities. It is:
- 400 m from the Tallawong Metro Station. The Sydney Metro provides regular services and links to the wider Sydney metropolitan railway network
 - 300 m from the proposed Tallawong local commercial centre, where retail, business and other services and facilities will be provided. The site is 2 kilometres from the larger existing Rouse Hill Town Centre
 - 500 m from Schofields Road, being a major road link to the broader north-west region of Sydney.
- 2.4 Immediately to the north at the eastern end of the site is land zoned RE1 Public Recreation, proposed for a future public park. The site is 50 m from proposed sporting fields land zoned RE1 on Tallawong Road to the north-west of the site. Hence the site will have good access to public recreation facilities.
- 2.5 To the west, the site is directly opposite the Sydney Metro train maintenance and stabling facility, containing railway stabling yards and maintenance workshops, which is zoned IN1 General Industrial. This facility presents a potential noise amenity issue for future residents due to its location 25 m from the site and its ongoing operation 7 days a week.
- 2.6 The subject site is part of a band of land zoned R3 Medium Density Residential located around the Tallawong local centre and Tallawong Metro Station. Land immediately to the north, south and east is also zoned R3 and is anticipated to redevelop at a similar scale to this proposal, on the basis of the existing planning controls and development consents issued to date.

3 Site description

- 3.1 The subject land is Lot 67 in DP 30186, known as 50 Tallawong Road, Rouse Hill. The site has been previously used for rural residential purposes.
- 3.2 The whole of Lot 67 is rectangular in shape with an area of approximately 20,230 m² and dimensions of approximately 82 m by 246 m. The site has a fall of 7.5 m across the proposed lot, generally from the south-east corner to the north-west corner.
- 3.3 The site contains an existing detached dwelling and a large detached shed. The site is well vegetated with many medium and large existing indigenous trees across the site.
- 3.4 An aerial image of the site and surrounding area is at attachment 2.

4 Background

- 4.1 Under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP 2006) the site is zoned part R3 Medium Density Residential.
- 4.2 Under SEPP 2006 the site has development standards of:
- 16 m maximum height of buildings

- 45 dwellings per hectare minimum residential density.

There is no floor space ratio control for the site. A minimum allotment size does not apply for a residential flat building where the residential density is 45 dwellings per hectare.

- 4.3 The site is not identified in SEPP 2006 as being of Aboriginal heritage significance, European heritage significance or as being flood affected.
- 4.4 Under the Blacktown City Council Growth Centres Precincts Development Control Plan (DCP) 2010, Schedule 8 Riverstone East, there are a number of controls and guidelines for the site relating to subdivision planning and design, including potential salinity, Aboriginal cultural heritage and bushfire risk. There is also a specific environmental management control for the site relating to noise mitigation for development adjacent to the Sydney Metro Trains facility.
- 4.5 The original Development Application was received on 30 June 2017. Elements of the residential flat buildings and engineering design were redesigned several times in response to Council officer concerns about a number of inadequacies in the original plans.
- 4.6 The most recent architectural plans were lodged in June 2020 and are labelled Issue F, dated 31 March 2020. The most recent engineering plans were submitted in July 2020. A number of additional consultant studies have also been required to address the requirements of the DCP. These studies have been submitted up to September 2020.

5 The proposal

- 5.1 The Development Application in its most recent amended form as at June 2020 seeks approval for:
 - demolition of all existing buildings and structures on site, including a dwelling house and shed
 - removal of most of the existing trees, with the retention of 37 trees around the perimeter of the site
 - subdivision of the site into 3 superlots with the construction and dedication of 3 new public local roads
 - construction of 7 x 5 storey residential flat buildings on proposed lots 1, 2 and 3, comprising 315 apartments above separate basements underneath each building that provide a total of 495 car parking spaces, bike parking, storage and waste services areas:
 - proposed lot 1 will contain RFB Buildings A and B containing 93 units
 - proposed lot 2 will contain RFB Buildings C, D, and E containing 129 units
 - proposed lot 3 will contain RFB Buildings F and G containing 93 units.
 - a mix of units across the 7 RFBs, being 20 studios (6.3%), 68 x 1-bedroom units (21.6%), 161 x 2-bedroom units (51.1%) and 66 x 3-bedroom units (30%)
 - associated works that will include civil engineering and stormwater works, and site landscaping.
- 5.2 Full details about the proposal are outlined at attachment 4 and a copy of the development plans are included at attachment 5.

6 Assessment against planning controls

- 6.1 A full assessment of the Development Application against relevant planning controls is provided at attachment 6.

7 Key issues

7.1 Height of buildings development standard

- 7.1.1 Clause 4.3 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (SEPP 2006) Appendix 12 provides that the maximum height of a building on the site should not exceed 16 m.
- 7.1.2 All the apartments and facades of the building do not exceed 16 m in height. However, a small portion of the roof at the northern end of Buildings A, C, D and G and lift overruns in all 7 buildings exceed the height by between 0.15 m and 3.25 m. This makes the highest point encroachment of these buildings at 19.25 m.
- 7.1.3 The applicant has submitted a Clause 4.6 variation request, included at attachment 8. The submission addresses the requirements of subclauses 4.6(3) and (4) and is considered satisfactory to allow the variation to the height of building development standard in this circumstance. Council's assessment of the Clause 4.6 variation request is at attachment 9.
- 7.1.4 It is considered that the variation in the height standard to accommodate lifts and rooftop communal open space areas, and a very minor portion of roofs, represents point encroachments only, with no habitable space. This is consistent with achieving the objectives of the height of buildings development standard in SEPP 2006 Appendix 12.
- 7.1.5 The overall building height is considered to be consistent with the desired future character and building forms anticipated within the surrounding area. There are no perceived environmental impacts from the proposed height variation on the site or locality.
- 7.1.6 The departure from the height limit with respect to the proposed buildings has planning merit. The most significant points of encroachment above the height limit are the result of providing rooftop amenities for the rooftop common open space areas and access thereto. The rooftop open space areas provide additional, accessible variety of open space facilities for the amenity of future residents.
- 7.1.7 The small additional increase in height of up to 0.15 m for a small portion of the roof on some buildings is a function of the site topography, with a fall of 7.5 m across the site. This design ensures that all apartments on the ground level are at or above street level, which is a better outcome for private amenity and public streetscape and safety.
- 7.1.8 It is therefore recommended that the variations to the height of buildings development standard be granted for this development proposal pursuant to Clause 4.6.

7.2 City Architect building urban design concerns

- 7.2.1 The contemporary building design includes a schedule of finishes with some different building elements, materials and colours. However, the proposal still presents as a monotonous and repetitive mass. Our City Architect is concerned that all 7 buildings are still very similar in footprint, layout and design. The buildings are placed in a row lengthwise across the site, with long, relatively narrow open space areas in between, the width of which reflects the minimum required building separation distances. Nevertheless, the development generally meets the important Apartment Design Guide requirements for apartment amenity such as solar access, natural ventilation and depth, as well as deep soil, communal open space and landscaping.
- 7.2.2 Consequently, our City Architect's Office has recommended a deferred commencement condition of consent, for the applicant to address the need for

differentiation between the proposed buildings, with the addition of architectural features, different materials and features, treatments and colours in relation to the roofs, walls, balconies and other external building features. The proposed differentiation treatment of buildings is to be submitted to Council for approval by the City Architect's Office.

7.2.3 Also the City Architect is concerned at the lack of proposed landscape interface on the Tallawong Road frontage. The proposal does not provide a suitable immediate screen effect for residents on this frontage, i.e. between the proposed development and the Sydney Metro Trains facility opposite which is located on IN1 General Industrial zoned land.

7.2.4 The City Architect requires an amended landscape plan to be submitted which provides for a landscaped buffer with additional mature-sized trees and shrubs to create a dense vegetative screen. This is to ensure that the streetscape contribution of the development is suitable to the locality, provides an attractive neighbourhood identity, and enhances streetscape amenity by optimising the outlook for residents by screening the development from the Sydney Metro Train facility opposite. This information can also be submitted with the architectural differentiation information as a deferred commencement condition.

7.3 Internal amenity concerns

7.3.1 A number of changes are required to the interior design to improve amenity in relation to solar access and ventilation. The internal changes include the removal of studies in some apartments which do not have windows, the replacement of rooftop skylights with clerestory windows, and additional daylight and natural ventilation to be provided to all internal common circulation areas of all buildings.

7.3.2 These changes will all be required as a deferred commencement condition, to be made to the satisfaction of Council.

7.4 Tree removal and tree retention

7.4.1 A tree survey of 372 trees was undertaken which included 319 trees over the entire site. The original architectural plans proposed to remove all 319 trees on the site, which was not an acceptable environmental outcome given the extensive existing indigenous tree cover on the site and the scale of the proposed development. We note 62 of the 319 trees on site were classified as 'dead' or 'near dead'. A further 67 trees on site were classified as in 'poor condition' or with 'poor structure'.

7.4.2 Council's Natural Areas and Open Space Infrastructure teams reviewed the tree removal and landscape plans and have provided conditions for tree retention, including dealing with the relocation of any fauna on site impacted by tree removal.

7.4.3 A total of 37 existing endemic trees are now proposed to be retained on the perimeter of the site, mostly on proposed lots 2 and 3. Trees on adjoining road/land will be protected with a perimeter temporary construction fence.

7.4.4 The proposed perimeter and internal site planting to be provided will help to reduce the visual impact of the proposed row of 7 x 5-storey building facades on the streetscape and pedestrian amenity. The landscape plan proposes planting trees in the deep soil areas, which are located on the site perimeter and between the proposed 3 lots. Over 167 trees are proposed, which include 8 different species, both native and exotic. This does not include all the street trees to be also planted in the approved road network.

7.5 SEPP 19 – Bushland in Urban Areas and this proposal

7.5.1 The site adjoins land zoned or reserved for public open space, being Cudgegong Reserve R260 and proposed Reserve 1046.

- 7.5.2 The objectives of SEPP No. 19 - Bushland in Urban Areas include the protection and preservation of bushland within urban areas due to its value as natural heritage, its aesthetic value, and its value as a recreational, educational and scientific resource. Clause 9 of the SEPP addresses the need for land adjoining land zoned or reserved for public open space to consider the need to retain any bushland on the land, the effect of the proposed development on bushland zoned or reserved for public open space purposes, and in particular on the erosion of soils, the siltation of streams and waterways and the spread of weeds and exotic plants within the bushland. This is to ensure that the bushland has its natural ecology preserved, and that there is no destruction or degradation of that bushland.
- 7.5.3 To protect the bushland, the boundary between this DA site and the adjoining RE1 zoned land will be fenced off to protect the neighbouring area for the future public park from any potential impacts from these building works.
- 7.5.4 Conditions will be imposed to ensure tree protection is carried out to Council's satisfaction. All the trees on proposed lot 1 will have to be removed due to bulk earthworks and site excavation. To protect any fauna on site impacted by tree removal, a condition will be imposed for the relocation of fauna under the supervision of an ecologist to the adjacent reserve as required by SEPP 19. This is to ensure that fauna is protected.
- 7.5.5 Information on proposed fauna management/relocation (including supervision by an ecologist), which is to occur prior to any works commencing, is to be provided to Council's Natural Areas Team.
- 7.5.6 The inclusion of native trees, groundcovers and grasses on the landscape plan will serve the native species (known or likely to occur in and on the subject site and the adjacent reserve), allowing for their movement, cover and foraging.
- 7.5.7 The proposed landscape species includes a planting palette of 4 native tree species and 4 exotic tree species, to provide a total of 167 trees, and also shrub plants, groundcovers and grasses which include native species.
- 7.5.8 This will meet the requirements under SEPP 19 for wildlife corridors and vegetation links with nearby bushland to be protected.

7.6 Potential noise issues

- 7.6.1 Sydney Metro has advised, in response to Council's referral under Clause 86 of State Environmental Planning Policy (Infrastructure) 2007, that concurrence of the rail authority (delegated to Sydney Metro) is not required for the application, even though it is adjacent to the Sydney Metro Trains facility.
- 7.6.2 However, the applicant is required to assess the noise impacts from the facility under the Growth Centre Precincts Development Control Plan, Clause 6.2. The purpose of this clause is to ensure that residential development in proximity to the Sydney Metro facility is constructed with adequate mitigation measures to minimise the impact of noise on the residents of the development.
- 7.6.3 Sydney Metro requested additional information from the applicant in the form of an Acoustic report, including details of potential impacts of the facility (across Tallawong Road) on the residents, given the Sydney Metro line generally operates early in the morning and late at night. The facility has an existing capacity for 22 metro trains and is being expanded to accommodate additional City and south-west driverless metro trains. This work will be completed in late 2020. The facility will operate 7 days for stabling and maintenance. It will ultimately provide for maintenance of up to 76 eight-car trains, and stabling of up to 46 eight-car trains. On-site car parking will increase from 121 spaces to 228 spaces. The Train Wash Plant will operate 24 hours and the Wheel Lathe will have an extended operation.

7.6.4 The applicant submitted an additional acoustic report in June 2020. Sydney Metro responded, on 28 August 2020, that on the basis of the information submitted by the applicant no concurrence role is triggered in respect of the Sydney Metro Northwest rail corridor by the DA under Clause 86 of the ISEPP, because the proposal will have a minor impact on the rail corridor. Sydney Metro also advised that it had no comments on the DA for the purpose of Clauses 45 or 85 of the ISEPP.

7.6.5 Sydney Metro further advised on 28 August 2020:

"The Noise Impact Assessment (prepared by Rodney Stevens Acoustic Consultants and dated 25 June 2020) has been considered by Sydney Metro. The report has not considered the future noise catchment and it is recommended that the report should re-predict noise impacts using future traffic and activity noise levels or default to higher standard of architectural acoustic mitigation. As a minimum it would be expected that Block A would have 10.38 mm glazing requirements along with acoustic seals on all exposed windows and doors. Ultimately, the building needs to meet the ISEPP requirements when the surrounding noise catchment is fully developed.

In this regard, we recommend that the following condition be imposed at the discretion of the consent authority:

'The tower facing Tallawong Road (Block A) should have 10.38 mm glass as a minimum along with acoustic seals on all windows and doors to minimise acoustic impacts for future residents.'

7.6.6 Given the concerns of Sydney Metro relating to the future noise catchment, and the desire for a 'higher standard of architectural acoustic mitigation', the application and Sydney Metro's response was re-referred to our Environmental Health Unit for further consideration. Council's Environmental Health Unit provided conditions to address noise impact, which includes imposition of a condition requiring that the 10.38 mm glazing requirements and acoustic seals be installed on all exposed windows and doors to ALL buildings. This will ensure that acoustic amenity is achieved in the future with respect to all 7 buildings, notwithstanding the potential acoustic impacts when the surrounding noise catchment is fully developed.

7.6.7 The recommended conditions have been included in the proposed conditions at attachment 10.

7.7 Drainage and engineering issues can be addressed by deferred commencement conditions

7.7.1 Our stormwater and drainage engineers recommend deferred commencement conditions to ensure that the applicant suitably directs all its stormwater runoff from this development site into Council's existing drainage system without impacting any adjoining owner's land.

7.7.2 This will also necessitate the applicant acquiring an easement to drain water through downstream properties. When the easement is provided, then modified drainage modelling to reflect the easement works is also to be submitted.

7.7.3 The applicant will be given 24 months to satisfy all the drainage issues.

7.8 Excess of parking spaces and changes to car parking layout

7.8.1 The proposal provides for car parking spaces which exceed the requirements of the ADG/RMS for parking at this site (being within 800 m of a railway station), being an extra 138 residential car spaces.

7.8.2 The site is 400 m from the Tallawong railway station. Notwithstanding that there is currently a Planning Proposal under consideration for 34-72 Tallawong Road to increase the height standard from 16 m to 26 m, this exceedance of the parking

requirement is not supported and a condition has been imposed for 138 residential car spaces to be removed.

- 7.8.3 The plans show visitor parking spaces also being shared with car wash bays, which is not supported. Six separate car wash bays are to be provided across the 3 basements, and 3 separate electric vehicle charging stations are to be provided, being 1 in each basement. This is to address the aims of the NSW State Government's 'Electric and Hybrid Vehicle Plan' under Future Transport 2056, its 40-year strategy.
- 7.8.4 Deferred commencement conditions have been imposed which require amended plans to reflect the above.

8 Issues raised by the public

- 8.1 The proposed development was notified to property owners and occupiers in the locality between 1 and 15 August 2017. The Development Application was also advertised in the local newspapers and a sign was erected on the site.
- 8.2 One submission was received from a planning consultant on behalf of the adjoining property to the south of the site. The submission does not oppose the proposal in principle, however it raises matters relevant to the development potential of its site concerning potential overshadowing, stormwater, road network, bushfire assessment, tree removal and urban design.
- 8.3 The issues raised by the submission are discussed at attachment 7.
- 8.4 The issues raised in the submission are not sufficient to warrant refusal of the Development Application.

9 External referrals

- 9.1 The Development Application was referred to the following external authorities for comment:

Authority	Comments
Sydney Metro/Transport for NSW	Acceptable subject to conditions
Roads and Maritime Services	Roads and Maritime advised on 3 October 2017 that it reviewed the submitted application and raised no objection to the application provided the proposed dwelling density and road layout design is consistent with the Riverstone East Precinct. Council should be satisfied that the dwelling density can be accommodated on the local road network.
NSW Police LAC	Acceptable subject to conditions
NSW Rural Fire Service	The proposal is 'integrated development' as it is on bushfire prone land on the RFS maps. Acceptable subject to conditions

10 Internal referrals

- 10.1 The Development Application was referred to the following internal sections of Council for comment:

Section	Comments
Engineering	Acceptable subject to deferred commencement conditions
Drainage	Acceptable subject to deferred commencement conditions
Building	Acceptable subject to conditions
Traffic	Acceptable subject to conditions
City Architect's Office	Acceptable subject to deferred commentment conditions
Natural Areas Team	Acceptable subject to conditions
Civil and Open Space Infrastructure	Acceptable subject to conditions
Environmental Health Unit	Acceptable subject to conditions
Sustainable Waste	Acceptable subject to conditions
Section 7.11 section	Acceptable subject to conditions

11 Conclusion

- 11.1 The proposed development for a subdivision of the land and construction of 7 x 5 storey RFBs containing 315 residential apartments, associated car parking and on-site facilities has been assessed against all relevant matters and is considered to be suitable for the site and locality, subject to recommended proposed conditions.
- 11.2 The proposal is consistent with the objectives of the R3 Medium Density Residential zone under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Appendix 12 Blacktown Growth Centres Precinct Plan and is permissible in the zone with consent.
- 11.3 The proposal has been considered under the requirements of the SEPP (Sydney Region Growth Centres) 2006 and is considered satisfactory, subject to the approval of an application under Clause 4.6 for a variation to the height of building development standard, which is considered to be acceptable in this case.
- 11.4 Subject to proposed conditions, the proposal mostly complies with the provisions set out in State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide. The areas of non-compliance with the numerical requirements are not considered to be sufficient to reject the application.
- 11.5 The proposal complies with the objectives of State Environmental Planning Policy No. 19 – Bushland in Urban Areas and is considered satisfactory subject to conditions.
- 11.6 The proposal generally meets the requirements of the Blacktown City Council Growth Centres Precincts Development Control Plan 2010, with some minor variations. It is considered generally satisfactory with regard to relevant matters such as proposed road layout, siting, traffic impacts, access, internal apartment amenity, communal open space, deep soil and landscaping, stormwater drainage and landscaping, subject to the imposition of suitable conditions of consent.
- 11.7 It is considered that the likely impacts of the development can be satisfactorily addressed and that approval of the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions being satisfied. On this basis, approval of the application is recommended, subject to conditions.

12 Recommendation

- 1 Uphold the variation to the height of buildings development standard in Clause 4.3 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 using Clause 4.6 for the following reasons:
 - a The request is well founded and warrants approval.
 - b Strict adherence to the height standard is unnecessary in this instance as no adverse impacts will result from the height breach.
 - c The breach will enable access to rooftop communal open spaces on the 7 buildings, as it provides for increased height of the lift overruns to enable access to these areas. The height exceedance relates to the lift overruns, stair accessways, temporary shade structures and a small portion of the roof at the northern end of Buildings A, C, D and G. These exceedances range between 0.15 m and 3.25 m and are acceptable in their context as there are no off-site impacts or precedent created.
 - d The provision of rooftop communal open space provides sufficient environmental planning grounds to justify the variation. The breach will enable development that is still consistent with the relevant zone objectives and is in the public interest.
- 2 Approve Development Application SPP 17-00017 for the reasons listed below and subject to the conditions listed in attachment 10:
 - a The proposal results in an acceptable scale of development for the site and generally complies with the relevant provisions of the applicable planning controls [S4.15 (1)(a)(i) and (iii) EP&A Act].
 - b The proposed development will respond positively to the existing and future residential land uses adjoining the site [S4.15(1)(b) and (c) EP&A Act 1979].
 - c The proposal is in the public interest under the provisions of section 4.15(1)(e) of the EP&A Act 1979 as it will assist to deliver higher density housing options to the area by introducing a range of apartment dwellings.
 - d Conditions are proposed that will address all key issues raised by Council.
- 3 Council officers notify the applicant and submitter of the Panel's decision.


Per _____

Ruth Bennett
Senior Development Planner


Glennys James PSM
Director Planning and Development



Judith Portelli
Manager Development Assessment