Proposed Residential Flat Buildings

50 Tallawong Road, Rouse Hill

Statement of Environmental Effects

Prepared by
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for
JS Architects Pty Ltd

June 2017

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29 June 2017

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Overview

This Statement of Environmental Effects (SEE) report supports a development application to Blacktown City Council for the proposed seven multi-unit residential flats development for the site located at 50 Tallawong Road, Rouse Hill (site).

This statement describes the proposed development of the site and surrounding area in the context of relevant planning controls and policies applicable to the site. In addition, the statement provides an assessment of those relevant heads of consideration pursuant to section 79C of the *Environmental Planning and Assessment Act 1979* (the Act).

The SEE is supported by the following environmental assessment reports and management plans:

- Quantity Surveyor Report;
- Noise Impact Assessment;
- Traffic Impact Assessment;
- Geotechnical Investigation;
- Contamination Investigation;
- Bushfire Impact Assessment;
- Arborist Assessment; and
- Indigenous Heritage Impact Assessment;
- BASIX certification; and
- BCA Assessment.

Proposed Development

This application seeks approval for the development of a multi-unit residential building including associated landscaping and civil works. The summary of the proposal is provided in Table A below.

Table A: Proposed Development Summary

Property	Details
Site A	Consisting of Building A and Building B, combined total number of units equals 110 units
Site Area	4,509.47 sqm
<u>Building A</u> No. of Units	 60 Units
<u>Building B</u> No. of Units	50 Units
<u>Entire Site</u> Car Parking Spaces Deep Soil Planting Communal Open Space	 143 spaces 1,063.65 sqm (23.59% of Site A) 3,270.63 sqm

Property	Details
Site B	Consisting of Building C, D and E, combined total number of units equals 150 units
Site Area	2,983.16sqm
Building C No. of Units	50 Units
Building D No. of Units	50 Units
Building E No. of Units	50 Units
Entire Site Car Parking Spaces Deep Soil Planting Communal Open Space	209 spaces 1,273.26 sqm (20.69% of Site B) 6,154.08 sqm
Site C	Consisting of Building A and Building B, combined total number of units equals 110 units
Site Area	2,983.16sqm
Building F No. of Units	50 Units
Building G No. of Units	60 Units
Entire Site Car Parking Spaces Deep Soil Planting Communal Open Space	141 spaces 603.24 sqm (13.98% of Site C) 33,307.27 sqm

Environmental Assessment

An environmental assessment has been undertaken in Section 5 of this report, supported by additional consultant studies as per Council's requirements.

The environmental assessment found that the associated impacts of the proposal are considered to be minimal and manageable. Hence, the proposal achieves the following:

- Is a suitable development for the subject site;
- Responds to the street alignment and desired future character of the area;
- Meets relevant SEPP 65 requirements including for solar access and natural ventilation;
- Provides for contemporary modern development;
- Has obtained BASIX certification;
- Ensures traffic impacts on the area are within acceptable levels;

- Provides landscaping to enhance the visual character and amenity of the site; and
- Provides for increased housing choice to the area.

In accordance with Section 79C of the Act, the assessment of the proposal is found:

- To be wholly suitable for the site:
  - The proposal is in close proximity to the future Metro Station at Cudgegong Road and the site is suitably sized site to successfully accommodate the proposal while meeting the relevant development controls;
  - The proposal provides appropriate level of amenity across the site for future residents, including solar access and cross ventilation to individual dwellings; and
  - Provides landscaping contributing to the residential amenity of the development.
- To be within the public interest based on the following:
  - The proposal does not adversely impact the amenity of the public domain;
  - The proposal offers more intense residential development near major public transport infrastructure; and
  - Will contribute to increased housing choice in the area

Therefore, it is considered that the proposal is within the public interest, based on the above outcomes and being of a goof quality design for the site.

1 Introduction

This Statement of Environmental Effects (SEE) report supports a development application to Blacktown City Council for the proposed three multi-unit residential flats development for the site located at 217 Grange Avenue, Marsden Park (site).

The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act) and should be read in conjunction with information enclosed with this report. Specifically, the SEE includes the following information:

a) Description of the site in its local context;

b) Identifies the proposed works;

c) Identifies and addresses all relevant Council controls and policies; and

d) Identifies and addresses all potential environmental impacts of the proposal.

The proposed capital investment cost of the proposal is approximately $103.5 million including GST.

2 The Site

This section of the report provides a detailed review of the subject site.

2.1 Site Location

The site is located at 50 Tallawong Road, Rouse Hill. The site is in proximity to the following centres:

- Within 300 metres to Cudgegong Road Centre and future Sydney Metro Train Station;
- Approximately 2 kilometres to Rouse Hill Centre and future Sydney Metro Train Station;
- Approximately 3 kilometres from Schofield Train Station; and
- Within 9.5 kilometres of the Blacktown Town Centre.

The subject site including neighbouring lands to the area zoned for mostly medium density residential development, under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP).

The precinct is undergoing a major transition from lower scale development to medium design residential flat buildings due to the State Governments initiative to encourage greater development in the area. The area is also subject to new major transport upgrades, which is also driving the changing character of the area.

Refer to Figure 1 for the site's local context and Figure 2 for the site in its regional context. Also refer to Figure 3 for the site's location in relation to the future North West Rail Link transport infrastructure.

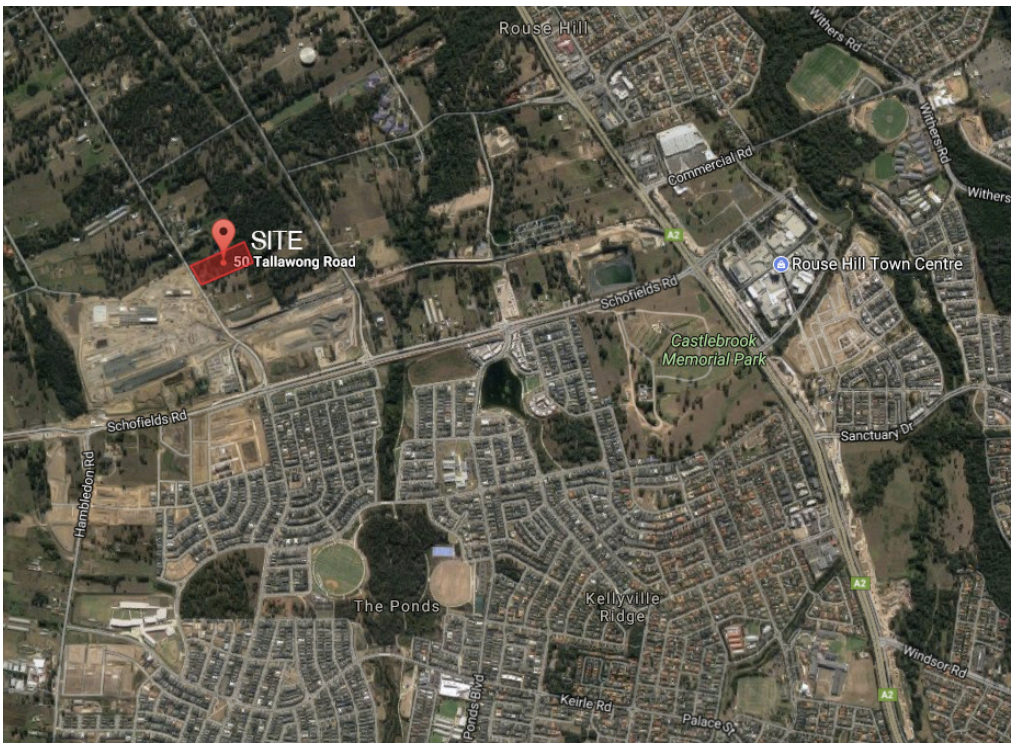

Figure 1. Subject site

Figure 2. Subject site in its regional context

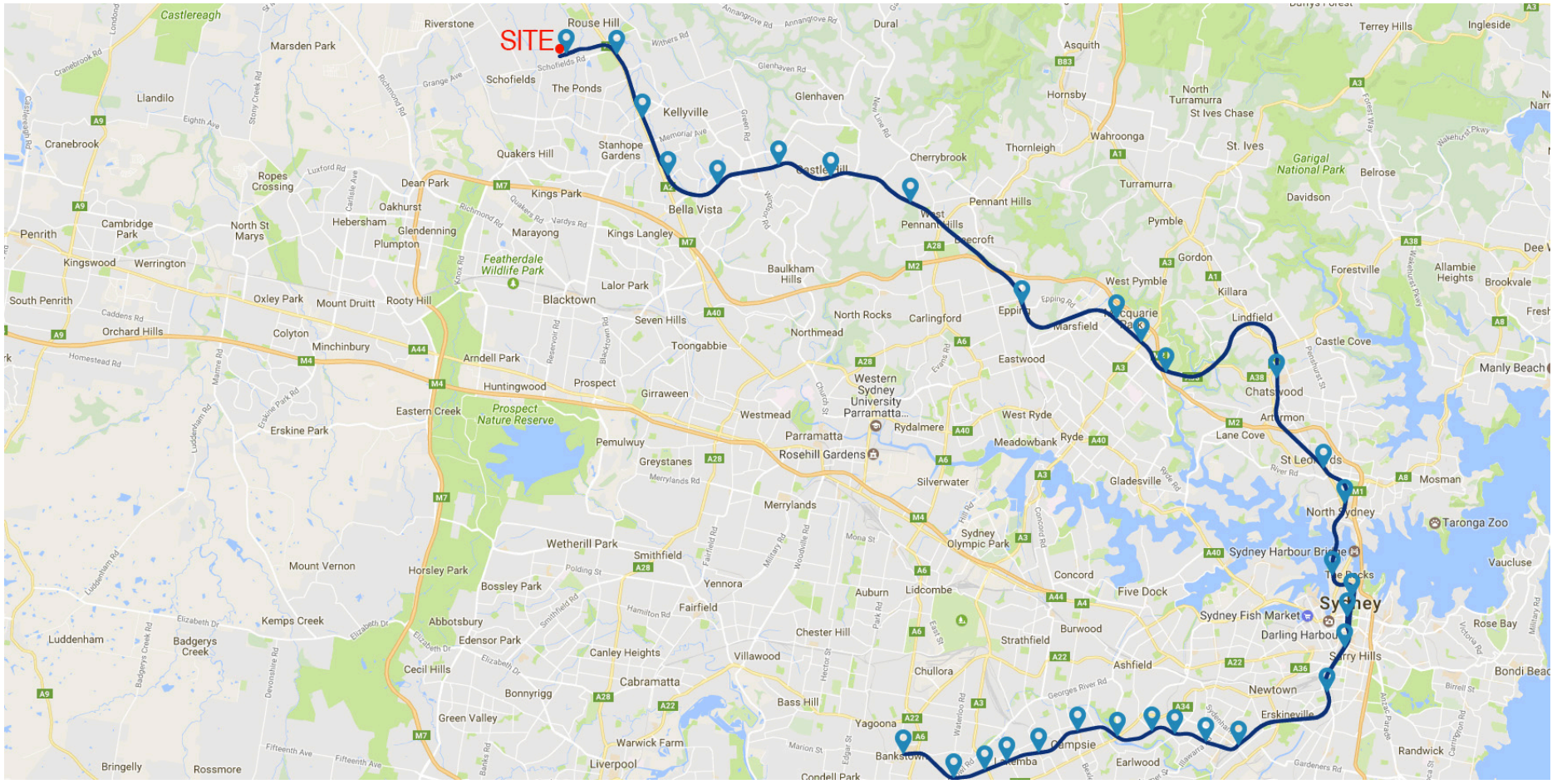

Figure 3. Subject site proximity to new Sydney Metro (NWRL)

2.2 Site Description

The site comprises one allotment, known as Lot 67 DP 30186. Currently, the site consists of a dwelling, sheds and fenced off paddocks that are located at the front of the site where native vegetation has been cleared up to the property boundaries.

Large vegetation ranging from medium to tall sized native trees, that are in poor condition are located across the site, as well as weeds, grassed area and small brush vegetation.

The site slopes from south to north with a level difference at points of about five between the southern and northern boundaries.

The property is located opposite the future Cudgegong Road North West Rail Link train stabling facility and station.

3 The Proposal

The proposal was designed by JS Architects Pty Ltd. This section describes the proposed development.

3.1 Development Summary

The proposed development is for a residential flat building. Generally, the following works are proposed:

- Demolition of all existing buildings and structures;
- Construction of three residential flat buildings with basement car parking;
- Construction of new roads;
- Associated civil engineering works; and
- Associated landscaping works.

A summary of the proposed building works is identified in the table below.

Table 1. Proposed Development Summary

Property	Details
Site A	Consisting of Building A and Building B, combined total number of units equals 110 units
Site Area	4,509.47 sqm
Building A No. of Units	60 Units
Building B No. of Units	50 Units
Entire Site Car Parking Spaces Deep Soil Planting Communal Open Space	143 spaces 1,063.65 sqm (23.59% of Site A) 3,270.63 sqm
Site B	Consisting of Building C, D and E, combined total number of units equals 150 units
Site Area	2,983.16sqm
Building C No. of Units	50 Units
Building D No. of Units	50 Units
Building E No. of Units	50 Units

Property	Details
Entire Site Car Parking Spaces Deep Soil Planting Communal Open Space	 209 spaces 1,273.26 sqm (20.69% of Site B) 6,154.08 sqm
Site C Site Area Building F No. of Units Building G No. of Units Entire Site Car Parking Spaces Deep Soil Planting Communal Open Space	Consisting of Building A and Building B, combined total number of units equals 110 units 2,983.16sqm 50 Units 60 Units 141 spaces 603.24 sqm (13.98% of Site C) 33,307.27 sqm

3.2 Description of the Proposal

A detailed description of the proposed residential flat building is provided in the following tables.

Table 2. Detailed Proposed Development Description – Block A

Building A				
Level	1 Bedroom Unit (No.)	2 Bedroom Unit (No.)	3 Bedroom Unit (No.)	Total
Ground Floor	4	8	0	12
First Floor	4	6	2	12
Second Floor	4	6	2	12
Third Floor	4	6	2	12
Fourth Floor	4	6	2	12
Total	**20**	**32**	**8**	**60**
Mix	**33%**	**53%**	**14%**	**100%**

Table 3. Detailed Proposed Development Description – Block B

Building B				
Level	1 Bedroom Unit (No.)	2 Bedroom Unit (No.)	3 Bedroom Unit (No.)	Total
Ground Floor	3	5	2	10
First Floor	3	5	2	10
Second Floor	3	5	2	10
Third Floor	3	5	2	10
Fourth Floor	3	5	2	10
Total	**15**	**25**	**10**	**50**
Mix	**30%**	**50%**	**20%**	**100%**

Table 4. Detailed Proposed Development Description – Block C

Building C				
Level	1 Bedroom Unit (No.)	2 Bedroom Unit (No.)	3 Bedroom Unit (No.)	Total
Ground Floor	3	5	2	10
First Floor	3	5	2	10
Second Floor	3	5	2	10
Third Floor	3	5	2	10
Fourth Floor	3	5	2	10
Total	**15**	**25**	**10**	**50**
Mix	**30%**	**50%**	**20%**	**100%**

Table 5. Detailed Proposed Development Description – Block D

Building D				
Level	1 Bedroom Unit (No.)	2 Bedroom Unit (No.)	3 Bedroom Unit (No.)	Total
Ground Floor	3	5	2	10
First Floor	3	5	2	10
Second Floor	3	5	2	10
Third Floor	3	5	2	10

Building D				
Level	1 Bedroom Unit (No.)	2 Bedroom Unit (No.)	3 Bedroom Unit (No.)	Total
Fourth Floor	3	5	2	10
Total	**15**	**25**	**10**	**50**
Mix	**30%**	**50%**	**20%**	**100%**

Table 6. Detailed Proposed Development Description – Block E

Building E				
Level	1 Bedroom Unit (No.)	2 Bedroom Unit (No.)	3 Bedroom Unit (No.)	Total
Ground Floor	3	5	2	10
First Floor	3	5	2	10
Second Floor	3	5	2	10
Third Floor	3	5	2	10
Fourth Floor	3	5	2	10
Total	**15**	**25**	**10**	**50**
Mix	**30%**	**50%**	**20%**	**100%**

Table 7. Detailed Proposed Development Description – Block F

Building F				
Level	1 Bedroom Unit (No.)	2 Bedroom Unit (No.)	3 Bedroom Unit (No.)	Total
Ground Floor	3	5	2	10
First Floor	3	5	2	10
Second Floor	3	5	2	10
Third Floor	3	5	2	10
Fourth Floor	3	5	2	10
Total	**15**	**25**	**10**	**50**
Mix	**30%**	**50%**	**20%**	**100%**

Table 8. Detailed Proposed Development Description – Block G

Building G				
Level	1 Bedroom Unit (No.)	2 Bedroom Unit (No.)	3 Bedroom Unit (No.)	Total
Ground Floor	4	6	2	12
First Floor	4	6	2	12
Second Floor	4	6	2	12
Third Floor	4	6	2	12
Fourth Floor	4	6	2	12
Total	**20**	**30**	**10**	**60**
Mix	**33%**	**50%**	**17%**	**100%**

Refer to architectural plans prepared by JS Architects Pty Ltd for design details of the proposal and the supporting photomontage. The proposal is also supported by a materials and finishes schedule that is enclosed with this report.

4 Planning Framework

An assessment of the proposal against the relevant planning and environmental legislation and guidelines has been undertaken to determine the proposal's compliance with the relevant development controls.

4.1 SEPP 65 Assessment and ADG

4.1.1 SEPP 65 Assessment

The design of the proposed development was assessed against the provisions of the *State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development* (SEPP 65). Part 2 of SEPP 65 lists the design principles that need to be considered in achieving good design. The various principles are discussed below that take into consideration all three proposed residential flat buildings on the subject site.

Principle 1: Context

The proposal has been designed in careful consideration of the site and its locality. The design respects the natural topography of the site. The proposed street planting and large setbacks add to the amenity of the streetscape. The proposed architectural features and materials have been incorporated to achieve articulation and provide interest to the facade.

Principle 2: Scale

The scale of the development is considered to be consistent with Council's desired future character of the area. The site is zoned for more intense development and heights. The selection of architectural features, articulations, material and colours contribute to reducing the perceived scale of the development.

The proposal is generally compliant with Council's height controls, with the exception of roof level lobbies and lift overruns for each building, providing access to the roof. This matter has been addressed in detail in Section 4.1.3 of this report.

Principle 3: Built Form

The proposed built form is suitable for the site considering its location, the transition of the area from a low density development are to a medium density development and proximity to future centres. The proposed buildings' articulation breaks up the building mass and creates the impression of various connecting design elements.

Principle 4: Density

The proposed density is considered to be appropriate for the site given its proximity to future town centres and access to a range of public transport options. The proposed density and uses are consistent with objectives of the land use zone.

Principle 5: Resource, energy and water efficiency

The building orientation, features and materials are selected in careful consideration of environmentally sustainable design principles. The proposal meets all targets as set in the Building and Sustainability Index (BASIX). More than 60% of the proposed units achieve natural cross ventilation. The units achieve adequate solar access as per the requirements of the ADG guidelines.

Principle 6: Landscape

The proposed landscaping creates an effective transition and interface between the street and proposed development. Low level landscaping is located at street level on the site defining the street edges. Extensive landscaping is provided around the site, which also provide soft edges to the proposed development.

Principle 7: Amenity

The proposal provides high level of residential amenity by maximising solar access and cross ventilation, providing generous balconies, communal open spaces and safe and secure access to the units.

Principle 8: Safety and security

Secure entries to be provided for residential to all buildings that is likely to be controlled via a swipe card system. Adequate lighting will be provided at entry locations. Windows and balconies front streets that provide opportunities for passive surveillance of the street, site entries and communal open spaces.

Principle 9: Social dimensions and housing affordability

The proposed unit mix offers greater housing choice in the area. The proposal provides one bedroom, two bedroom and three bedroom units. The proposal provides additional housing in the area in close proximity to future town centres and to public transport.

Principle 10: Aesthetics

Through a range of measures including design features, materials, colours and landscaping, the proposal will offer a contemporary design to the existing streetscape character, and achieve the desired future character of the area, which is to accommodate more intense residential development.

4.1.2 Apartment Design Guide Assessment

The table below provides a summary of the proposal's compliance with the main design criteria in the Apartment Design Guide (ADG).

Table 9. Summary ADG Compliance Assessment

ADG Section	ADG Design Criteria	Compliance
2F	Building Separation	**Yes.** The proposal generally complies. All buildings on the site are sufficiently separated between eachother. Proposed buildings also allow for the required side boundary separations.
2G	Street Setback	**Yes.** The proposal offers significant street setbacks to Tallawong Road and proposed new roads.
3D	Communal Open Space	**Yes.** The proposal is required to achieve a minimum of 25% common open space of the total site area. The proposal complies with the required communal open space amount providing well in excess of the minimum requirement for each building and the overall site.

ADG Section	ADG Design Criteria	Compliance
3E	Deep Soil Zone	**Yes.** Required to provide 15% of site area for sites greater than 1,500sqm. Overall for the entire site, combining Sites A, B and C. The proposal provides a total of 2,967.15sqm of deep soil area, which is well in excess of the required 2,275.9sqm.
4B	Solar Access	**Yes.** Required minimum 70% of all units. Proposal achieves solar access to greater than 70% of all units for a minimum 2 hours for each proposed building.
4B	Cross Ventilation	**Yes.** Required minimum 60% of all units. Proposal achieves cross ventilation to more than 60% of all units for each proposed building.
4C	Ceiling Heights	**Yes.** Required minimum 2.7m floor to ceiling for all habitable rooms. Proposal successfully achieves this requirement.
4D	Apartment Sizes	**Yes.** 100% compliance with required minimum unit sizes. Refer to Section 4.2.5 of this report.
4F(1)	Number of Apartments per Level	**No.** However, each building consists of multiple separate cores, where units are located of each core. Per lift core there are no more than eight units. This is considered to be more than an acceptable outcome providing excellent amenity for residents.
4F(2)	Number of Lifts	**Yes.** However, as above the proposal includes multiple separate lift cores for each building.
4K	Apartment Mix	**Yes.** The unit mix is considered acceptable. Refer to 3.2 of this report for unit mix calculations.

4.2 Planning Assessment

The SEE has been prepared in consideration of the matters listed under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act) and should be read in conjunction with information supporting this report and the application.

4.2.1 State Environmental Planning Policies (SEPPs)

Table 4 below provides an overview of the key State Environmental Planning Policies (SEPPs) that apply to the site.

Table 10. Summary of relevant SEPPs

SEPP	Provision Summary	Assessment
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	The SEPP provides the legal framework and development standards that governs future development of the North West and South West Growth Centre Precincts. The site is located within the North West	Specific development standards that apply to the site are found in Appendix 12 of the SEPP. The proposal complies

SEPP	Provision Summary	Assessment
	Growth Centre Precinct. This area is identified by the NSW Department of Planning and Environment as the Northwest Priority Growth Area.	with the relevant development standards other than the maximum building height limit.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	The Building Sustainability Index (BASIX) was introduced to deliver equitable water and greenhouse gas reductions across the state. It sets water and energy reduction targets (as a percentage) for new houses and units, and ensures a consistent and successful implementation of targets by overriding competing provisions in other environmental planning instruments and development control plans.	The proposed development has obtained BASIX certification. Refer to BASIX stamped plans enclosed with this report.
State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development	SEPP 65 aims to improve design quality of residential flat buildings of three or more storeys, and containing four or more self-contained dwellings.	The proposed development complies with the key rules of thumb of SEPP 65, including achieving solar access to more than 70% of residential units for more than 2 hours in mid-winter and achieving cross ventilation to more than 60% of all units.

Table 11. Growth Centres SEPP Assessment

Appendix 12 - Blacktown Growth Centres Precinct Plan Assessment			
Control	SEPP Clause	Provision	Assessment
Land Use Zone	cl. 2.2	Site identified as being zoned R3 Medium Density Residential	Complies. The proposal is permitted on the site.
Min. Lot Size	cl. 4.1AB(9)	For residential flat buildings, minimum 2,000sqm if minimum density is 25 dwellings per hectare.	Complies. The site has a total area of approx. 15,172sqm.
Residential Density	cl. 4.1B	Minimum residential density on the site is 45 dwellings per hectare.	Complies. The proposal includes 370 dwellings over approximately 1.5 hectares.

Appendix 12 - Blacktown Growth Centres Precinct Plan Assessment			
Control	SEPP Clause	Provision	Assessment
Building Height	cl. 4.3	The maximum permissible height limit is 16 metres.	Does not comply. All buildings on the southern elevation comply with the maximum building height up to the top of the roof level landscape planters, which also act as balustrades to the common open space on the roof. On the northern side, generates a greater non-compliance. The non-compliance is considered to be acceptable as the proposal achieves a good quality residential amenity. Refer to assessment in Sections 4.2.3 and 4.2.4 of this report.
Heritage	cl. 5.10	The site is not identified as being a heritage item.	Not applicable.

4.2.2 Blacktown Local Environmental Plan 2015

The *Blacktown Local Environmental Plan 2015* (BLEP) is the primary local environmental planning instrument that applies to the site. However, given that the site falls under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centre SEPP), the development standards in the SEPP apply rather than the BLEP.

4.2.3 Building Height

The proposed development is subject to a maximum building height of 16 metres in the Growth Centres SEPP. Each proposed building on the site includes similar design features that are above the maximum building height. These include the roof lobbies, which consist of the roof overruns and access points to common open space on the roof. The southern elevations of the proposed buildings generate less of an exceedance than the northern elevation. Given the orientation of the site this results in less of an impact from overshadowing to properties on the southern side.

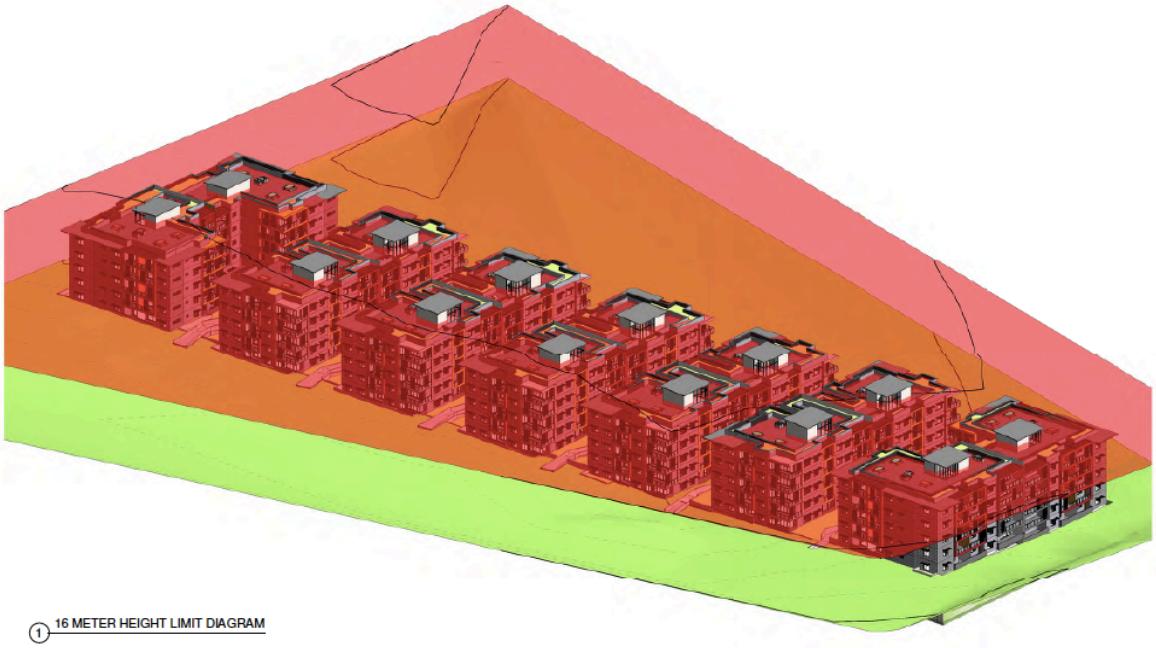

Figure 4. Looking south east to subject along Grange Avenue

Figure 4 shows the extent of non-compliance of the roof elements. The figure shows the actual maximum 16 metre building height plane over the site.

In consideration of the total footprint of the proposal it is evident that the areas of non-compliance from the above figure is much smaller than the overall development footprint.

Specifically, in relation to overshadowing, the shadow analysis diagrams enclosed with the architectural design plans show that the proposal would not have an adverse impact on the adjoining lands due the separation between the buildings, which allow sunlight to penetrate between the buildings.

The lobby areas and lift overruns, also include fire stairs and roof structure. It is necessary to provide fire stair access to the roof level in case of an emergency. While these elements exceed the maximum building height they also do produce a significant benefit to the overall function and residential amenity of the proposal.

These design features allow access to the common open space on the roof level. As such, the proposal is considered to generate a skilful design outcome in balance of the proposal versus the minor material environment impacts.

In consideration of the location of the proposed built form that exceeds the height limit, as well as the degree of exceedance and in review of likely impacts it is considered that the exceedance is completely acceptable for the site.

The proposal is supported by a clause 4.6 variation, which seeks a formal exception to the development standard and provides further justification.

4.2.4 Cl. 4.6 Request for variation to height of building development standard

A request under clause 4.6 'exceptions to development standards' of Appendix 12 of the Growth Centres SEPP is made to vary Council's maximum building height development standard under clause 4.3 of Appendix 12 of the Growth Centres SEPP.

Clause 4.6 states:

"4.6 Exceptions to development standards

(1) The objectives of this clause are as follows:

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant 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."

Objectives of the land use zone

The site is zoned R3 Medium Density Residential. The objectives of the zone in the RLEP are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *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 residential environment.*

The proposal meets the above by:

- The proposal offers residential accommodation, which meets the future housing needs of the area. It also provides a type of the development that is consistent with the intent of the land use zone;

- The proposal offers three buildings excellent residential amenity in well sized apartments;
- The proposal does not generate any significant adverse impacts on surrounding properties; and
- The proposal is located near the Marsden Park Town Centre and close to public transport.

Objectives of the building height development standard

In accordance with clause 4.3 of the RLEP, the objectives of the maximum building height development standard area:

1) *The objectives of this clause are as follows:*
   - (a) *to establish the maximum height of buildings,*
   - (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.*

The proposal meets the above by:

- As discussed in Section 4.2.3, the structure exceeding the maximum building heights for all three buildings are relatively small portion of area in comparison with the overall building footprint.
- The non-compliance does generate any significant detrimental impacts than what would likely be generated by a complying development.
- The proposal is consistent with the intent of the zone and the future character of the area and promotes a high quality urban form.
- The proposal allows for satisfactory exposure for sky exposure and daylight surrounding buildings that would be achieved by a complying development.
- The proposal is consistent with other development in the area and offers a well resolved transition between building forms.

Cl.4.6 Assessment

The first test of clause 4.6, is whether the proposal meets the objectives of clause 4.6, which area:

- *(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
- *(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*

It is believed that the proposal does meet the above objectives as it offers a development that does not generate any significant environmental impacts. The proposal achieves a good quality design with excellent outcomes for the site.

The second test is under clause 4.6(3), which requires the proposal to be justified in regard to:

(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."

We believe that strict compliance with the development standard is unnecessary in the circumstances of the case, as the proposal generates a minor impact in regard to overshadowing that does not restrict redevelopment of adjoining lands. Further, there are no view loss or significant adverse visual impacts generated by the proposal. As such, there is sufficient justification for the proposal on the environmental planning grounds to allow for the contravention of the development standard.

Summary

The proposed development is within the public interest because it is consistent with the objectives of the particular standard, providing a particularly high level of amenity for future residents whilst maintaining the current level of amenity to surrounding development.

Therefore, it is considered that strict compliance with the development standard is unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standards for Council to support the proposed development.

4.2.5 Unit Sizes

The proposed development has been assessed against the minimum unit size design criteria in the Apartment Design Guide (ADG). The ADG states that 1 bedroom units are to be a minimum of 50 sqm, 2 bedroom units are to be a minimum of 75 sqm in size where the unit includes two bathrooms and 3 bedroom units are to be a minimum size of 90sqm.

The assessment found that 100% of the residential units comply with the minimum unit size design criteria. The assessment also found that the complying units where generally much larger than the minimum ADG unit size requirements.

4.2.6 Blacktown City Council Growth Centre Precincts Development Control Plans 2016

The *Blacktown City Council Growth Centre Precincts Development Control Plan 2016* (GCDCP) is the main Development Control Plan that applies to the site and sets out the core controls that all development in these precincts are to follow.

The key relevant GCDCP controls that apply to the site have been addressed in the table below.

Table 12. GCDCP Assessment for Blocks A, B and C

GCDCP Section	Development Control	Assessment
Section 4 – Development in the Residential Zones		
4.3.5(2)	Residential flat buildings are to be located on sites with a minimum street frontage of 30m.	Complies. Site has a frontage of 82 metres.
4.3.5(2)	Have direct frontage to an area of the public domain (including streets and public parks),	Complies. Direct access to public domain provided.
4.3.5(2)	Not adversely impact upon the existing or future amenity of any adjoining land upon which residential development is permitted with respect to overshadowing impact, privacy impact or visual impact.	Complies. Does not impact adjoining lands and ability for adjoining lands to be developed.
4.3.5 – Table 4-10	Maximum 50% site coverage.	Complies. Site includes new roads and large landscaped areas.
	Min. 10mÇ per dwelling with min. dimension of 2.5m	Complies. Refer to architectural design plans.
	Front setback min. 6 metres	Complies. Refer to architectural design plans.
	Side setback - buildings above 3 storeys 6 metres	Complies. Refer to architectural design plans.
	Rear setback - 6 metres	Complies. Refer to architectural design plans.
	Building separation – min. 12 metres	Complies. Refer to architectural design plans.
	Car Parking 1 space per dwelling, plus 0.5 spaces per 3 or more bedroom dwelling. May be in a ‘stack parking’ configuration. Car parking spaces to be located below ground or behind building line 1 visitor car parking space per 5 apartments Bicycle parking spaces: 1 per 3 dwellings	Complies. Refer to architectural design plans.
Schedule 6 – Marsden Park Precinct		
Fig.3-1	Indicative Layout Plan (ILP). Site identified for minimum 25 dwellings per hectare residential density.	Complies. Refer to Table 9 of this report.
Fig. 3-2	Water cycle management and ecology strategy.	Not applicable. Site not subject to proposed water cycle management and ecology strategy network shown

GCDCP Section	Development Control	Assessment
		on plan.
Fig. 3-3	Flood prone land.	Not applicable. Site not subject to flood impacts.
Fig. 3-4	Areas of potential salinity	Not applicable. Site not subject to salinity impacts.
Fig. 3-5	Aboriginal heritage	Not applicable. Site not subject to any heritage items.

4.2.7 Blacktown Development Control Plans 2015

The *Blacktown Development Control Plan 2015* (BDCP) is not the main Development Control Plan that applies to the site. However, a review of the DCP has been undertaken to demonstrate that the proposal generally complies with Council's standard DCP controls.

The key relevant DCP controls that apply to the site have been addressed in the table below.

Table 13. BDCP Assessment for Blocks A, B and C

BDCP Section	Development Control		Assessment
Part A Introduction and General Guidelines			
6.3	Car parking	1 space per 1 or 2 bedroom dwelling 2 spaces per 3 or more bedroom dwelling Plus 1 space per 2.5 dwellings for visitor parking (or part thereof)	Complies. Each building provides more than the required number of car parking spaces.
Part C Development in the Residential Areas			
6.4	Site density	Sites should have a minimum frontage of 30m and a minimum depth of 30m.	Complies, the subject site has a length of 82 metres and width of approx. 227 metres.
6.5	Height	To be in accordance with Clause 4.3 (Height of buildings) of Blacktown LEP 2015.	Refer to Section 4.2.3 and Cl.4.6 variation report at Section 4.2.4.
6.6	Setbacks	Front – 9m Side and rear – 6m	Complies. With side and rear. Non compliant with front setback. Front setback is 6 metre.

BDCP Section	Development Control		Assessment
6.7	Common open space	30sq.m for each 1 bedroom dwelling 40sq.m for each 2 bedroom dwelling 55sq.m for each 3 or more bedroom dwelling.	Complies. Each building provides more than the required communal open space.
6.9.11	Adaptable unit	Minimum 1 or 10%, whichever is greater.	Complies. All buildings offer required number of adaptable units.
6.10.3	Floor to ceiling height	2.7 metres	Complies.
6.10.11	Waste management	Use 240 ltr bins for collection.	Complies

5 Environmental Assessment

This section addresses the key environmental impacts of the proposal.

5.1 Traffic Impact Assessment

EB Traffic Solutions Pty Ltd was engaged by JS Architects to provide an assessment of the potential traffic impact from the proposed development.

In relation to traffic impact, this proposal needs to address two fundamental issues, being, 1) ability for site to provide requisite number of car parking spaces, and 2) ability for nearby intersections to function satisfactorily as a result of the additional trip generation. The traffic assessment report addresses these two issues and found that:

Car Parking Design

- The proposal allows for the following amount of car parking:
    a. Building A and B – A total of 143 spaces over two basement levels comprising of 129 occupier/visitor spaces, 12 accessible spaces and 2 car wash bays;
    b. Building C, D and E - A total of 209 spaces over two basement levels comprising of 207 occupier/visitor spaces, 16 accessible spaces and 2 car wash bays;
    c. Building F and G - A total of 141 spaces over two basement levels comprising of 139 occupier/visitor spaces, 12 accessible spaces and 2 car wash bays;
- Car parking access will be provided from the proposed new road along the northern boundary of the site;
- The required number of car parking spaces comply with Council's DCP;
- The car parking design complies with relevant Australian Standards;

Trip Generation

- Based on RMS trip generation rates the proposal is expected to generate an average of 5 vehicle trips per dwelling per day;
- On this basis, it is anticipated that the residential development will generate the around 58 vehicle movements (Blocks A/B), 75 vehicle movements (Blocks C/D/E) and 55 vehicle movements (Blocks F/G) during the am and pm peak hours;
- The level of traffic anticipated to be generated at the respective car park access points is considered minimal and will not represent any adverse impact upon the safety or operation of the surrounding road network.

Therefore, in relation to traffic impacts the proposed development is considered to be suitable for the site.

Refer to traffic impact assessment enclosed with this application.

5.2 Indigenous Heritage Impact Assessment

Baker Archaeology Pty Ltd was engaged to undertake an Aboriginal heritage assessment of the site and proposal. A site inspection of the site was undertaken on 19 June 2017. Based on the desktop analysis and the site inspection the assessment found that:

> *"No Aboriginal objects have been previously identified on the land.*
>
> *No Aboriginal objects were observed on the land in a site inspection on 19 June 2017.*
>
> *No Aboriginal objects are considered likely to occur undetected on the land.*
>
> *There is no identified Aboriginal heritage constraint to proceed with proposed development. Based on the findings of this assessment there is no justification for further archaeological assessment or monitoring.*
>
> *In the unlikely event that an Aboriginal object is identified, all work must stop in the general vicinity of the land and an archaeologist should be contacted to assess the object and, if confirmed, advise on the requirements for an Aboriginal Heritage Impact Permit under section 90 of the NPW Act."*

Refer to report enclosed with this SEE report.

5.3 Arborist Impact Assessment

JS Architects engaged MacKay Tree Management Pty Ltd to assess the trees located on the site. The assessment found that a total of 364 trees on the site and 44 trees on the adjoining properties would be impacted by the proposal. Site visual inspection of the trees was undertaken on 11 and 18 June 2017. The report identified that:

> *"Tallawong Road Rouse Hill is rated as a Development Area as part of the North West Growth Centre (NSW Planning, Sydney Growth Centres Strategic Assessment, Program Report November 2010). Government Directions and Policy for the Growth Centres has Biodiversity Certification over the State Environment Planning Policy (Sydney Region Growth Centres) 2006, (Growth Centres SEPP) allowing development to proceed without NSW threatened species assessment. To compensate for loss of threatened conservation areas NSW Planning will acquire new land for conservation area reinstatement."*

The report concluded that, "*The trees are exempt from environmental controls under the Growth Centres SEPP."*

Refer to report enclosed with this SEE report.

5.4 Acoustic Impact Assessment

Highly qualified and respected Rodney Stevens Acoustic Pty Ltd (RSA) was engaged to undertake an acoustic impact assessment of the proposal.

RSA carried out noise measurements on Friday 19 June and Friday 26 June 2017. The assessment found that the site is subject to noise intrusion levels from traffic of 63dB(A) Leq between 7am and 10pm and 58dB(A) Leq between 10pm and 7am.

The NSW Department of Planning's guidelines, 'Development near Rail Corridors and Busy Road – Interim Guidelines' (Interim Guidelines) criteria for noise levels to bedrooms is 35dB(A) and 40dB(A) for all other areas in a residential property.

RSA recommends the use of various materials to assist in achieving the criteria established by the Interim Guidelines. The recommended acoustic treatment is to glazing depends on the type of glazing and location of glazing.

Ultimately report the found that:

> *"Based on the noise impact study conducted, the proposed development is assessed to comply with Blacktown City Council and SEPP (Infrastructure) 2007 noise criteria with recommendations from this report. It is therefore recommended that planning approval be granted for the proposed development on the basis of acoustics.*

Refer to report enclosed with this report and application.

5.5 Bushfire Impact Assessment

Peterson Bushfire expert consulting services was commissioned to undertake a bushfire assessment. The bushfire assessment report identifies the requisite asset protection zones (APZs) that need to be adhered by the proposal. The report also includes a discussion on vegetation management and bushfire access level (BAL) rating.

The report finds that:

- The proposal is required to achieve a 14.5 metre APZ on the northern boundary.
- Amongst other management measures, the proposal needs to ensure that tree canopies do not occur within 2 metres of buildings;
- The BAL rating for the site includes BAL-12.5, BAL-19 and BAL-29. The rating determines that the site has a low hazard bushfire rating.

The report concludes that, *"The existing and proposed road layout provides a compliant level of access ensuring safe evacuation and emergency response" and "The assessment demonstrates that the proposal, together with the recommendations (see below), complies with s100B Rural Fires Act 1997, Clause 44 of the Rural Fires Regulation 2008 and Planning for Bushfire Protection 2006 (refer to Section 3 – Bushfire Protection Measures)."*

Refer to report enclosed with this SEE for full recommendations.

5.6 Contamination Site Assessment

Geotesta Pty Ltd (Geotesta) undertook a Phase 1 preliminary site investigation. Geotesta found that generally the site is likely to have a low-medium contamination potential. The report states:

> *"Based on the scope of works conducted the following conclusions can be made:*
>
> - *The site history, desk study and inspection indicates past dwelling construction and activities on the site have the potential to have introduced contaminants to*

the site in the form of asbestos (as a construction material), pesticides (pest control) and heavy metals (paints, pest control); and

- *Sheds may have previously (or currently) stored fuel, oils or other chemicals, leading to hydrocarbon contamination. Lead based paints or fibrous cement sheeting (containing asbestos) may have been used during construction. The sheds may have been treated with pesticides and heavy metals for pest control"*

Based on the above Geotesta recommended a detailed site investigation be undertaken, however, we recommend that the investigation be subject to a condition of consent and be completed prior to the issue any construction certification.

Refer to report enclosed with this application.

5.7 Geotechnical Investigation

Geotesta Pty Ltd (Geotesta) undertook geotechnical investigation of the site to determine the site's ground conditions. On 9 June 2017, five boreholes were dug to test the ground conditions.

The assessment found that the site is generally consists of silty-clay and silty-clay with shale fragments between a depth of 0.3 – 3.7 metres. Based on the findings the report identifies the bearing capacity for different footing construction techniques. The assessment also found that no groundwater was encountered during the fieldwork.

Through the findings of the assessment, it is evident that the report determines that the site's ground conditions are capable in accommodating the proposed development, however, more detailed investigations may be required post development consent and prior to issue of a construction certificate.

5.8 BASIX

The proposal complies with BASIX requirements. The proposal has gained BASIX certification. Refer to BASIX certificate and ABSA stamped plans enclosed with this report.

5.9 BCA Compliance Assessment

An assessment against relevant accessibility and Building Code of Australia (BCA) requirements, standards and legislation has been undertaken by AED Group. AED Group have provided a detailed assessment of the proposal identifying matters that could be addressed at construction certification.

Refer to report enclosed with this SEE report.

5.10 Preliminary CPTED Assessment

5.10.1 CPTED Principles

The CPTED principles adopted for the proposal are based on a situational approach to crime prevention aim to identify a number of design solutions that intensify the difficulty and minimise risks for possible offences to occur.

Notwithstanding this, this section and approach acknowledges that any design strategy can only be part of a wide ranging approach to crime prevention, which includes social and community strategies.

In light of the above and in order to assess the proposal, the key CPTED principles need to be understood. These include:

Territoriality

Territoriality relates to clearly defining private space from semi-public and public spaces, and creates a sense of ownership. This is achieve by:

- Enhancing the feeling of legitimate ownership by reinforcing existing natural surveillance and natural access control strategies with additional symbolic or social ones;
- Design of space to allow for its continued use and intended purpose; and
- Use of landscaping and pavement finishes, art, signage, screening and fences to define and outline ownership of space.

Natural surveillance

Natural surveillance relates to keeping intruders under observation. Natural surveillance allows people to engage in their normal behaviour while providing maximum opportunities for observing the space around them. This is achieved by:

- Orienting buildings, windows, entrances and exits, car parks, rubbish bins, walkways · landscape trees and shrubs, in a manner that will not obstruct opportunities for surveillance of public spaces;
- The placement of persons or activities to maximise surveillance possibilities; and
- Provide lighting for night-time illumination of car parks, walkways, entrances, exits and related areas to promote a safe environment.

Access control

Access control relates to decreasing criminal accessibility. This is achieved by:

- Using footpaths, pavement, gates, lighting and landscaping to clearly guide the public to and from entrances and exists; and
- Using of gates, fences, walls, landscaping and lighting to prevent or discourage public access to or from dark or unmonitored areas.

Activity support

Activity support relates to the strategic placement of spaces that are aimed to generate activity through human contact. Specifically, it is where individuals can engage in an activity and becomes part of the natural surveillance system of the area. This is achieved by:

- Locating safe activities in areas that will discourage would be offenders;
- Locating activities that increase natural surveillance; and
- Locating activities that give the perception of safety for normal users, and the perception of risk for offenders.

Maintenance

Ongoing maintenance of landscaping, lighting treatment and other features allows for CPTED principles to be reinforced. Ongoing maintenance that reinforces territoriality, natural surveillance, access control and encourages greater activity contributes to minimising risk of offences occurring.

Given the above, this report is consistent in principle within the guidelines identified in the NSW Department of Urban Affairs and Planning, Crime prevention and the assessment of development applications: Guidelines under section 79C of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

5.10.2 Crime Trends

The NSW Bureau of Crime Statistics and Research (BOSCR) data was reviewed to understand the crime profile of Rouse Hill. Statistics were reviewed for the main types of crime, including assaults, thefts, robbery and homicide. Given the existing low population of Rouse Hill and the historic pattern of uses in the area, crime rates are extremely low in the Rouse and in many cases no statistics are available. This is not representative of the potential future crime profile that is likely to be generated from a dense urban residential population. At this stage though, the main types of crimes that occur in the area are thefts and malicious damage to property.

Therefore, in anticipation of the future population in the area potential crime mitigation measures are recommended below.

5.10.3 CPTED Design Measures

The recommended CPTED design measures for the proposal, applying to each building, include:

Pedestrian Access to building

- Main entry and exit from development will be from public domain areas, including new roads.
- It is understood that the main access entry points to all the buildings will be via security controlled system and are all clearly visible from the public domain.

Vehicular Access

- Vehicle access to all buildings is located on the northern boundary to each site/grouping of buildings based on car park configuration.
- It is understood that vehicular access to each site is to be to basement car parking will be via a security system.

Typical Floor

- All buildings have two cores each. Each core has no more than 8 units per accessing the each core.
- Lifts are accessible via a security system, potentially via swipe cards.

Landscaping and roof level

- A variety of planting species and features, for example pavers and low levels plants will be used to delineate the private and public spaces across the site.
- The proposal includes communal open space areas on the roof levels to each building. A landscape planter will form the parapet/balustrade type edge to the roof communal open space areas.

- The roof will be accessed via the separate lifts from each lift core for each building. Fire stairs are provided to each lift core.
- It is understood that the lifts will be accessible via a security controlled system.

5.11 Site Suitability

The proposed development is considered to be suitable for the site as a result of the following:

- The proposal is in close proximity to the future Metro Station at Cudgegong Road and the site is suitably sized site to successfully accommodate the proposal while meeting the relevant development controls;
- The proposal provides appropriate level of amenity across the site for future residents, including solar access and cross ventilation to individual dwellings; and
- Provides landscaping contributing to the residential amenity of the development.

5.12 Public Interest

The proposed development is considered to be within the public interest as a result of the following:

- The proposal does not adversely impact the amenity of the public domain;
- The proposal offers more intense residential development near major public transport infrastructure; and
- Will contribute to increased housing choice in the area.

6 Conclusion

The proposed development is a high quality design for the area that is in close proximity to the new Metro Station at Cudgegong Road and the future desired centre at Cudgegong Road.

The proposal does not generate an adverse environmental impact on adjoining properties in regard to solar access and traffic generation. The proposal, through sensitive architectural measures achieves a design that includes a variety of materials and articulation that reduces the perceived bulk of the development. Further, the proposal complies with relevant setbacks and provides a clear definition to the street at ground level. The proposal includes extensive landscaping on the ground level that also clearly defines the private and public domain.

Moreover, the proposed exceedance in the maximum building height development standard is considered to generate a relatively minor material impact. The structures above the roof are considered to be necessary for the successful functioning of the proposal. As such, compliance with the development standard is considered to be unnecessary. Therefore, it is recommended that Council consent to the variation.

Finally, the proposed development is considered to be a high quality outcome for the site and of a rational and orderly development. Therefore, we request that the proposed development be granted development approval.