

Assessment report to Sydney Central City Planning Panel

Panel reference: 2018CCI005

Development application

| | | | |
|-----------------------------|--|------------------------------|-------------------|
| DA number | SPP-18-01550 | Date of lodgement | 11 September 2018 |
| Applicant | Sutherland and Associates Planning Pty Ltd | | |
| Owner | Tian Tong (Australia) Pty Ltd | | |
| Proposed development | Detailed Phase 3 proposal in the Concept Plan approval for JRPP-15-02701 for 2 x 4 storey residential flat buildings comprising 163 apartment units with basement parking, associated landscaping and stormwater works | | |
| Street address | 96 Cudgegong Road and 88 – 104 Rouse Road, Rouse Hill | | |
| Notification period | 22 January to 5 February 2020 | Number of submissions | None |

Assessment

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| Panel criteria Section 7, SEPP (State and Regional Development) 2011 | <ul style="list-style-type: none"> Capital investment value (CIV) over \$30 million (DA has a CIV of \$44.6 million). |
| Relevant section 4.15(1)(a) matters | <ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy No. 55 – Remediation of Land Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Blacktown City Council Growth Centre Precincts Development Control Plan 2010 Central City District Plan 2018 Blacktown Local Strategic Planning Statement 2020 |
| Report prepared by | Bertha Gunawan - Assistant Coordinator Planning Assessment |
| Report date | 17 November 2020 |
| Recommendation | Approve as a deferred commencement consent subject to the conditions listed in attachment 10. |

Attachments

- Location map
- Aerial image
- Zoning and height of buildings map
- Detailed information about proposal and DA submission material

- 5 Concept Plan approved plans (as modified)
- 6 Development Application plans
- 7 Assessment against planning controls
- 8 Applicant's Clause 4.6 request to vary height of buildings
- 9 Council assessment of Clause 4.6 request to vary height of buildings development standard
- 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

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

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

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

Conditions

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

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1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
 - The proposed buildings exceed the maximum permitted 12 m height. The non-compliances were approved under the Concept Plan and are acceptable as detailed at attachment 9.
 - The proposal is not consistent with the Area 20 Precinct Indicative Layout Plan for new public roads. However, this variation was also already approved in the Concept Plan.
 - The proposal provides reduced dimensions (less than 6 m) for some deep soil planting areas within the site. However, suitable landscaping is proposed to meet the objectives for deep soil zones and hence the proposal is considered satisfactory in the circumstances.
 - The proposed buildings provide only 5 m setbacks to the new northern, eastern and western local roads. The roads fronting this development were originally only required to be 16 m wide under the original Growth Centre Precincts Development Control Plan (DCP). Council initiated a road width amendment to 18 m, but gave concessions to residential flat building (RFB) developments already submitted in the Growth Centre Precincts, to provide only a 5 m setback to a local road. For consistency this is considered acceptable.
 - All trees on this (Phase 3) site have been removed as part of the works undertaken for the approved Concept Plan JRPP-15-02701. New trees including street trees are proposed in this application. A consent condition will be imposed for on-site replacement landscape planting that complements remnant native vegetation.
 - A temporary stormwater detention system and associated infrastructure is currently located on the subject site to service Phase 1 and 2 developments on the broader site. This will need to be decommissioned to Council's satisfaction first and the site connected to the downstream Council drainage channel before any building Construction Certificates can be issued for construction on this Phase 3 site. A deferred commencement condition will be imposed to this effect.
 - New local roads that bound the eastern, western and northern boundaries of the site must be constructed prior to building work on the Phase 3 RFBs. Those roads will be delivered under the recently approved SPP-17-00027 which was for the Phase 2 detailed proposal on the subject site. Relevant consent conditions will be imposed to ensure these roads are constructed and dedicated to Council prior to the issue of the Building Construction Certificate for this Phase 3 development.
 - The minimum natural cross ventilation requirement of the ADG is achieved by relying on rooftop ventilation skylights in 12 of the proposed units. This form of ventilation is a satisfactory alternative according to the ADG objectives.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The application is therefore 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 approve the application subject to the recommended conditions listed in attachment 10.

2 Location

- 2.1 The site is located in Rouse Hill and is in the Cudgegong Road (Area 20) Precinct in the North West Growth Area as identified by State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The area is undergoing major transformation from rural residential development, to medium to high density residential development.
- 2.2 The location of the site is shown in attachment 1.
- 2.3 The Rouse Hill Anglican College and associated playing field are to the north-east and north of the site. The land to the east contains an existing single storey dwelling with scattered trees.
- 2.4 The land immediately to the west and north of this site is zoned R2 Low Density Residential with a building height limit of 8.5 m. The land immediately to the east is zoned R2 Low Density Residential and R3 Medium Density Residential, with a building height limit of 12 m. The land to the south across Rouse Road is also zoned R3 Medium Density Residential with a building height limit of 16 m and has development currently underway for a mix of townhouse style dwellings and residential flat buildings.
- 2.5 The land to the south-east at 91 Rouse Road, Rouse Hill contains a single detached dwelling on a large lot and will eventually be acquired to form part of a large area of land zoned RE1 Public Recreation and SP2 Infrastructure Drainage.
- 2.6 Land to the south-west is Cudgegong Reserve zoned E2 Environmental Conservation and contains Shale Plains Woodland trees. Electricity transmission lines are located on the land to the west on the opposite side of Cudgegong Road.
- 2.7 The site is located approximately 740 m to the north of the Tallawong Metro Station, 400 m to the north of the future Cudgegong Local Centre and approximately 2.2 km to the north-west of the Rouse Hill Town Centre.

3 Site description

- 3.1 The overall 'mother' site comprises 3 lots and is legally described as Lots 1 and 2 in DP 540894 and Lot 114 in DP 208203. The site is known as 96 Cudgegong Road and 88 and 104 Rouse Road, Rouse Hill.
- 3.2 The site has an area of 60,710 m² and is an irregular shape with a fall of approximately 12.5 m from the north-western corner to the south-eastern corner. Site preparation works are currently being undertaken on the site, including a temporary detention basin in accordance with JRPP-16-00001.
- 3.3 The whole site contains 900 trees, with the majority of the trees located on the eastern and northern parts of the site.
- 3.4 The land the subject of this Phase 3 application of the Concept Plan approved under JRPP-15-02701 relates to the south-eastern part the site and which was subdivided off to create Lot 22 in the Phase 2 DA SPP-18-00027. The proposed development of Lot 22 has an area of 9,640 m².
- 3.5 An aerial image of the site and surrounding area is at attachment 2.

4 Background

4.1 Zoning

- 4.1.1 On 21 October 2011, the site was rezoned to R3 Medium Density Residential under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The zoning and height of buildings plan for the site and surrounds is at

attachment 3. The site was previously zoned 1(a) General Rural under Blacktown Local Environmental Plan 1988.

4.2 Approved development consents

4.2.1 On 13 February 2017, the Sydney Planning Panel approved the JRPP-15-02701 Concept Plan under section 4.22 of the Environmental Planning and Assessment Act 1979 for the building envelopes of 9 x 4 storey residential flat building containing 691 apartments, a future local park with an area of 5,725 m², total gross floor area of 71,397 m² (floor space ratio of 1.175:1) and associated new public road layouts.

4.2.2 The Concept Plan initially approved a building height of 15.42 m, being a variation of up to 3.4 m or 28.3% above the permitted building height of 12 m. The variation was supported for the following reasons:

- The entire site has a 12.6 m fall from the north-west corner to the south-east corner. The road levels are required to be designed to match the existing road levels of Rouse Road and Cudgegong Road. Given the need to create level building platforms and the steep topography of the land, elements of the buildings do exceed the maximum height limit prescribed by the Growth Centres SEPP. Elements of the parapet are also below the building height limit by up to 1.1 m. Where possible the applicant has stepped the buildings mid-width, but this has been limited by core placements and accessibility needs. However, additional stepping in the buildings would result in the introduction of internal corridor stairs, with an unnecessary adverse impact on apartment accessibility. In addition, the stepping of buildings could result in subterranean apartments, which have an undesirable amenity outcome for future residents and negative aesthetic impact on the streetscape.
- The portions of the roof structures that exceed the height limit do not result in excessive bulk and scale and do not result in adverse shadow and amenity impacts on surrounding properties, including Rouse Hill Estate (a State heritage item). Also, the additional height will not result in any additional yield and will not result in an additional storey, as the height variation is offset throughout the development.
- While the lift overruns for buildings exceed the maximum height limit by up to 28.3%, the variation is considered acceptable as the lift overruns are contained within the central areas of the roof levels, representing only point encroachments into the height plane. As a result, they are not visible from the street and will not result in additional overshadowing to adjoining properties as shadows will be fully contained within the roof area.
- Given that the additional height did not result in any commercial gain for the developer (in terms of yield or number of storeys) and will result in a better designed building, it was considered that the variation to the height standard was worthy of support and the Panel agreed with this.

4.2.3 The approved building envelopes are shown in the following figures:

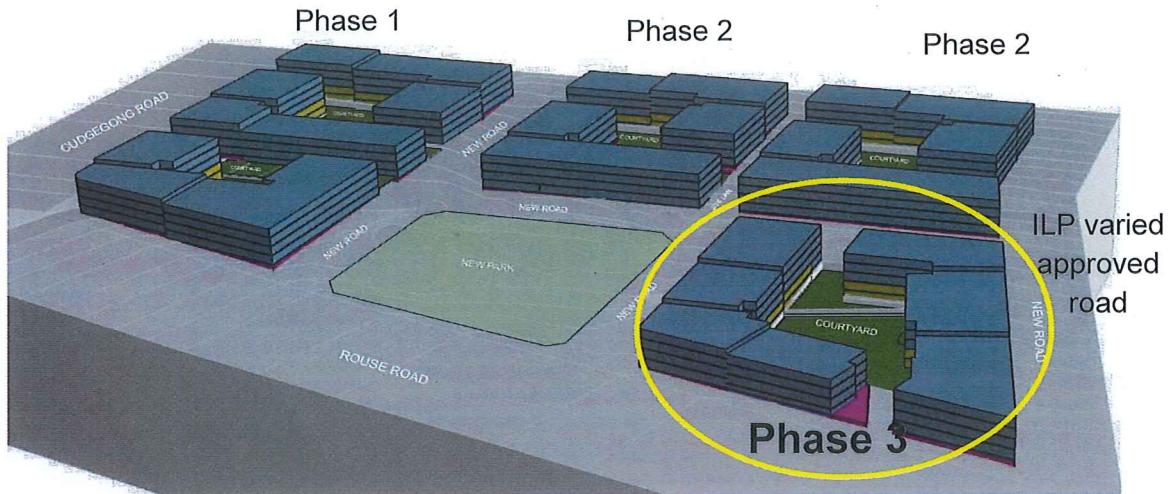
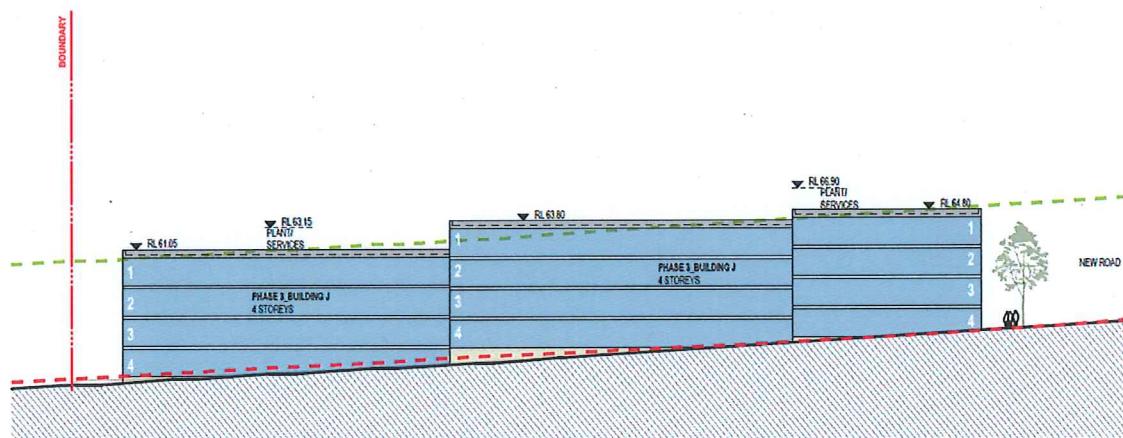


Figure 1: Extract of an isometric site plan showing the building envelopes approved in the Concept Plan (JRPP-15-02701).



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ENVELOPE ELEVATION DIAGRAM_EAST
1:500

Figure 2: Extract from a section plan for the Phase 1 component of the approved Concept Plan (JRPP-15-02701). The approved building envelope is shown in blue. The 12 m building height limit is identified by the green dashed line. The majority of the buildings are generally consistent with the 12 m building height limit, with the exception of rooftop plant and equipment.

4.2.4 The Concept Plan also approved a variation to the road pattern under the Area 20 Indicative Layout Plan. The variation provides a simplified road pattern and improved permeability throughout the site. Most notably, a new local road is added to the eastern side of the Phase 3 block.

4.2.5 On April 2018 we approved a Modification Application to the Concept Plan (MOD-17-00493) which was required to address the inconsistencies with construction levels between this site, the new public road along the northern boundary and the adjoining site to the north. This amendment also sought to increase the building envelopes and building heights of the buildings at the northern portion of the site (Phase 2 development) to a new height of 16.3 m, to improve the relationship of the ground floor apartments adjacent to the new levels of the northern road. This MOD did not alter the approved Concept Plan height for the RFBs proposed under this Phase 3 development. The approved concept maximum height for this application is 15.42 m, being a variation of up to 3.4 m or 28.3% above the permitted building height of 12 m.

4.2.6 The approved concept plans (as modified) are at attachment 5 and are shown in the figure below.

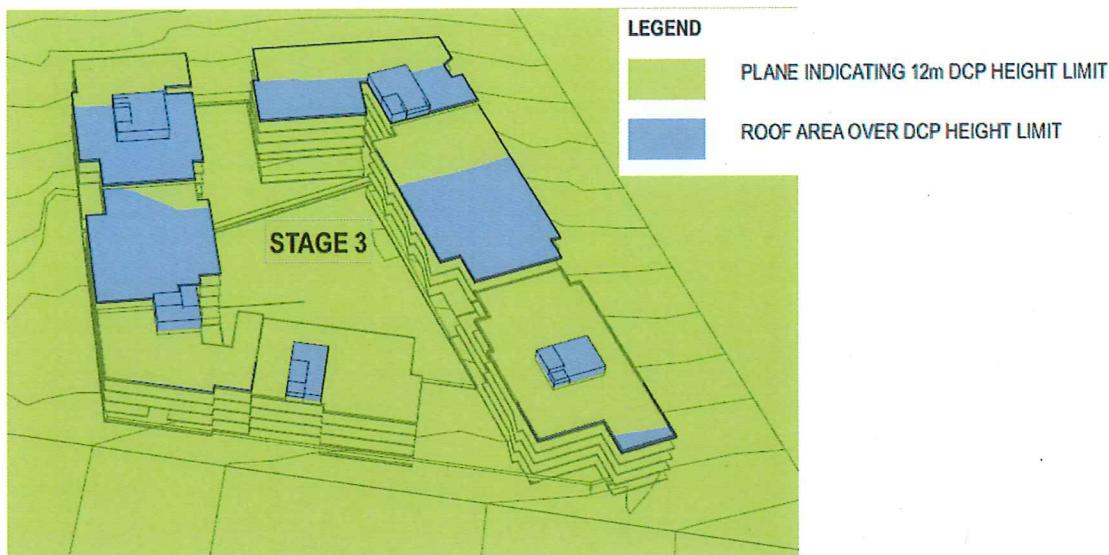


Figure 3: Extract from Height Plane Diagram demonstrating the approved Concept Plan (JRPP-15-02701 as modified in MOD-17-00493) for the Phase 3 buildings the subject of this DA. The parts of the buildings which exceed the 12 m building height limit are shown in blue. Rooftop plant and equipment exceeds the height limit by up to 3.4 m.

4.2.7 On 9 October 2018, JRPP-16-00001 was approved for the Phase 1 works comprising subdivision of the site into 1 development lot, 1 residue lot, 1 lot for new public roads, and 1 lot for road widening, removal of trees and staged construction of 3 residential flat buildings comprising 243 apartments, 309 basement car parking spaces, construction of new public roads and associated stormwater drainage works and landscaping. This development is currently under construction.

4.2.8 On 27 August 2020, SPP-17-00027 was approved for the Phase 2 component of the Concept Plan for 4 residential flat buildings comprising 285 apartments and associated new public roads on the northern portion of the site. This approval included the road and drainage scope of works for Phases 2 and 3 (these components have since been deleted from this subject Phase 3 DA). This application also created Lot 22 which is the subject site of this Phase 3 proposal, including the public roads and Lot 23 for a future park (as a residue lot).

4.2.9 On 3 July 2018, the applicant advised our Property and Section 7.11 officers that its intention is that this final Phase 3 approval includes the embellishment and delivery of Reserve 940 to Council in lieu of their Section 7.11 contributions to the value of the land and embellishment works (comprising local playground, picnic area, seating area, pathways, boundary fencing and landscaping works). The applicant states that it intends to submit an offer to enter into a planning agreement to achieve this outcome. This has not been received to date.

4.2.10 The applicant is not required to construct the park, as the acquisition of this park and its embellishment as a 5,725 m² local park (including playground and landscaping) are Section 7.11 items in Contributions Plan No. 22 Rouse Hill (Land) and Contributions Plan No. 22 Rouse Hill (Works). In addition, the concept approval does not require the applicant to provide this park.

4.2.11 Within the scope of this DA, the applicant does not propose to construct and dedicate the park to Council. The subdivision of land for this park was approved under SPP-17-00027. Should the applicant lodge a separate DA for the design,

embellishment and dedication of the park, it may have the opportunity to offset these works against the section 7.11 monetary contributions generated as a result of the DAs for the Phase 2 and/or Phase 3 works.

4.3 Current Development Application

- 4.3.1 On 7 September 2018, the applicant lodged this application (SPP-18-01550) for Phase 3 of the Concept Plan, for residential flat buildings comprising 163 apartments. This results in a total of 691 apartments across the entire Concept Plan site, which complies with the maximum density approved in the Concept Plan. The design and dedication of the future park will be the subject of a separate DA if it is to be delivered by the proponent and not Council.
- 4.3.2 On 2 October 2018, the applicant was advised that the application comprised an inadequate waste collection arrangement that was not supported.
- 4.3.3 On 8 September 2020, the applicant submitted amended plans revising the waste collection arrangement to be provided at the basement level. This ensures that all waste bins are stored in an efficient manner at the same level as the loading bay. The applicant also submitted amended plans revising the civil drawings, which now exclude the surrounding road construction and drainage works which had been covered in SPP-17-00027. These amended plans are now satisfactory and so these amended plans form the basis of the assessment in this report.

5 The proposal

- 5.1 The latest amended plan for this DA was lodged by Sutherland and Associates Planning Pty Ltd for:
 - construction of 2 x 4 storey residential flat buildings consisting of 163 apartments and 202 basement car parking spaces
 - associated ground level communal open space areas, landscaping and stormwater drainage works.
- 5.2 The works are sought to be undertaken following the cessation of the temporary stormwater detention basin, which currently caters for stormwater detention for the Phase 1 and Phase 2 components of the site. This temporary stormwater basin system will be decommissioned when the regional basins located to the east and south of the site have been constructed and become operational.
- 5.3 The maximum permitted building height is 12 m. However, the site benefits from a Concept Plan approval (JRPP-15-02701 as modified) which permits a maximum building height of 15.4 m for this Phase 3 part of the site, as explained in Section 4.2.2 above and demonstrated at attachment 5. The maximum breach to this development standard is 3.4 m or 28.3%. The applicant has submitted a request to vary this development standard under Clause 4.6 of the Growth Centres SEPP, which is discussed in Section 7 below.
- 5.4 The DA is consistent with the Concept Plan approved on this site (JRPP-15-02701 as modified).
- 5.5 Refer to attachment 4 for further details about the proposal with regard to the Clause 4.6 request to exceed the development standard for height of buildings, as well as discussion relating to the scope and timing of this Development Application, dwelling mix, setbacks, deep soil areas, design verification, access and parking, waste servicing, removal of trees and vegetation, landscaping, open space areas, the future local park and bushfire management matters.
- 5.6 Refer to attachment 6 for a copy of the development plans.

6 Assessment against planning controls

6.1 A full assessment of the DA against relevant section 4.15(1)(a) matters is provided at attachment 7.

7 Key issues

7.1 The proposed buildings exceed the maximum permitted building height

7.1.1 The proposal seeks to vary the building height by up to 3.4 m above the permissible height limit of 12 m, being a variation of 28.3%.

7.1.2 The applicant has submitted a written Clause 4.6 request (see attachment 8) to justify that compliance with the height of buildings development standard is unreasonable and unnecessary in the circumstances of the case and that consistency with the already approved Concept Plan will result in a much better planning outcome. The applicant's justification for contravening the development standard on environmental planning grounds is:

- The proposed distribution of built form and massing of the development is based on a conventional perimeter block form with a central common open space area in Phase 3. There are breaks between the buildings which surround the courtyard to provide visual permeability and the internal courtyard is generous in size and receives quality sunlight to ensure that it provides a sanctuary within Phase 3.
- The distribution of built form and scale is the result of a desire to achieve a 4 storey development, as envisaged by the 12 m height control, which also properly deals with the significant change in level across the site, to ensure that all edges of the buildings at the ground floor, both to the internal courtyard and external streets, are properly activated.
- There are some minor height variations as a result of the steep fall of the site and the desire to provide a parapet to the buildings. However, these are minor and the development provides a 4 storey scale to all streets as envisaged by the controls for the site.
- Compliance with the height control could only be achieved with either further excavation into the site, which would result in subterranean apartments with compromised amenity, or with significantly more stepping of the buildings which is impractical and compromises disabled access in the development. The proposed variation to the height control allows for a sensible approach towards the topography of the site, which achieves the envisaged scale of development and without any adverse impact in comparison to strict compliance with the height control.

7.1.3 Our assessment of the adequacy of the request to vary the development standard is provided at attachment 9 and identifies that there are sufficient environmental planning grounds to justify varying the development standard because we consider that the variation will not have unreasonable impacts on the neighbouring properties or the character of the area.

7.1.4 The proposed building height ranges from 10 m to 15.4 m, but still only presents as 4 storeys in each building, which is consistent with the approved Concept Plan (as modified). The majority of the height breach is only point encroachments due to plant and equipment being provided on the rooftops.

7.1.5 Given that the development is underpinned by the Concept Plan approval which enforces the maximum 4 storey scale of each building over the entire site, there is certainty that the proposed development on this site will achieve a much better

planning outcome. This is because the proposal is unique due to the size of the land and the scale of the Concept Plan, which generates a carefully considered development with a high level of amenity on a site with substantial topographical changes.

7.1.6 The Clause 4.6 variation request is considered reasonable and well founded in this particular circumstance and is recommended for support, to allow flexibility in the application of the development standard.

7.2 The proposal is not consistent with the Area 20 Precinct Indicative Layout Plan for new public roads

7.2.1 The Concept Plan also approved a variation to the ILP that provides a simplified road pattern and improved permeability throughout the site. Most notably, a new local road is added to the eastern side of the Phase 3 block. The diagram below demonstrates the approved Concept Plan road layouts in purple, laid over the ILP road pattern as shown in dashed lines.



7.2.2 The proposed roads are consistent with the Concept Plan approval (JRPP-15-02701 as modified) and do not compromise the delivery of the overall road network or the adjoining future public park.

7.2.3 No objection is raised by our Access and Transport Management, Engineering or Waste sections. Therefore, the road pattern variations are acceptable in this instance.

7.3 The proposal provides reduced dimensions for some deep soil planting areas

7.3.1 The proposed development provides deep soil areas in the street setback areas with a dimension of only 5 m, whereas 6 m is required under Part 3E Deep Soil Zones of the Apartment Design Guide.

7.3.2 The reduced width of the deep soil planting areas is supported as the applicant is still able to demonstrate that the landscaping satisfies the Apartment Design Guide objectives for deep soil zones, as areas are provided which allow for and support healthy plant and tree growth, improve residential amenity and promote the management of water and air quality.

7.3.3 It is also noted that the proposal is consistent with the Concept Plan (JRPP-15-02701) approval which permits a 5 m basement and building setback to the new local roads to the north, east and west.

7.3.4 The ADG minimum required deep soil area is 7%. The proposal only provides 6% of the site area but it achieves the minimum 6 m dimension. A total of 14% deep soil area is provided if the deep soil areas on the 5 m street setbacks are included.

7.4 The proposed buildings do not satisfy the new minimum required setback to the new northern, eastern and western local roads

7.4.1 The Concept Plan (JRPP-15-02701) was lodged on 17 December 2015 and approved on 13 February 2017. The approval permitted the buildings to have a setback to the new local roads to the north, east and west of the Phase 3 site of 5 m. This reduced setback was supported in-principle as part of the Concept Plan as we required that the then applicable 16 m wide road reserves be increased to 18 m to allow for 2 travel lanes and 2 lanes of street parking. The pre-lodgement meeting and DA lodgement occurred before the exhibition of the road width changes under the Development Control Plan, and so the increase in road widths was done at our request but without an ability to legally enforce this.

7.4.2 The increase in the road width was considered beneficial to the local community, and so, as an offset to developers at that time, we permitted the building setback distance to be reduced from 6 m to 5 m.

7.4.3 The proposed 5 m setback is consistent with the building envelope in the Concept Plan and is supported as the proposal establishes a high-quality residential environment. All dwellings will have a good level of amenity, sufficient perimeter deep soil area will be provided that allows for substantial planting, and the building façades demonstrate a balanced composition of elements. A range of building materials, colours and textures will be used, which is consistent with the desired future character of this precinct.

7.5 The removal of all trees on the Phase 3 site

7.5.1 Under the Concept Approval JRPP-15-02701, a total of 900 trees on the 'mother' site were approved for removal by the Sydney Planning Panel at the time, with the exception of 27 trees located on the future local park on residue Lot 23 under SPP-17-00027. The retention of these trees in the future local park is a positive outcome because it will allow the park to achieve an immediately completed appearance without the need to wait for new landscaping to mature. The remaining trees outside the park site have now been removed as part of Phase 1 and Phase 2 works on the site.

7.5.2 The proposed Phase 3 development includes communal open spaces, landscaped and deep soil areas, as well as street trees. Approximately 49 trees are proposed on the site in addition to 50 street trees around the site's perimeter and a 200 m² raingarden at the south-eastern corner of the site.

7.5.3 The proposal is considered to have adequate regard to the previous vegetated nature of the site. It is recommended that 50% of the proposed new trees are of species that compliment remnant native vegetation.

7.6 Timing of streets and Phase 3 development construction

7.6.1 New local roads bordering the site to the western, northern and eastern boundaries will be completed in the Phase 2 development (SPP-17-00027). These roads must be completed prior to the issue of the building Construction Certificate for the Phase 3 development.

- 7.6.2 As the temporary basin servicing the Phase 1 and 2 developments is located on the Phase 3 site, this basin can only be decommissioned when the regional basins located to the east and south of the site have been constructed and become operational, including the drainage channel that this Phase 3 site must connect into.
- 7.6.3 The decommissioning of the temporary basins, and the timing and prerequisites are included as a deferred commencement condition in attachment 10. Matters relating to the local road completion will also be addressed in the consent as a pre Construction Certificate condition.

7.7 Natural cross ventilation is achieved by relying on rooftop ventilation skylights

- 7.7.1 To achieve natural cross ventilation to at least 60% of the total of 163 apartments, as required by Part 4B Natural Ventilation of the ADG, the applicant proposed that 12 apartments rely on rooftop ventilating skylights, being 7% of the apartments, resulting in a total of 64% apartments being cross ventilated.
- 7.7.2 The overall development is considered to achieve a suitable level of amenity through natural cross ventilation, subject to this alternate technique which, according to Objective 4B-2 of the ADG, is acceptable.

8 Issues raised by the public

- 8.1 The DA was notified to property owners and occupiers in the locality between 22 January and 5 February 2020. It was also advertised in the local newspapers and a sign was erected on the site.
- 8.2 No submissions were received.
- 8.3 The final amended plans received on 8 September 2020 relocate the main driveway access, still accessing from new Road No. 1, but further east towards Rouse Road near the intersection. This results in the reconfiguration of the basement level for waste collection and the relocation of 2 units to make way for adequate waste vehicle access requirements.
- 8.4 The proposed plan modifications are improvements to the proposal, without external changes to window locations, overall building density and height. Given this, renotification of the current amended plans was considered unnecessary.

9 External referrals

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

| Authority | Comments |
|-----------------------------|---|
| NSW Rural Fire Service | Acceptable, subject to General Terms of Approval requiring the vegetation in the site's future local park to be managed as an outer protection area. RFS' response is deemed a Bush Fire Safety Authority as required under Section 100B of the Rural Fires Act 1997. |
| Roads and Maritime Services | Acceptable subject to conditions |
| NSW Police | Acceptable subject to conditions |

10 Internal referrals

10.1 The DA was referred to the following internal sections of Council for comments or conditions:

| Section | Comments |
|----------------------|--|
| Waste | Acceptable subject to conditions |
| Engineering | Acceptable subject to deferred commencement conditions |
| Traffic | Acceptable subject to conditions |
| Building | Acceptable subject to conditions |
| City Architect | Acceptable subject to conditions |
| Environmental Health | Acceptable subject to conditions |

11 Conclusion

11.1 The DA has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development, subject to conditions.

12 Recommendation

- 1 Uphold the applicant's Clause 4.6 written request to vary the height of buildings development standard in Clause 4.3 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006, for the following reasons:
 - a The proposal is compatible with the emerging scale of development in the locality and will be generally consistent with the scale of buildings approved within the Concept Plan under JRPP-15-02701.
 - b Given the greenfield context of the site, the topography of the land must be considered. As site benching and earthworks are required to meet civil grades and construction of the surrounding road network, strict compliance would be unreasonable in the circumstances.
 - c The proposed areas that exceed the height limit do not result in excessive bulk and scale or amenity impacts and are central to the site. Despite the height exceedance, the proposal provides a development that is compatible with the desired future character of the Area 20 Precinct.
- 2 Approve SPP-18-01550 for the reasons listed below and subject to the deferred commencement conditions listed at attachment 10.
 - a The proposal results in an appropriate scale of development for the site and satisfactorily complies with the relevant provisions of the applicable planning controls.
 - b The proposed development does not create unreasonable environmental impacts to existing or future potential adjoining developments with regard to visual bulk, overshadowing, solar access, amenity or privacy impacts.
 - c The site is considered suitable for the proposed development.

d The proposal is in the public interest.

3 The applicant be notified of the Planning Panel's decision.



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Judith Portelli
Manager Development Assessment



Glennys James PSM
Director Planning and Development