

Detailed information about proposal and DA submission material

1 Overview

- 1.1 This Development Application has been lodged by Design Cubicle on behalf of Tilrox Pty Ltd for works at 12 Sunnyside Road, Kings Langley. The application includes:
- works required under the Voluntary Planning Agreement (VPA) on the subject site for realignment of the existing creek on the site and other matters
 - construction of 2 x 5 storey residential flat buildings with 178 residential apartments over 2 levels of basement car parking.

2 Works required under the VPA

- 2.1 The applicant proposes to undertake the works required under the VPA associated with the rezoning of the land, including:
- design, construction and landscaping of the realignment of the existing creek in line with the new SP2 Drainage zone and a proposed Landscaping Plan at Schedule 3 of the VPA, and to Council's approved design and specification as part of the Development Application process (within the SP2 zoned land)
 - design and construction of the unformed part of Evan Place to Council's design and specification
 - dedication of land to Council for the creek, the unformed part of Evan Place and the part of the land zoned RE1 Public Recreation.
- 2.2 Realignment of the existing creek creates a new drainage corridor designed to cope with a 1 in 100 year flood event. The applicant has submitted a Flood Study report with the application, to determine the flood level across the site, design the new location and characteristic of the new watercourse, and ensure that the realignment of the creek and future development will not increase flooding on adjoining properties or sports fields.
- 2.3 The realigned creek will include a 10 m landscaped buffer from the top of bank either side of the creek. The 10 m setback on the northern side of the creek will be located in the zoned drainage corridor, whilst the 10 m setback on the southern side of the creek will form part of the R4 zoned land once the zoning anomaly is rectified. The southern setback will not be developable and will form part of a permanent landscaped setback to the creek and to the proposed residential buildings to the south of the subject site.
- 2.4 The 10 m buffer on the southern side of the creek is to be landscaped and maintained by the applicant in perpetuity as the required setback of the proposed development on the R4 zoned land. This will be a condition of consent. The applicant has submitted a detailed landscape plan that relates to the embellishments proposed for the riparian corridor and SP2 zoned land, centred around the creek design.

3 Staging the works and subdivision component

- 3.1 The creek and road works required under the VPA will need to be completed prior to the issue of any Building Construction Certificate for the residential flat buildings on the R4 zoned land to the south of the site. However, to ensure that building works do not impact on the adjoining landscaped buffer, a condition will be imposed on the consent requiring the staging of the landscaping works in the 10 m riparian corridor on the southern side of

the creek and adjoining the buildings. This condition requires the applicant to amend the landscaping layout to show development in 2 stages:

- Stage 1 will be the landscaping of all of the Evan Place frontage for street tree planting, the RE1 land, the SP2 land and the first 5 m of the 10 m wide riparian corridor
 - Stage 2 will be the landscaping of the remaining 5 m of the 10 m wide riparian corridor adjoining the building works.
- 3.2 Council requires a minimum of 3 years maintenance period after practical completion of the civil works associated with the creek realignment and Stage 1 of the landscape works and planting within the SP2 creek, RE1 land and riparian area.
- 3.3 Upon completion of the 3-year maintenance period (to Council's satisfaction), the applicant will be required to subdivide the land to dedicate the RE1 and SP2 zoned land as required under the VPA. The subdivision of the site will create the following lots:
- Lot 1:
R2 Low Density Residential zoned land including half width construction of Evan Place (to the north of the site)
 - Lot 2:
RE1 zoned land for Public Open Space (in the north-western corner of the site)
 - Lot 3:
SP2 Drainage zoned land, including the realigned creek and 10 m wide riparian corridor to the north of the existing creek alignment
 - Lot 4:
Once the zoning anomaly is rectified: R4 High Density Residential zoned land, including 10 m wide riparian corridor to the south of the creek and 2 × 5 storey residential flat buildings along Vardys Road (to the south of the site).

4 Residential component

- 4.1 The applicant proposes the construction of 2 × 5 storey residential flat buildings with 178 residential apartments over 2 levels of basement car parking containing 255 car parking spaces within proposed Lot 4.
- 4.2 The 178 units include a mix of:
- 2 x studio units (1.1 %)
 - 21 x 1 bedroom units (11.8%)
 - 145 x 2 bedroom units (81.5%)
 - 10 x 3 bedroom units (5.6%).
- 4.3 Included in the 178 apartments will be 18 (10%) adaptable dwellings with 18 associated accessible parking spaces.
- 4.4 The 255 car parking spaces within 2 basement levels are made up of:
- Basement Level 1 (upper basement level):
111 parking spaces with 39 residential spaces, including 11 accessible spaces and 72 visitor spaces
 - Basement Level 2 (lower basement level):
145 residential spaces, including 7 accessible car parking spaces.

- 4.5 The development also provides a total of 60 bicycle parking spaces within the basement levels.
- 4.6 The proposed built form for the residential apartment development consists of 2 separate blocks of apartment buildings (Buildings A and B). Each building is designed in a U-shaped configuration fronting Vardys Road, with a communal open space area and internal walkway located between the buildings on the ground floor.
- 4.7 There is no connection from the development to Evan Place, with the SP2 land and landscaping works providing an approximate 50 m separation from the proposed buildings. The access to the residential buildings is restricted to Vardys Road via a new double width left in-left out vehicle crossover situated towards the central portion of the site, providing vehicular access to the site and basement level.
- 4.8 A Design Verification Statement prepared by registered architect Sam Min-Han Lu, nominated architect No. 8842, has been prepared for the development, in line with the requirements of State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development.

5 Height and scale of the buildings

- 5.1 The proposed 5 storey residential flat buildings will exceed the maximum permitted building height of 16 m by up to 5.6 m to the top of the lift overrun.
- 5.2 The portions of the roofline and some minor habitable room area that will exceed the height plane are mainly in Building A and within the northern portion of the building. The areas of height exceedance are the result of the site's topography and filling in of the existing creek, as well as responding to the flood affectation of the site, which will necessitate the finished floor level of the ground floor to be at the dam break flood levels (in the unlikely event of this occurring as outlined in the Dam Break Flood Study).
- 5.3 It is noted that the part of the site that is most visually prominent, as viewed from Vardys Road, is generally consistent with the height limit. The area of the exceedance, including the lift overruns, staircase and the minor habitable spaces, is intended to face to the creek and what will be a densely vegetated riparian zone to the north and west of the site. This will assist with lessening the visual impact of the point encroachment height exceedances.

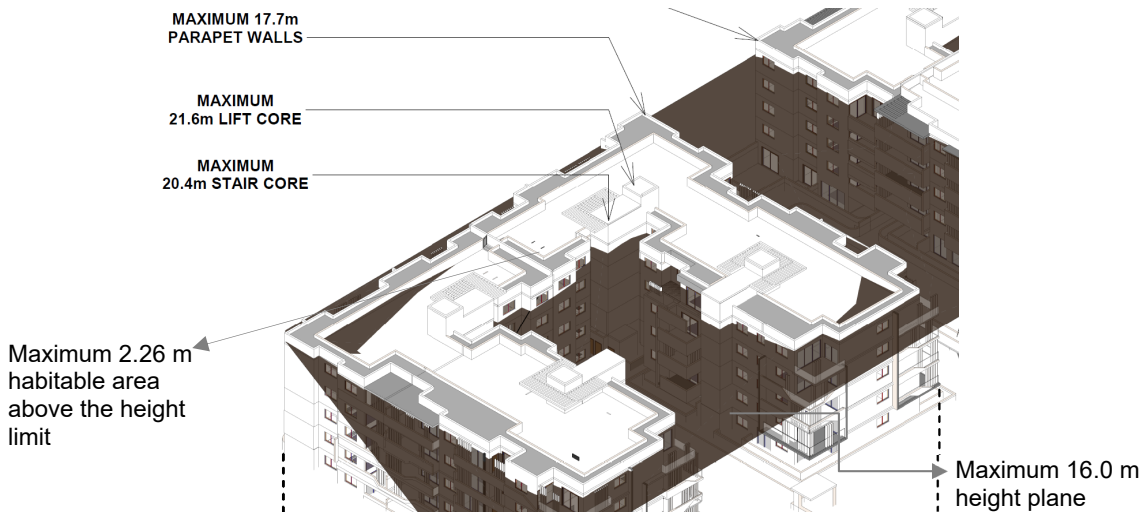
5.4 Building A

- 5.4.1 Only parts of the roofline, elements of the parapets, fire stairs and the lift overrun exceed the maximum permitted building height. The maximum extent of variation in Building A is as follows:

- 17.7 m to the parapet walls
- 21.6 m to the lift overrun (35% departure), providing access to the rooftop
- 20.4 m to the stair core.

The habitable space above the height limit in Building A will range from 0.199 m (covering 72.4% of Level 4) to 2.26 m (covering only 0.5% of Level 4). The maximum height exceedance of 2.26 m relates only to the roofline of Unit A410's bathroom at the top floor level of the building.

3D Height Plane Building A



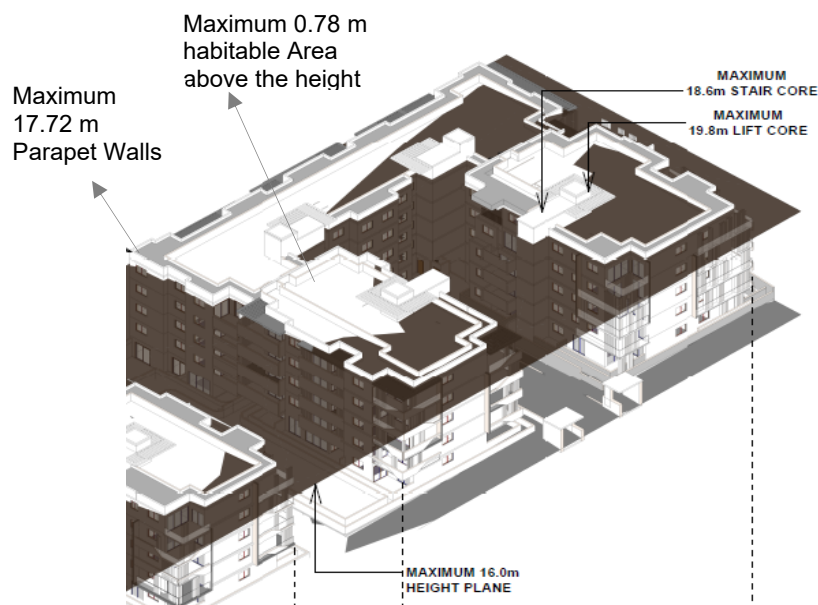
5.5 Building B

5.5.1 Only parts of the roofline, elements of the parapets, fire stairs and the lift overrun exceed the maximum permitted building height. The maximum extent of variation in Building B is as follows:

- 17.72 m (10.75% departure) to the parapet walls
- 19.8 m to the lift overrun (23.75% departure), providing access to the rooftop
- 18.6 m to the stair core.

The habitable space above the height limit in Building B will range from 0.199 m (covering 25.1% of Level 4) to 0.78 m (covering only 1.1% of Level 4). The maximum height exceedance of 0.78 m relates only to the roofline of Unit B404's bathroom at the top floor level of the building.

3D Height Plane Building B



- 5.6 These height exceedances are addressed in detail in Key Issues in the report and at attachment 9 under the Clause 4.6 assessment.

6 Setbacks

- 6.1 The proposal provides a minimum 6 m front setback from Vardys Road to those parts of the building that extend towards Vardys Road. This represents a departure of 3 m to the 9 m front setback requirement under Blacktown Development Control Plan 2015 (BDCP). There are substantial parts of the buildings that are significantly greater than the 6 m control (approximately 18 m) due to the 'in and out' shape of the building and significant breaks between the buildings.
- 6.2 The site adjoins public reserve zoned land to its eastern boundary. The applicant seeks to vary the side setback requirement of 6 m under BDCP so that balconies facing the eastern boundary of the site on Levels 1 to 4 have a setback of only 3 m to the eastern boundary.
- 6.3 The proposed building also provides a 4 m side setback to the eastern boundary on the ground and basement levels, with the Private Open Space of the ground floor apartments located within the 4 m setback.
- 6.4 The variation to the front and side setbacks are addressed in detail in Section 7.5 of the Assessment report.
- 6.5 The 10 m riparian zone to the south of the realigned creek along the northern and western line of the buildings is intended to be landscaped and maintained by the applicant as the required setback to the proposed development on the R4 zoned land and as per the plan adopted by Council on 2 December 2015 which satisfies the requirements of BDCP 2015 for rear and side setbacks.

7 Traffic matters

- 7.1 The applicant has submitted a Traffic report prepared by Transport and Traffic Planning Associates dated September 2018.
- 7.2 Transport and Traffic Planning Associates provides an assessment of the road network and traffic conditions, transport services traffic generation, the proposed parking for the development, access, internal circulation and servicing of the proposal.
- 7.3 Public transport is provided by the frequent bus services operating on the Transitway along Sunnyholt Road and Vardys Road connecting to Blacktown Railway Station.
- 7.4 Transport and Traffic Planning Associates concludes that:
- the development will create an additional 52 trips per peak hour, with the majority of these trips being outbound in AM peak periods and inbound in PM peak periods
 - there will be no adverse traffic implications particularly as the additional traffic movements will be quite imperceptible in relation to the existing traffic movements along Sunnyholt Road and Vardys Road. This is particularly the case in the AM peak as cars must exit the site in a northerly direction away from the intersection.
- 7.5 Council's Traffic section has reviewed the proposal and concluded that the left turning slip lane is needed to separate turning traffic from through traffic, as Vardys Road is a sub-arterial road and carries significant traffic volume. Therefore, a condition has been imposed on the consent requiring provision of a 3.5 wide slip lane along the front setback to Vardys Road. The issue related to the provision of a slip lane has been discussed in detail under section 7.6 of the Assessment report.

8 Car parking and access

- 8.1 As the site is not within 800 m of a railway station or light rail stop in the Sydney Metropolitan Area, the car parking requirements under BDCP apply to the site.
- 8.2 The proposal incorporates a total of 255 car parking spaces over 2 basement car parking levels with the following mix:
- | Unit mix | Proposed car parking spaces |
|---------------------------|-----------------------------|
| • 2 x studio units | 2 spaces |
| • 21 x 1 bedroom units | 21 spaces |
| • 145 x 2 bedroom units | 145 spaces |
| • 10 x 3 bedroom units | 15 spaces |
| • 72 spaces for visitors. | |
- 8.3 Applying the car parking rate under BDCP, the proposed development will require a total of 260 car parking spaces, representing a shortfall of 5 car parking spaces. The variation to the car parking requirement is addressed in detail under section 7.9 of the Assessment report.
- 8.4 The residential parking provision includes a 10% accessible provision (18 spaces). The visitor parking provision does not provide for any accessible spaces.
- 8.5 Internal circulation areas and turning areas have been designed to permit vehicles to enter and exit the basement in a forward direction. The lifts will provide direct access from the basement carpark area to the residential levels. The visitor parking area is located on Basement 1 and is separate from the residential parking areas.
- 8.6 Vehicular access and pedestrian access for the residents and visitors is from Vardys Road at the front of the site. A series of 4 pedestrian pathways from Vardys Road provide access to 8 lobby areas associated with the 2 proposed buildings on the site.
- 8.7 Pathways will be designed to be accessible and are separated from the vehicular entry which is via the driveway located between the 2 apartment blocks.

9 Acoustic impacts

- 9.1 The proposal was accompanied by a Noise Assessment, prepared by Rodney Stevens Acoustic Consulting dated 17 November 2018, which addressed the proposal's amenity impacts in relation to noise.
- 9.2 Clause 102 of State Environmental Planning Policy (Infrastructure) 2007 requires a consent authority to consider the impact of the classified road on buildings used for residential purposes. In this case an Acoustic Assessment is required to accompany the Development Application to demonstrate that amenity for residents will be below the criteria specified within Clause 102(3).
- 9.3 A noise survey was conducted and the processed data has been used to determine traffic noise from Sunnyholt Road and Vardys Road at the project site. The review has also assessed the noise generation and intrusion of the site and compared it with the noise criteria required by Blacktown Development Control Plan and other relevant standards.
- 9.4 The submitted Noise Assessment has found that subject to implementation of the mitigation measures recommended under section 6 of the Noise assessment report, the proposed development is assessed to comply with Blacktown Development Control Plan and SEPP (Infrastructure) 2007 noise criteria.
- 9.5 This Noise Assessment report was reviewed by our Environmental Health Unit, which provided suitable conditions of consent to ensure amenity impacts are suitably addressed to meet the requirements of the Protection of the Environment Operations Act 1997.

10 Geotechnical investigation (Contamination and Salinity)

- 10.1 Ground Technologies Pty Ltd has undertaken a Stage 2 Contamination Assessment with targeted testing and a Salinity Assessment of the subject site. The assessment included a desktop study and collection of soil samples by a Geotechnical Engineer according to a sampling plan across the development site.
- 10.2 The results of the desktop study and chemical analyses indicate that the site does not present a risk to human health or the environment in the exposure setting of 'standard residential with garden/accessible soil ('A')'. No Remediation Action Plan is required.
- 10.3 The laboratory test values of sulphates, chlorides and pH indicate that the soil is non-aggressive to concrete piles and steel structures within the upper 2 m of the site. Steel structures buried below 2 m should be designed for mildly aggressive conditions.

11 Flood and dam break studies

- 11.1 The subject site is identified as being flood prone. For development in residential zones, Council requires land to be filled to 500 mm above the designated flood level of the 1 in 100 year flood event.
- 11.2 There is a detention basin upstream of the development site. A large amount of water drains from the detention basin to the development site. As the discharge point from this basin is directed onto the subject site, a dam break study was requested of the applicant in addition to the normal flood study requirements.
- 11.3 The applicant has submitted the 'Waller Creek Basin – Dam Break Study – Rev 5' from Tilrox Pty Ltd, dated 24 September 2020. Tilrox simulated the failure of the basin to determine the impact of flooding downstream of the basin. The following simulations were undertaken for this study:
- 1% AEP flood with no failure
 - 1% AEP flood with dam break
 - Probable Maximum Flood with no failure
 - Probable Maximum Flood with dam break.
- 11.4 The study showed that there was no change in the 1% AEP (100 year ARI) Dam Break Consequence Category as a result of the development, i.e. the category of risk did not change as a result of the development. As the flood wave would be the result of both the basin wall failing and a 1% AEP flood event occurring at the same time, the likelihood of this happening is significantly lower than the normal 1% flood risk.
- 11.5 Council's Engineering section has reviewed the development plans and confirmed that the habitable floor levels for the residential flat buildings are set to the higher than the 1 in 100 year flood level plus the 500 mm freeboard, or the 1% AEP dam break level with no freeboard, whichever is higher.
- 11.6 The table below shows the 1 in 100 year flood level, the freeboard level, 1% AEP dam break level and the proposed finished floor level of the residential flat buildings.

Based on SGC Civil Works Channel Design Longitudinal Section, Drawing No. C301, Rev. G & Design Cubicle, Drawing No. DA 204, Issue D

Units	Critical 1% AEP flood level	Required FFL (incl. plus 500 mm)	Critical 1% AEP dam break water level (no freeboard)	Proposed FFL	Chainage along creek alignment
A001 – A005	45.11	45.61	46.346	46.4	195
A006 – A009	45.446	45.946	46.797	46.8	120

Units	Critical 1% AEP flood level	Required FFL (incl. plus 500 mm)	Critical 1% AEP dam break water level (no freeboard)	Proposed FFL	Chainage along creek alignment
A010 – A013	45.59	46.09	46.933	47.05	90
A014 – A017	45.59	46.09	46.933	47.05	90
B005 – B0012	46.25	46.75	47.45	47.47	18

12 Tree removal and biodiversity

- 12.1 An Arborist report, prepared by Redgum Horticultural Arboriculture and Horticulture Consultant and dated 14 November 2018, with a tree survey, was submitted with the proposal and includes an assessment of the trees within the site and within 5 m of the common boundary affected by the development.
- 12.2 The applicant seeks Council's consent for the removal of identified trees on site to develop the proposed buildings. The Arborist report identifies 54 trees for removal, being 53 trees within the site and 1 tree on the adjacent road reserve:
- 39 trees are located within the footprint of the proposed residential flat buildings and 5 trees are within the Evan Place footprint. These trees will be replaced with species in line with the associated Landscape Plan for the development
 - 10 trees are growing in or adjacent to the creekline and the report supports the removal of these specimens as part of the overall landscaping of the site associated with realignment of the creek.
- 12.3 It is noted that the removal of the site's existing vegetation and fauna along the creek was considered at the time of rezoning of the land and it was determined that the existing biodiversity on the site is not significant enough to prevent any development from occurring.
- 12.4 The vegetation on the site is not mapped as native vegetation. From the Arborist report it would appear that this vegetation is mainly a mixture of native and weedy species including Willow trees.
- 12.5 The site does not contain any lands mapped on the Terrestrial Biodiversity map, and not on OEH Biodiversity map (and clearing does not exceed the threshold of 0.25 ha).
- 12.6 Council's Natural Areas team and Tree Management section have reviewed the proposal, including the submitted Arborist report, and raise no objection to the proposed development subject to imposing appropriate conditions. The conditions include the requirement for a revised landscape plan encompassing the entire site being provided for review and approval prior to issuing a Construction Certificate. The revised landscape plan is to address the interface treatments between the different zoning and boundaries, maintenance access, additional planting per square metre and amended species.
- 12.7 The proposed condition also requires a 3 year Vegetation Management Plan for the whole riparian area to be submitted prior to the issue of the Construction Certificate. A positive covenant for the riparian buffer on the private lands (10 m buffer) will also be conditioned on the approval to ensure that the areas in private ownership are retained as revegetation (i.e. not mown) in perpetuity.

13 Waste

- 13.1 Waste and recycling collections are proposed to be undertaken by a private contractor and will be provided by the future Owner's Corporation.

- 13.2 The proposed development provides adequate storage of waste within the upper basement level and will not be visible from the street.
- 13.3 A large bin collection area, including bulky waste room and a collection of waste bins and recycling bins, is proposed within the Basement level 1 serving both buildings.
- 13.4 The development provides garbage vehicle access into Basement level 1 to enable collection to occur with the loading bay located adjacent to the garbage room. The truck turning bay is within the upper basement level with a minimum 4.5 m height clearance to permit garbage trucks to leave the site in a forward direction.

14 Communal open space and deep soil zone

- 14.1 The proposed development provides a total communal open space area of 5,603 m² which equates to 79% of the site area, exceeding the minimum 25% of the site area required under Objective 3D-1 of the Apartment Design Guide. This area is made up of 3,180 m² on the rooftop and 2,423 m² at ground level.
- 14.2 The common open space provided at ground level includes 34% of the site area and is located within the street front setback and centrally located courtyards between the buildings.
- 14.3 The communal areas at the ground level include a range of hard and soft landscaping features, plants and chairs, tree shaded areas and paved pathways. On the rooftop level, the communal open space includes 4 BBQ areas with decking and pergolas and seating areas, children's play equipment with planter boxes and parapet walls.
- 14.4 Private open space areas are provided for the apartments at the ground level within the rear and the side setback areas and adjacent to the internal communal open space areas between the buildings. All apartments above ground level also have balconies.
- 14.5 16.5% of the site area will feature deep soil landscaping, with 9% of the deep soil area having a minimum dimension of 6 m and being co-located with the internal courtyard space and street front setback to allow for the planting of large trees.