STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED RESIDENTIAL FLAT DEVELOPMENT INCLUDING TEMPORARY ACCESS ROAD

95 CUDGEGONG ROAD, ROUSE HILL

On behalf of
Bing Wei Pty Ltd
November 2017
STATEMENT OF ENVIRONMENTAL EFFECTS

Proposed Residential Flat Development including Temporary Access Road

95 Cudgegong Road, Rouse Hill

Prepared under instructions from

SWA Group

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1. INTRODUCTION

This Statement of Environmental Effects accompanies a Development Application lodged on behalf of Bing Wei P/L. The proposal seeks approval for the demolition of the site's existing structures followed by the construction of a residential flat development comprising of two buildings containing a total of two hundred and eight (208) units with basement car parking upon land at 95 Cudgegong Road, Rouse Hill. The development is proposed to be constructed in two (2) stages with Stage 1 including the construction of a temporary access road from Cudgegong Road.

In consideration of this proposal reference has been made to:

- *Environmental Planning & Assessment Act 1979, as amended.*
- *State Environmental Planning Policy (Sydney Regional Growth Centres) 2006*
- *State Environmental Planning Policy 65 - Design Quality of Residential Apartment Development*
- *Blacktown City Council Growth Centre Precincts Development Control Plan 2010*

In addition to this Statement of Environmental Effects, the proposal is supported by the following documentation:

- Survey Plan prepared by Mepstead and Associates Pty Ltd, Ref No. 5333, dated 7/12/16.
- Preliminary Tree Inspection Report prepared by Treehaven Environscapes and dated 26/10/17.
- Design Verification Statement prepared by SWA Group and dated 26/10/17.
- Expert Opinion on Solar Access prepared by Steve King Consultant and dated 25/9/17.
- Landscape Plans prepared by Taylor Brammer Landscape Architects Pty Ltd, Project No. 95 Cudgegong Road Rouse Hill, Revision B and dated 2/11/17.
- Stormwater Summary Letter prepared by ACOR Consultants P/L, Ref No. SY170277 and dated 12/10/17.
- Sydney Water Feasibility Letter prepared by Sydney Water, Case No. 164829 and dated 7/9/17.
- Due Diligence Aboriginal Archaeological Assessment prepared by Dominic Steele Consulting Archaeology and dated 9/10/17.
- Preliminary Salinity and Geotechnical Assessment prepared by Martens Consulting Engineers, Ref No. P1706047JR02V01 and dated 11/9/17.
- Preliminary Site Investigation prepared by Martens Consulting Engineers, Ref No. P1706047JR01V01 and dated 9/8/17.

This Statement describes the subject site and the surrounding area, together with the relevant planning controls and policies relating to the site and the type of development proposed. It provides an assessment of the proposed development against the heads of consideration as set out in Section 79C(1) of the Environmental Planning and Assessment Act 1979.

As a result of that assessment it is concluded that the development of the site in the manner proposed is considered to be acceptable and is worthy of the support of the Council.
2. THE SITE

The subject site is a single allotment of land identified as Lot 79 in DP 208203 and is known as 95 Cudgegong Road, Rouse Hill. The site is a rectangular shaped allotment located on the western side of Cudgegong Road between its intersection with Rouse Road and Macquarie Road.

The site has an area of 2.023 hectares with a frontage of 72.045m to Cudgegong Road whilst the sites north-western and south-eastern side boundaries have a length of 280.86.

The location of the is depicted on the street map extract below.

![Location Map](image)

The subject property is a gently sloping allotment having a ridgeline (RL 67.8) located centrally upon the allotment and traversing the width of the site. There is then fall from the ridgeline to the sites rear western corner (RL 61.17) and the front eastern corner (RL 58.16).

It is understood that stormwater from the property is currently disposed of on-site. Stormwater from the proposal (stage 1) is to be drained to a new trunk drainage system and which will connect with drainage infrastructure located in Cudgegong Road.

The site currently supports two fibro dwellings with metal roofs together with a number of ancillary outbuildings and shed structures. The two dwellings are located centrally upon the front portion of the allotment as are the existing outbuilding structures.

None of the existing structures located upon the site are heritage listed or are considered to have any heritage significance and which would be affect by the subject application.
Existing infrastructure affecting the site includes an electricity transmission line easement and which contains overhead power lines. The poles associated with the power lines are not located upon the subject site. The existing power lines and easement are proposed to be retained as part of this application with all proposed structures located outside of the easement.

Vehicular access to the property is currently provided via an existing driveway crossing from Cudgegong Road and which is located towards the centre of the property frontage. A secondary driveway crossing is located to the south of the main crossing. Both crossings are to be removed as part of this application and are to be replaced by a temporary access road (Stage1). The temporary access road will be removed as part of Stage 2 and the area reinstated before ultimately being dedicated to the Council as part of an area of future open space.

Vegetation located upon the site comprises of modified native vegetation comprising of approximately 357 trees or varying heights, ages and quality with a highly modified understorey comprising of maintained lawn areas and cleared understorey. None of the existing native vegetation located upon the property is required to be retained as part of this application and the subject site does not form part of an identified native vegetation retention area.

Notwithstanding the above, all existing trees located upon the front portion of the site (excluding 2 trees identified as being in ill health) and zoned RE1 - Local Open Space will be retained as part of this application.
Aerial view of subject site
3. THE SURROUNDING ENVIRONMENT

The area surrounding the subject site traditionally comprised of individual properties having areas and configurations consistent with that of the subject site. The area surrounding the site is semi rural in its character with the individual properties typically supporting single dwellings and being used for a range of semi-rural activities such as market gardening and animal grazing and agistment.

Consistent with the above land uses the properties have typically been cleared to varying degrees with some properties being totally cleared and others supporting a reduced tree canopy with a cleared understorey.

The recent rezoning of the Area 20 as identified in the State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 will promote orderly economic use of the land around the new Cudgegong Metro Station and includes development such as residential flat buildings and multi-dwelling housing together with local centres and light industrial areas. Cudgegong station is located approximately 600m to the south west of the subject site and is set to begin operating in 2019.

In more recent times and reflective of recent zoning changes a number of the surrounding allotments within the Area 20 Precinct have been/are in the process of being redeveloped for a range of residential related uses including roads, subdivision and residential flat development.

The sites location with the surrounding environment is depicted in the following aerial photograph.

![Aerial Photograph of subject site](image-url)
In relation to the properties adjoining the subject site it is noted that:

- The land located opposite the site in Cudgegong Road is currently being developed for the purpose of a large residential flat development.
- The land located to the north west of the site is the subject of a current development application before Council for the erection of a four (4) storey residential flat development including associated roads and subdivision.
- The land located to the south east of the subject site is not to the best of our knowledge subject to any redevelopment plans at this stage.

It is also noted relative to this site and the surrounding locality that there is an Indicative Layout Plan applicable and which describes at a high level the location of infrastructure such as access roads and the like. In relation to the subject property it is noted that proposed access to the subject site for the purposes of future development is to be via proposed roads constructed over each of the adjoining properties. In the absence of those roads (noting that neither of the adjoining properties have currently been redeveloped) it is proposed to construct a temporary road as part of Stage 1 of this application. The Stage 1 road will be removed once either of the adjoining properties is developed and access made available.
4. THE PROPOSAL

The proposal seeks approval for the redevelopment of the subject site in accordance with the provisions of SEPP (Sydney Region Growth Centres) 2006.

The proposal seeks approval for the redevelopment of the site in two (2) stages as detailed below:

Stage 1

- Demolition of all existing structures from the site.
- Removal of all existing vegetation from the site excluding that vegetation located within the portion of the site zoned RE1 - Local Open Space. The only vegetation within this portion of the site to be removed is that vegetation impacted by the proposed temporary access road as detailed within the accompanying Arboricultural Report and which comprises of two trees identified as being in ill-health.
- Construction of a temporary access road from Cudgegong Road through the proposed RE1 - Local Open Space.
- Construction of the easternmost internal road consistent with the Indicative Layout Plan for this precinct.
- Construction of a four (4) storey residential flat building with basement car park and containing 104 units.
- Subdivision of the resultant development so as to permit the Strata Subdivision of the constructed residential flat development (subject to a separate application).

Stage 2

Stage 2 would only commence once the Indicative Layout Plan roads are constructed upon either of the two adjoining properties.

- Removal of all existing vegetation from the western portion of the site.
- Construction of the central and westernmost internal roads consistent with the Indicative Layout Plan for this precinct.
- Construction of a four (4) storey residential flat building with basement car park and containing 104 units.
- Removal of the existing temporary access road and rehabilitation of the area affected.
- Subdivision of the resultant development so as to permit the Strata Subdivision of the constructed residential flat development and the transfer of the RE1 zoned land to the Council. (subject to a separate application).

It is also proposed as part of the above two stages to undertake significant landscape and stormwater management works as discussed below.
The following is a detailed description of the proposed works:

**Stage 1**

Stage 1 of the proposal is to commence with the demolition of all existing structures and trees from the portion of the site identified as comprising Stage 1. It is also proposed to remove all trees impacted upon by the proposed temporary access road.

Civil works associated with the construction of the temporary road (Road 4) and Road 1 will commence. Both roads are to comprise of a 11m carriageway located within a 18m road reserve and including a 3.5m wide verge on either side. It is also proposed as part of the civil works that all required stormwater, sewer and serving infrastructure will be constructed.

Following completion of the civil works construction will commence on the Stage 1 residential flat building.

The Stage 1 residential flat building is a single U-shaped building comprising of a north west orientated central courtyard. The building is to comprise of 4 storeys erected over a single basement level.

The proposed building is to be provided with varying setbacks from the property boundaries typically in the order of 6m although noting that there are number of variations proposed of between 1m to 1.5m particularly within the front and rear setbacks by balcony elements and which it is considered assist in the buildings articulation and modulation.

The proposed building is to be constructed of reinforced concrete and masonry construction with the external walls being finished with a range of finishes including painted cement render, alucobond and feature wall tiles. The proposal is also to incorporate aluminium louvered privacy screens and clear glass balustrades.

The design is considered to incorporate contemporary architecture.

Vehicular access to the building is to be via a two way driveway ramp located in the buildings northern corner of the building. The driveway ramp gives access to a single basement level and which contains parking for a total of 131 vehicles including 21 adaptable parking spaces.

The basement level also contains waste storage areas, plant rooms, lift and stair access together with ancillary storage areas.

It is advised that all waste collection is to occur from within the basement with the basement and driveway ramp having been configured so as to allow for all vehicles to enter and exit in a forward direction including unrestricted head height.
The residential component of this stage of the development is to provide for a total 104 dwellings comprising of 14 x 1 bedroom dwellings, 78 x 2 bedroom dwellings and 12 x 3 bedroom dwellings. A total of 21 of the proposed dwellings are to be adaptable.

In addition to the proposed built form the proposal also provides for the extensive landscaping and revegetation of the property in accordance with applicable tree replenishment and landscape policies. A landscape plan has been prepared for the site and accompanies the development application.

The proposal also provides for collected stormwater to be discharged into a new street drainage system via a proposed water quality control device.

**Stage 2**

Stage 2 of the proposal is to commence once the Indicative Layout Plan roads are constructed upon either of the two adjoining properties and legal access is provided to the subject site. It is considered that this requirement be managed through appropriately worded conditions of consent.

Stage 2 of the proposal is to commence with the removal of all trees from the portion of the site identified as comprising Stage 2.

Civil works associated with the construction of Roads 2 & 3 will then commence. All roads are to provide for a 11m carriageway located within a 18m road reserve and including a 3.5m wide verge on either side (excluding Road 3 which is a half road). It is also proposed as part of the civil works that all required stormwater, sewer and serving infrastructure will be constructed.

Following completion of the civil works construction will commence on the Stage 2 residential flat building.

The Stage 2 residential flat building is similar in its configuration to Building 1 and is to comprise a single U-shaped building comprising of a north west orientated central courtyard. The building is to comprise of 4 storeys erected over a part on e and two level basement.

The proposed building is to be provided with varying setbacks from the property boundaries typically in the order of 6m although noting that there are number of variations proposed of between 1m to 1.5m particularly within the front and rear setbacks by balcony elements and which it is considered assist in the buildings articulation and modulation.
The proposed building is to be constructed of reinforced concrete and masonry construction with the external walls being finished with a range of finishes including painted cement render, alucobond and feature wall tiles. The proposal is also to incorporate aluminium louvered privacy screens and clear glass balustrades.

The design is considered to incorporate contemporary architecture.

Vehicular access to the building is to be via a two way driveway ramp located in the building's northern corner of the building. The driveway ramp gives access to a single basement level and which contains parking for a total of 131 vehicles including 21 adaptable parking spaces.

The basement level also contains waste storage areas, plant rooms, lift and stair access together with ancillary storage areas.

It is advised that all waste collection is to occur from within the basement with the basement and driveway ramp having been configured so as to allow for all vehicles to enter and exit in a forward direction including the provision of unrestricted head height.

The residential component of this stage of the development is to provide for a total 104 dwellings comprising of 10 x 1 bedroom dwellings, 82 x 2 bedroom dwellings and 12 x 3 bedroom dwellings. A total of 21 of the proposed dwellings are to be adaptable.

In addition to the proposed built form the proposal also provides for the extensive landscaping and revegetation of the property in accordance with applicable tree replenishment and landscape policies. A landscape plan has been prepared for the site and accompanies the development application.

The proposal also provides for collected stormwater to be discharged into a new street drainage system via a proposed water quality control device.

As part of the Stage 2 works it is then proposed to remove the temporary access road and to rehabilitate the area affected.

It is then proposed that portion of the site zoned RE1 - Local Open Space will be acquired and transferred to the Council as part of a future subdivision application.

There are no other works proposed as part of this application.
5. ZONING AND DEVELOPMENT CONTROLS

The proposed development is identified as development permissible with consent under the provisions of the Environmental Planning and Assessment Act 1979 and the State Environmental Planning Policy (Sydney Regional Growth Centres) 2006.

The following is an assessment of the proposal against the relevant provisions of the Act and all of the relevant planning instruments and policies of the NSW State Government and Blacktown City Council.

5.1 Planning for Bushfire Protection 2006

The subject site is identified as comprising bushfire prone land on Councils Bushfire Prone Lands Map. Therefore, the provisions of Planning for Bushfire Protection Guidelines do apply to the proposed development.

A Bushfire Protection Assessment Report has been prepared for the site by Building Code & Bushfire Hazard Solutions and forms part of the information accompanying this application.

That report within its conclusion states that:

In accordance with the bushfire safety measures contained in this report, and consideration of the site specific bushfire risk assessment it is our opinion that when combined, they will provide a reasonable and satisfactory level of bushfire protection to the subject development and also satisfy both the Rural Fire Service’s concerns and those of Council in this area.

We are therefore in support of the development application.

It is therefore considered that subject to compliance with the recommendations of the above report that the proposal is capable of satisfying the requirements of Planning for Bushfire Protection together with AS 3959 - Building in Bushfire Prone Areas.
5.2 State Environmental Planning Policy (Sydney Regional Growth Centres) 2006

The subject land is zoned a combination of R3 - Medium Density Residential and RE1 - Local Open Space under the provisions of Appendix 6 - Area 20 Precinct Plan in the State Environmental Planning Policy (Sydney Regional Growth Centres) 2006.

Under the R3 - Medium Density Residential zone a range of uses including that of a residential flat building is permissible with the consent of the Council.

Under the SEPP a “residential flat building” is defined as:

*residential flat building* means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

The proposal which seeks to provide for a total of 208 dwellings upon the site in two separate residential flat buildings is considered to satisfy this definition.

The objectives for development within the R3 - Medium Density Residential zone are:

- 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 which seeks to create two hundred and eight (208) residential units upon the subject site is considered to be consistent with the above objectives in that:

- The proposal provides for the construction of 208 dwellings within two (2) residential flat buildings.
- The proposal provides for a range of one, two and three bedroom dwellings upon the site.

In relation to the portion of the site zoned RE1 - Local Open Space (Public Recreation) it is noted that this portion of the site is identified under Clause 5.1 of Appendix 6 as land required to be acquired by the Council. It is advised that prior to its acquisition that the applicant wishes to utilise part of the land as a temporary road. It is noted that the use of land zoned RE1 - Public Recreation is permitted to be used as a road with consent.

The following provisions of Appendix 6 of the State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 are considered to be applicable to the subject site.

**Clause 4.1AB - Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential**

Pursuant to sub-clause (9) of this clause a minimum allotment size of 2,000m$^2$ is required for the erection of a residential flat building if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 25.

The subject site is subject to a dwelling density of 25 and as such is required to have a minimum allotment size of 2,000m$^2$.

The portion of the site zoned R3 has an area of 11,469m$^2$ and which exceeds the minimum requirements of this Clause. Further the portion of the site subject to the Stage 1 building has an area of 5,693m$^2$ whilst the Stage 2 site has an area of 5,776m$^2$.

The proposal therefore complies with the requirements of Clause 4.1AB of Appendix 6 of the SEPP.
**Clause 4.1B - Residential Density**

The subject site is to achieve a dwelling density of 25 dwellings per hectare as per the Residential Density Map.

The proposal will result in an overall dwelling density of 55 dwellings per hectare and which exceeds the minimum 25 dwelling requirement of this Clause.

The proposal is therefore considered to comply with the requirements of Clause 4.1B of Appendix 6 of the SEPP.

**Clause 4.3 - Height of Buildings**

The proposal is located within Building Height Area “M” and as such is subject to a maximum building height of 12.0m.

The proposal as detailed on the accompanying plans has a maximum building height which in part exceeds this requirement.
In this regard the maximum building heights of the proposal are detailed in the following table:

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Given that the proposal does not provide for strict compliance with the maximum building height requirement of Clause 4.3 of the SEPP a Clause 4.6 submission has been prepared and forms part of the information accompanying this application.

The variation is considered to be well founded and is worthy of the support of the Council.

In this regard it is noted that the 12m height control is intended to facilitate a four storey development which is being proposed as part of this application. The non-compliance is considered to be attributable to the slope of the land and it is submitted that strict compliance would result in further excavation of the development into the site which would result in potential subterranean living areas with compromised amenity and increased stepping of the building which is impractical and would compromise disabled persons access within the development.

**Clause 4.4 - Floor Space Ratio**

There is no FSR control under Council’s LEP which is applicable to the subject site.
Clause 4.6 - Exceptions to Development Standards

The proposed development will result in a built form which has a height in excess of the 12.0m height of building control as required by Clause 4.3 of Appendix 6 - Area 20 Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

The proposal will result in a building which exceeds the 12.0m height control to the extent reflected on Drawing No. DA-33/A of the accompanying Architectural Plans.

It is submitted that the non-compliance is attributable to the existing site topography which slopes naturally from the centre of the site to both the front south eastern corner adjoining Cudgegong Road and the rear north western corner.

Given that the proposal does not comply with the maximum height control and in order for consent to be granted to the proposal a variation pursuant to Clause 4.6 of the Appendix 6 of the SEPP is required.

This Clause 4.6 variation has been prepared having regard to the recent decisions of the Land & Environment Court.

It is submitted that the variation is well founded and is worthy of the support of the Council.

The following is an assessment of the proposed variation against the requirements of Clause 4.6 of Appendix 6 of the SEPP.

1. What are the objectives of Clause 4.6 and is the proposal consistent with them.

The objectives of Clause 4.6 of the LEP are:

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

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

It is my opinion, as is demonstrated by the responses to the questions below, that the proposed variation is consistent with the objectives of this clause.
2. **Is the standard to be varied a Development Standard to which Clause 4.6 applies.**

Clause 4.3 is contained within Part 4 of Appendix 6 of the SEPP and which is titled Principal Development Standards. It is also considered that the wording of the Clause is consistent with previous decisions of the Land & Environment Court of NSW in relation to matters which constitute development standards.

It is also noted that Clause 4.3 does not contain a provision which specifically excludes the application of Clause 4.6.

On this basis it is considered that Clause 4.3 is a development standard for which Clause 4.6 applies.

3. **Is compliance with the development standard unreasonable or unnecessary in the circumstances of this case.**

It is my opinion that compliance with the requirements of Clause 4.3 is both unreasonable and unnecessary in the circumstances of this case for the following reasons:

- The proposed non-compliance comprises only part of the proposed built form and is considered to be attributable to the topography of the site.
- The proposal provides for a 4 storey residential flat building which is consistent with the aims and objectives of the height control.
- The proposed non-compliances will not in my opinion result in any amenity impacts upon adjoining properties including unreasonable overshadowing.
- The proposal in my opinion will not result in any unreasonable visual impacts upon either adjoining properties or the streetscape as a result of the non-compliance.
- The proposal is consistent with variations approved for other buildings approved within the locality including the development located opposite the subject site at 96 Cudgegong Road, 88 & 104 Rouse Road, Rouse Hill.

On this basis it is my opinion that strict compliance with the standard is unreasonable and unnecessary in the circumstances of this case.
4. Are there sufficient environmental planning grounds to justify contravening the development standard.

It is considered that a contravention of the development standard is justified given the topography of the site combined with the fact that it does not result in any unreasonable impacts and is associated with the provision of a high quality architecturally designed development which will make a significant positive contribution to the built form character of the locality and which is otherwise consistent with the aims and objectives of the SEPP for this form of development.

5. Is the proposed development in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

The proposed development is in my opinion in the public interest because it will provide for a high quality, architect designed development which will make a significant positive contribution to the built form character of the locality in a manner which is otherwise compliant with the requirements of the SEPP, the applicable zone objectives and the objectives of the particular standard.

In this regard it is submitted that in relation to the objectives for the R3 - Medium Density Residential zone that:

- To provide for the housing needs of the community within a medium density residential environment.

Comment

The proposal is considered to be consistent with this objective in that it seeks to provide for a total of 208 dwellings within two x 4 storey residential flat buildings.

- To provide a variety of housing types within a medium density residential environment.

Comment

The proposal is considered to be consistent with this objective in that it provides for a combination of 1, 2 & 3 bedroom dwellings comprising of 24 x 1 bed dwellings, 160 x 2 bed dwellings and 24 x 3 bed dwellings.
• To enable other land uses that provide facilities or services to meet the day to day needs of residents.

Comment
Not Applicable.

• 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.

Comment
Not Applicable.

The proposal is also considered to be consistent with the objectives of Clause 4.3 - Height of Buildings in that:

• The proposal does provide for a 4 storey residential flat building upon the site and which is consistent with that envisaged by the SEPP.
• The proposal will not in my opinion result in any visual impact and will protect the amenity of adjoining development and land in terms of solar access to buildings and open space, and
• The proposal does provide for the provision of higher density housing in a location which is close proximity to the Cudgegong Metro Rail Station.

6. Whether contravention of the development standard raises any matter of significance for state or regional environmental planning.

It is my opinion that contravention of the standard does not raise any matters of significance for State or Regional environmental planning.

7. What is the public benefit of maintaining the development standard.

It is my opinion that there is no public benefit in maintaining the development standard in this instance given the high quality of the architecture proposed and the absence of any unreasonable detrimental impacts together with the provision of 208 units resulting from the proposal.

Conclusion

It is therefore my opinion based upon the content of this submission that a variation of the height requirement of Clause 4.3 of Appendix 6 of SEPP (Sydney Region Growth Centres) 2006 is appropriate in this instance.
Clause 5.1 - Relevant acquisition authority

The portion of the site zoned RE1 - Local Open Space (Public Recreation) is identified under Clause 5.1 of Appendix 6 as land required to be acquired by the Council.

It is advised that prior to its acquisition that the applicant wishes to utilise part of the land as a temporary road. It is noted that the use of land zoned RE1 - Public Recreation is permitted to be used as a road with consent.

Once the temporary road is no longer required the road will be removed and the area rehabilitated prior to the land being acquired and transferred to the Council.

Clause 5.9 - Preservation of Trees or Vegetation

The proposal seeks approval to remove all existing vegetation from the portion of the site zoned R3 - Medium Density Residential.

It is considered that the removal of the existing vegetation is an unavoidable consequence of the need to provide roads, infrastructure and housing in accordance with the requirements of the SEPP.

Summary

There are no other provisions of Appendix 6 of the SEPP which it is considered are relevant to the proposal.

It is my opinion based upon this assessment and subject to Council’s support of the accompanying Clause 4.6 submission that the proposal is compliant with the aims, objectives and the prescriptive requirements of the SEPP and is therefore permissible upon the subject site with the consent of the Council.
5.3 Blacktown City Council Precincts Development Control Plan

The Development Control Plan applies to all forms of development permitted under the Growth Centres SEPP with Section 4 of the DCP applicable to Development in The Residential Zones whilst Schedule 4 of the DCP is specifically applicable to the Cudgegong Road (Area 20) Precinct. It is advised that Schedule 4 prevails over Section 4 in relation to any inconsistency.

An assessment of the proposal against the applicable provisions of the DCP has been undertaken and the following comments are made.

Section 2 - Precinct Planning Outcomes

The following parts of Section 2 are considered to be relevant to the proposal:

2.2 - The Indicative Layout Plan

It is advised that the proposed development has been designed having regard to the Indicative Layout Plan for this precinct.

This is particularly the case in relation to the proposed road layout.

2.3 - Subdivision Site Analysis

2.3.1 - Flooding and Water Cycle Management

The subject property is not identified as being subject to flooding.

2.3.2 - Salinity and Soil Management

A Preliminary Salinity and Geotechnical Assessment Report has been prepared for the site by Martens Consulting Engineers and forms part of the information accompanying this application.

Based upon their assessment it is not considered that the site is subject to any significant salinity issue.

2.3.3 - Aboriginal and European Heritage

A Due Diligence Aboriginal Archaeological Assessment has been undertaken for the site by Dominic Steele Consulting Archaeology. Their report accompanies this application.

That report states that:

*It is concluded that the western half of the property should be considered to represent an area of PAD based on its landform,*
surviving topsoil, and location of the previously recorded Aboriginal object. The nature, frequency and duration of the potential Aboriginal landuse of the study area is presently unknown, and it is likewise unclear whether past Aboriginal visitation and use has been of sufficient repetition to create archaeological deposits.

The following recommendations are based on the requirements of the National Parks and Wildlife Act 1974 and the results of the archaeological assessment of the land that is documented here. The archaeological findings of the current assessment are consistent with those previously reported for the property following the original recording of the site in 2009, and similarly concludes that it is also necessary to identify the Aboriginal cultural heritage significance of the site and further establish the extent, contents, integrity and archaeological significance of AHIMS #45-5-3925 prior to future development impact.

To this end, it is recommended that:

- A program of test excavation should be completed at 95 Cudgegong Road that focuses on the western bush land but also includes an adequate sample of the low sensitivity land located to the east of the block to confirm this prediction, and that these investigations should follow the methods required by the (OEH 2010) Code of Practice. The aims of the test excavation program would be to gather enough information to develop a comprehensive archaeological and cultural heritage assessment (AACHA) for AHIMS #45-5-3925 to support an Aboriginal Heritage Impact Permit (AHIP) for submission to the Office of Environment and Heritage (OEH).

- Pursuant to the findings of the ‘Code’ testing and AACHA, that an application should be made to the for an AHIP under Section 90 of the National Parks and Wildlife Act 1974 to manage the documented and potential Aboriginal archaeological resource(s) at AHIMS #45-5-3925. The AHIP application should follow the procedures established by the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW 2010).

It is understood that the required on-site testing has commenced and that following completion of that process that an application under Section 90 of National Parks and wildlife Act will be made.

2.3.4 - Native Vegetation and Ecology

The subject site is not identified on the Native Vegetation Protection Map.
The proposal seeks approval to remove all existing vegetation from the portion of the site zoned R3 - Medium Density Residential.

It is considered that the removal of the existing vegetation is an unavoidable consequence of the need to provide roads, infrastructure and housing in accordance with the requirements of the SEPP.

2.3.5 - Bushfire Hazard Management

The subject site is identified as comprising bushfire prone land on Councils Bushfire Prone Lands Map. Therefore, the provisions of Planning for Bushfire Protection Guidelines do apply to the proposed development.

A Bushfire Protection Assessment Report has been prepared for the site by Building Code & Bushfire Hazard Solutions and forms part of the information accompanying this application.

That report within its conclusion states that:

In accordance with the bushfire safety measures contained in this report, and consideration of the site specific bushfire risk assessment it is our opinion that when combined, they will provide a reasonable and satisfactory level of bushfire protection to the subject development and also satisfy both the Rural Fire Service’s concerns and those of Council in this area.

We are therefore in support of the development application.

It is therefore considered that subject to compliance with the recommendations of the above report that the proposal is capable of satisfying the requirements of Planning for Bushfire Protection together with AS 3959 - Building in Bushfire Prone Areas

2.3.6 - Site Contamination

A Preliminary Site Investigation has been undertaken for the site by Martens Consulting Engineers.

That assessment within its conclusion starts that:

A review of site historical information indicates that the site has been used for rural residential purposes since at least 1994. In general, there is a low - medium likelihood of contamination on the site. The following onsite sources of potential contamination have been identified.
• Current dwellings and sheds on the lot have the potential to have introduced contaminants in the form of asbestos (as a construction material), pesticides (pest control), heavy metals (in paints, pest control), and hydrocarbons.
• Potential contamination in the dam as a result of contaminants washing onto property and accumulating from upslope sources.
• Chemical drum storage / general refuse area has been used for storage of containers formerly storing fuels, oils, paints, various chemicals and potentially introduced associated contaminants into underlying soils.
• Fill material of unknown origin and quality may have been used to construct the loading ramp.

It is considered that subject to compliance with the recommendations of their report that the site is capable of being made suitable for its proposed residential use.

2.3.7 - Odour Assessment and Control

It is not considered that there is any existing or proposed odour source either on or adjacent to the site which is likely to impact upon future residents.

Section 3 - Neighbourhood and Subdivision Design

Part 3.4 - Movement Network

The indicative layout plan for Area 20 identifies that the site is subject to the provision of three roads (2 x full width roads and 1 x half width road) which are identified under the precinct road hierarchy as ‘Medium-High Density Local Roads’. Roads servicing medium to high density residential development are required to have a road reserve width of 18m which includes a 11m carriage way with a 3.5m verge on either side of the road.

The Civil Drawings prepared by ACOR Consultants P/L detailed on Drawing C1.05 shows that the road reserve is proposed to have a width of 18m with the inclusion of a 11m carriage way and 3.5m verge on either side of the road.

It is therefore considered that the proposal complies with this section of the DCP.
Section 4 - Development in Residential Zones

Part 4.1 - Site Responsive Design

4.1.1 - Site analysis

A site analysis plan has been prepared and forms part of the architectural plans accompanying this application. It is considered that this plan in conjunction with the site survey plan and supporting reports when read in conjunction with this Statement of Environmental Effects satisfies the requirements of the DCP for a site analysis.

4.1.2 - Cut and fill

The proposal requires the carrying out of varying amounts of cut and fill across the entire site in order to accommodate the proposal.

The extent of cut and fill is detailed on Drawing No. SY170277 prepared by Acor Consultants and varies from a maximum cut of between 1.75m to 2m and a maximum amount of fill of between 1.25m to 1.5m.

It is understood that the changes in existing site levels are required in order to provide a compliant road design which meets the required design levels and to fill localised depressions occurring upon the site.

It is considered that the extent of earthworks proposed are consistent with those occurring upon adjoining and nearby sites.

4.1.3 - Sustainable building design

In accordance with the State Government’s Building Sustainability requirements a BASIX Certificate has been prepared in support of the proposal and forms part of the documentation accompanying this application.

This section of the DCP also requires that indigenous species are to make up more than 50% of the plant material mix. Reference is made to the accompanying landscape plan and which identifies compliance with this requirement.

4.1.4 - Salinity, sodicity and aggressivity

A Preliminary Salinity and Geotechnical Assessment Report has been prepared for the site by Martens Consulting Engineers and forms part of the information accompanying this application.
That report within its conclusion states that:

‘Eighteen soil samples were collected from the boreholes and submitted to Envirolab Services, a National Association of Testing Authorities (NATA) accredited laboratory, for salinity and aggressivity testing (Electrical Conductivity (EC), pH and soluble SO4). The testing was carried out for salinity classification and to assess an exposure classification for design of buried concrete structures. Sampling was targeted to achieve a representative coverage of site conditions in line with assessed subsurface profiles, proposed earthworks and the limited investigation scope.

Results indicate sub-surface materials at the site can generally be categorised as non-saline. One sample at 1.0 mBGL in BH104 tested as slightly saline. For the purpose of this report, we have assumed the site to be non-saline, subject to results of further assessment, in particular BH104.’

It is therefore considered that subject to compliance with the recommendations of the above report that the proposal is capable of satisfying the requirements of this section of the DCP.

Part 4.3 - Additional controls for certain dwelling types

4.3.5 - Controls for residential flat buildings, manor homes and shop top Housing

<table>
<thead>
<tr>
<th>Element</th>
<th>Required</th>
<th>Proposed</th>
<th>Compliance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site coverage (maximum)</td>
<td>50%</td>
<td>Stage 1 = 51.14%</td>
<td>Stage 1 - No see comments below</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Stage 2 = 50.3%</td>
<td>Stage 2 - No see comments below</td>
</tr>
<tr>
<td>Landscaped Area (minimum)</td>
<td>30%</td>
<td>Stage 1 = 30.02%</td>
<td>Stage 1 - Yes</td>
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<tr>
<td></td>
<td></td>
<td>Stage 2 = 30.97%</td>
<td>Stage 2 - Yes</td>
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<tr>
<td>Communal open space</td>
<td>15% of the site area</td>
<td>Stage 1 = 25.91%</td>
<td>Stage 1 - Yes</td>
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<tr>
<td></td>
<td></td>
<td>Stage 2 = 27.25%</td>
<td>Stage 2 - Yes</td>
</tr>
<tr>
<td>Principal private open space</td>
<td>Min 10m² per dwelling with min. dimension of 2.5m</td>
<td>Refer to Plans</td>
<td>No. All units comply except for Units E107, E207 &amp; E307. See comments below</td>
</tr>
<tr>
<td>Front setback (minimum)</td>
<td>6m</td>
<td>6m</td>
<td>Stage 1 - Yes</td>
</tr>
<tr>
<td></td>
<td>Balconies and other articulation may encroach into the setback to a maximum of 4.5m from the boundary for the first 3 storeys, and for a maximum of 50% of the façade length.</td>
<td>4.5m setback from the balcony on the first three storeys</td>
<td>Stage 2 - Yes</td>
</tr>
<tr>
<td></td>
<td>Stage 1</td>
<td>Stage 2</td>
<td>Notes</td>
</tr>
<tr>
<td>------------------------</td>
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<td>------------------------------</td>
</tr>
<tr>
<td>Side setback (minimum)</td>
<td>6m</td>
<td>6m</td>
<td>Stage 1 - Yes, Stage 2 - Yes</td>
</tr>
<tr>
<td>Rear setback (minimum)</td>
<td>6m</td>
<td>6m</td>
<td>Stage 1 - Yes, Stage 2 - Yes</td>
</tr>
<tr>
<td>Habitable room separation distance (minimum) for buildings 3 storeys and above</td>
<td>12m</td>
<td>30m</td>
<td>Yes</td>
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<td>Car parking spaces</td>
<td>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</td>
<td>Stage 1 = 131 car parking spaces/46 bicycle spaces Stage 2 - 131 car parking spaces/46 bicycle spaces</td>
<td>Minimum required 130.8 car parking spaces 35 bicycle spaces Stage 1 - Yes, Stage 2 - Yes</td>
</tr>
<tr>
<td>Garage dominance</td>
<td>A maximum of two garage doors per 20m of lot frontage facing any one street frontage.</td>
<td>Garage doors do not face the street</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Comments on proposed Non-Compliances**

The following comments are provided in relation to the no-compliances detailed above.

**Site Coverage**

The proposal provides for minor variations to the maximum site coverage requirements of the DCP.

Notwithstanding the proposed variations the proposal is considered to provide for a high quality outcome for the site and which importantly complies with the minimum landscape requirements.

It is not considered that there are any detrimental impacts resulting from this variation and that the proposal warrants approval notwithstanding this variation.
Private Open Space

It is advised that all units are provided with a balcony which has a minimum area of 10m² except for Units E107, E207 & E307.

These three units each contain 1 bedroom and are provided with balconies having a minimum area of 8m² and which complies with the minimum requirements of the Apartment Design Guide (ADG).

On this basis it is considered that the provision of private open space is appropriate in this instance.

Schedule 4 - Cudgegong Road (Area 20) Precinct

Schedule 4 of the DCP applies to all forms of development within Area 20 - Cudgegong Road Precinct.

An assessment of the proposal against the applicable provisions of the DCP has been undertaken and the following comments are made.

Part 2 - Precinct Planning Outcomes

2.2 - Referenced Figures

The Area 20 Precinct Maps identify that the site has a moderate potential to contain salinity and contains an area of moderate aboriginal cultural significance. As mentioned previously the Preliminary Salinity and Geotechnical Assessment Report prepared by Martens Consulting Engineers has identified that the land is generally non-saline.

In response to the area of moderate aboriginal cultural heritage significance a Due Diligence Aboriginal Archaeological Assessment has been prepared for the site by Dominic Steele Consulting Group and forms part of the information accompanying this application.

That report within its conclusion states that:

‘The isolated flaked stone artefact find recorded in 2009 was not relocated by the recent field inspection (due to changing vegetation cover and soil redevelopment that have possibly reburied and/or obscured the item), and no other Aboriginal objects were identified on the block. This outcome may potentially be influenced by the grass and leaf litter cover that is present across the western half of the site, and maintained grass over much of the eastern portion of the block where it has not been built upon or landscaped.'
The potential significance of AHIMS #45-5-3925 would be expected to be Local or moderate in scientific criteria, but this cannot be adequately established on the basis of the surface observations alone as reported here. Subsurface testing of the site is required.’

It is therefore considered that subject to compliance with the recommendations of the above report that the proposal is capable of satisfying the requirements of this section of the DCP.

Extract of Schedule 4 Aboriginal Cultural Heritage Map

It is not considered that there are any other sections of Schedule 4 applicable to the proposal.

The proposal is therefore considered to be capable of satisfying the applicable requirements of Schedule 4 of the DCP.

Summary

It is not considered that there are any other provisions of the DCP applicable to the proposal.

For the reasons as set out within this report the proposal is considered to achieve appropriate compliance with the requirements of the DCP and that where a variation is proposed that it is well justified.

The proposal is therefore considered to be worthy of the support of the Council.
5.4  SEPP No.65 - Design Quality of Residential Flat Development

SEPP No.65 is a State Government policy which applies to residential flat buildings having a height greater than 3 storeys and containing 4 or more units and as such applies to the proposal. The primary aim of the policy is to ensure that there is an improvement in the design quality of residential flat development. This is proposed to be primarily achieved by ensuring that in cases where the policy applies that buildings are designed by registered architects and that any design has regard to 10 design quality principles.

An architectural statement addressing each of the 10 design principles has been prepared by the architect and is included as an appendix to this report together with a design verification statement in accordance with the requirements of the SEPP.

In order to achieve compliance with the design quality principles as contained within the SEPP the Government has produced an Apartment Design Guide. This document provides useful information (including design guidance/suggestions) as to ways of satisfying the design principles of the SEPP.

An assessment of the proposal against the requirements of the Apartment Design Guide has similarly been prepared by the architects and also accompanies this application.

A separate assessment in relation to the issue of solar access has been prepared by Steve King and forms part of the information accompanying this application. His assessment concludes that 147 out of 208 units (70.7%) receive compliant solar access whilst over 50% of the area of each of the communal courtyards receive compliant solar access.

It is therefore my opinion that the proposal satisfies the requirements of SEPP No.65 and the Apartment Design Guide.
6. SECTION 79C(1) ASSESSMENT

Environmental Planning Instruments - Section 79C(1)(a)

The subject site is zoned R3 - Medium Density Residential under the provisions of the State Environmental Planning Policy (Sydney Regional Growth Centres) 2006. The proposed development is permissible within the R3 - Medium Density Residential zone with the consent of Council. The proposal has been assessed against the objectives and provisions of both the Growth Centre SEPP and the Council’s Growth Centre Precinct DCP as detailed within this report. Subject to Council’s support of the non compliant building height, the proposal is considered to satisfy the requirements of these documents.

There are no draft planning instruments applicable to the site.

Impacts of the Development - Section 79C(1)(b)

For the reasons as detailed within this report and the supporting documentation it is not considered that the proposal will result in any detrimental impacts upon the adjoining properties or upon the character of the surrounding area. The development is compatible with the desired future character for this locality.

It is considered that the proposal provides for a high quality development outcome for the site and which will provide for high levels of amenity for its future residents.

Suitability of the Site - Section 79C(1)(c)

The proposed construction of two residential flat building comprising of 208 dwellings and basement car parking on land zoned R3 - Medium Density Residential under the Growth Centre SEPP 2006 is permissible with the consent of Council. The proposal will allow for the provision of additional housing upon the site consistent with the outcomes envisaged by the SEPP and without impacting upon the character of the surrounding area or the amenity of adjoining properties.

It is not considered that there will be any adverse impacts as a result of the proposal and as such the subject site is considered suitable for the proposed development.
7. CONCLUSION

The proposed development is development permissible with the consent of the Council under the terms of the Environmental Planning and Assessment Act 1979 and the State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 and has been assessed against the requirements of Section 79C(1) of the Act, applicable SEPP and the DCP.

In this regard it is considered that this Statement of Environmental Effects has demonstrated that the proposal satisfies the aims and objectives and subject to Council’s support of the accompanying Clause 4.6 submission, the applicable prescriptive requirements of the above controls.

It is considered that the proposal will not impact upon the amenity of adjoining properties or upon the character of the surrounding area.

It is therefore considered that the proposed demolition of the existing dwellings and ancillary structures followed by the construction of two residential flat buildings comprising of 208 dwellings and basement carparking together with ancillary road works upon land at 95 Cudgegong Road, Rouse Hill is worthy of the support of Council.

Andrew Minto
Graduate Diploma (Urban & Regional Planning), Associate Diploma (Health & Building Surveying). CPP, MPIA.
MINTO PLANNING SERVICES PTY LTD
November 2017