

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA19/0595
Proposed development:	Integrated Housing and Subdivision Development Compromising of 57 Dwellings on 57 Residential Lots, Two Residue Residential Lots, One Residue Road Lot, Open Space Lot, Public Road Construction with Dedication and Associated Works (Stage 3c)
Property address:	1 Wianamatta Parkway, JORDAN SPRINGS NSW 2747
Property description:	Lot 1 DP 1248480
Date received:	28 August 2019
Assessing officer	Kathryn Sprang
Zoning:	URBAN ZONE (SREP30 - ST MARYS)
Class of building:	Class 1a
Recommendations:	Refuse

Executive Summary

Council is in receipt of an Integrated Development Application for Integrated Housing and Subdivision Development Compromising of 57 Dwellings on 57 Residential Lots, Two Residue Residential Lots, One Residue Road Lot, Open Space Lot, Public Road Construction with Dedication and Associated Works.

Under Sydney Regional Environmental Plan No. 30 - St Marys (SREP No. 30) the subject site is mapped as Urban Zone, and the proposal is defined as housing and subdivision which are a permissible land use in the zone, subject to Council consent.

The proposal has been notified to nearby and adjoining residences and advertised in the local newspaper. Council received no submissions in response.

Several key issues have been identified during the assessment of the application, including:

- Insufficient information to make an informed assessment;
- Poor internal site presentation and amenity;
- Inappropriate bulk and scale;
- Poor urban design outcomes in respect to architectural consistency;
- Poor spatial planning specifically the location of urban sleeve dwellings/lots;
- Traffic matters relating to the intersection not being proposed within this application; and
- It is unknown if the site is suitable for residential occupation due to the lack of a geotechnical assessment.

A meeting was held on the 18 September 2020 with the applicant to discuss conceptual plans submitted. The plans as lodged failed to make wholesale amendments to the proposal and as such the proposal has not been agreed to be varied prior to determination by Council (the consent authority) in accordance with Environmental Planning and Assessment Regulation 2000, clause 55(1).

The proposal is defined as Integrated Development under Section 4.46 of the Environmental Planning and Assessment Act 1979, requiring an approval under the Rural Fire Act 1997, Section 100B. The application was referred to the NSW Rural Fire Service (RFS) and General Terms of Approval (GTA) for the development were received on 14 February 2020. However, the required conditions from the NSW RFS GTA stipulates that temporary Asset Protection Zones (APZs) are to extend onto the land zoned for the future Regional Open Space. It is unknown if the installation of APZs will have an adverse impact on the delivery of the future Regional Open Space and despite a request for a response from the applicant regarding address of this concern, no information has been forthcoming.

An assessment under Section 4.15 of the Environmental Planning and Assessment Act 1979 has been undertaken, and given the unresolved key issues with the proposal, the application is recommended for refusal.

Site & Surrounds

The subject site is legally described as Lot 1 DP 1248480, known as 1 Wianamatta Parkway, Jordan Springs. The proposal is also referred to as Stage 3C.

Stage 3C is located to the eastern extent of the central precinct and adjoins Regional Open Space to the east and south and the proposed village centre to the west. The site is also adjacent to the intersection of Wianamatta Parkway and the future East-West Connector Road (not yet constructed).

The site is currently vacant, cleared land. The site is irregular in shape with a total land area of approximately 1.74ha. The land slopes from the western boundary down to the eastern boundary by approximately 1 metre.

Site constraints

- **Bushfire:** the site is mapped entirely Bushfire Prone Land.

Site History

- The site/greater surrounds was subject to bulk earthworks as approved in DA14/1228
- The development of Jordan Springs Central Precinct has then been completed in stages.
- DA18/0620 created the residue residential lot that is 3C and land that is subject of this application. Additionally DA18/0620 created 1x residue lot for the future Village Centre (Stage 3D) and 1x residue lot for the future Village Park. It is noted that these residue lots have not yet been registered with NSW Land Registry Services.
- DA18/0221 was approved by the NSW Land and Environment Court for Construction of a new road (East-West Connector Road) including South Creek Bridge and Dunheved Links Road. However this approval did not capture the delivery of the intersection within the Central Precinct.

Proposal

The proposal seeks consent for the following works:

- The subdivision of the lot to create 61 allotments as follows;
 - 59 lots for residential development, comprising 57 lots with integrated dwellings and two residential allotments for future development;
 - Construction and dedication of 3 public residential roads; and
 - One residue lot for the future intersection of Wianamatta Parkway and the East West Connector Road.

N.B. It has been demonstrated that either a signalised intersection or a roundabout can be accommodated in this residue lot.
- The construction of 57 dwellings, including;
 - 29 attached dwellings
 - 8 semi detached dwellings
 - 20 urban sleeve dwellings
- Site preparation and Civil works; and
- Associated landscaping.

Plans that apply

- Central Precinct
- Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River
- Sydney Regional Environmental Plan No.30 - St Marys

- **Section 4.14 - Bushfire prone land assessment**

The subject site is mapped as bushfire prone. Given that the proposal is for residential subdivision the proposal is integrated development with the NSW Rural Fire Service (RFS).

- **Section 4.15 - Evaluation**

The development has been assessed in accordance with the matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979, and having regard to those matters, the following issues have been identified for further consideration:

- **Section 4.46 - Integrated development**

The proposal is defined as Integrated Development under Section 4.46 of the *Environmental Planning and Assessment Act 1979*, requiring an approval under section 100B of the Rural Fire Act 1997.

Accordingly, the application was referred to the NSW Rural Fire Service (RFS). The NSW RFS provided General Terms of Approval (GTAs) for the proposal on the 14 February 2020, outlining the following requirements;

Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building. To achieve this, the following conditions shall apply:

1. At the issue of a subdivision certificate, the entire site must be managed as an inner protection area (IPA).

2. Temporary Asset Protection Zones (APZs) of 100 metres must be provided on the northern, eastern, and southern aspect of the subject site boundaries until further development is carried out. In accordance with section 88B of the 'Conveyancing Act 1919' a restriction to the land use shall be placed on the future proposed Regional Open Space requiring the provision of these APZs which must be maintained as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones'. This restriction can be extinguished upon commencement of future development on the lot as Regional Open Space, but only if the hazard is removed as part of the development or is proposed to be managed in perpetuity.

In respect to above condition 2, the proposal adjoins approved future residential lots to the north and future Regional Open Space to the east and south. While the land to the immediate north, east and south is currently owned by the same owner as the subject lot, the lots to the north are proposed to be in future individual ownership and the future regional open space to the east and south is proposed to be dedicated to Penrith City Council or NSW National Parks and Wildlife Services. Therefore, the APZs will potentially be located on land under separate ownership to support the proposal.

An email was sent to the applicant on the 28 February 2020 stating that the proposed NSW RFS conditions were concerning given that a Development Application had not been lodged for the future Regional Open Space and that the conditioning of APZs requirements on the Regional Open Space would be premature given that the outcome of the area was unknown (vegetated/cleared and on-going owner/management issues). The letter sent to the applicant requested the applicant provide a response to these concerns, yet this has not been forthcoming.

Therefore, in respect to the above there is insufficient information to make an informed assessment on the appropriateness of the temporary APZs and how these will impact on future proposed surrounding land uses.

Section 4.15(1)(a)(i) The provisions of any environmental planning instrument

Sydney Regional Environmental Plan No.20 - Hawkesbury Nepean River

The proposal, subject to conditions relating to the implementation of sediment and erosion control measures is considered capable of meeting the relevant criteria of Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997). Notwithstanding this, the proposal is recommended for refusal on other planning and design matters.

Sydney Regional Environmental Plan No.30 - St Marys

The land is zoned Urban under the provisions of SREP No.30- St Marys. The proposal is defined as subdivision and housing and both are permissible in the Urban zone, subject to Council consent.

Whilst the proposed use is a permissible land use in the zone with Council consent, the proposal is not considered to meet the overall aims and objectives of the SREP No. 30- St Marys, as summarised below:

- **Aims:** The proposed design does not ensure that urban development on the land achieves desirable environmental and social outcomes. In this regard, the proposed spatial arrangement and integration with surrounding development, results in poor internal precinct amenity, poor streetscape presentation and is inconsistent with the surrounding character of the area. Also a lack of information has been provided to make an informed assessment of the geotechnical suitability of the site for residential occupation. Additionally, insufficient information has been provided to ascertain that appropriate opportunities for recreation facilities that meet the needs of the community can still be provided in the Regional Open Space despite the temporary APZs (as required by the NSW RFS).
- **Zone Objectives:** The proposal is not considered compatible with the objectives of the Urban Zone, specifically; (d) *to provide for medium density residential development in locations which provide optimum access to employment, public transport and services, while ensuring residential amenity*, as the design compromises residential amenity.
- **Performance Objectives:** The proposal does not achieve the objectives under;
 - Clause 24 Conservation, specifically (3) *Adverse impacts on the vegetation and fauna habitats within the Regional Park and Regional Open Space zones resulting from the development of areas zoned Employment or Urban are to be minimised*, the impact of the proposal, more specifically the APZs required by NSW RFS, are unknown due to insufficient information, therefore the objective is not achieved.
 - Clause 31 Urban Form, specifically (1) *Development of the land to which this plan applies is to result in an attractive and safe built environment which satisfies a diverse range of community needs*; the proposal results in poor interfaces internally with some streets not having suitable activation on both sides (i.e. rows of detached garages facing on to primary dwelling facades) which results in unattractive streetscapes and poor Crime Prevention Through Environmental Design.

Central Precinct Plan and Development Control Strategy

The proposal is subject to the Central Precinct Plan and Development Control Strategy. The precinct plan is a document that is comparable to a Development Control Plan and contains provisions relating to the development of land within the precinct to which it applies. The Development Control Strategy is a section of the Central Precinct Plan and contains specific objectives and development controls for subdivision design, design, layout and siting of buildings. In respect to the hierarchy of legislation the Precinct Plan is considered to be a supplementary and subservient document to SREP No.30- St Marys.

The proposal is part of the Village Centre Character Area and is considered inconsistent with the following provisions;

- **5.3.4 Street Planting** - Street tree planting is proposed as part of the application however, due to insufficient information supplied it can not be ascertained that there is no conflict between the street tree planting proposed and driveway crossovers, bin presentation, street lighting, street furniture etc. Therefore, it is unknown if continuous street canopy can be achieved within the road reserve or if additional design features (blisters/pockets of landscaping) are required. It is considered important that adequate numbers of street trees are provided to ensure an attractive streetscape presentation, street amenity and to ensure trees within the development (noting that many proposed lots will not be of a size to cater for private tree plantings).
- **5.3.5 Lighting** - No street lighting plan has been submitted, nor an overlay of the street lighting with driveways, street trees, bin presentation, etc. Therefore due to the insufficient information it can not be determined if the objectives, specifically that there is adequate lighting to service the proposal and

ensuring a high quality, functional, safe and attractive public domain is achieved. Ensuring adequate lighting is important for pedestrian and vehicle safety.

- **5.6.8 Urban Sleeve Dwellings** - Urban sleeve dwellings are a permissible dwelling typology on the site and add to the diversity of housing stock. However, the proposed location of urban sleeve dwellings fronting proposed road no 028A is not strictly in accordance with the precinct plan, which indicates; *The Urban Sleeve dwellings will generally be located in the Village Centre Character Area adjacent to non-residential built form, shielding inactive frontages from areas of public access including streets, lanes and parking lots with the intention of activating these frontages and creating a more diverse village centre.* Road 028A is an internal road to service the precinct and adjoins proposed attached dwellings and not a non-residential built form or an inactive frontage.
- **5.7.2 Landscaping** - Landscaping plans have not been provided for all proposed dwellings.
- **5.7.3 Visual and Acoustic Privacy** - An acoustic report was requested to determine if the dwellings would be impacted by road traffic noise and if so what noise mitigation measures are required. This report has not been forthcoming. Hence it cannot be determined if the proposal meets the acoustic privacy objectives/controls. Additionally, the visual amenity of proposed lot 3332 is more adversely impacted than other lots as it will share a common boundary with 8 urban sleeve dwellings. This is not considered satisfactory as potentially 5 urban sleeve dwellings have habitable rooms that will overlook lot 3332 private open space.
- **5.7.6 Safety** -The proposal does not meet the controls specifically; insufficient information to determine if there will be appropriate street lighting and there are streets that contain rear loaded garages with minimal/no opportunity for passive surveillance.
- **5.7.7 Solar Access** - There are a significant number of dwellings that wont receive adequate solar access on the winter solstice, this is primarily due to lot orientation, limited building breaks and an inappropriate design response.
- **5.7.9 Servicing** - It has not been satisfactorily demonstrated that the development has incorporated waste storage and collection into the design of the dwellings.

Section 4.15(1)(a)(iii) The provisions of any development control plan

Central Precinct

Provision	Compliance
Central Precinct Plan	Does not comply - see Appendix - Development Control Plan Compliance

Section 4.15(1)(a)(iv) The provisions of the regulations

The application was referred to Council's Building Surveyor for assessment, and based on this review the proposal is considered capable of complying with the Building Code of Australia subject to conditions. Notwithstanding this, the proposal is recommended for refusal based on other planning and design grounds.

Section 4.15(1)(b) The likely impacts of the development

Public Domain and the Public/Private Interface

- The plans lodged propose lots presenting to Wianamatta (lots 3305-3320) that have minimal and insufficient building breaks, resulting in an inappropriate bulk and scale. Additionally, across the road Stage 3B2 has approved landscape breaks which have not been carried through on the block that will have a presentation to Wiannamatta Parkway, resulting in an inconsistent character with the area and exacerbating the bulk and scale of the proposed dwellings.
- There has been insufficient information lodged to determine if the proposal will be able to provide an attractive and safe public domain in respect to driveway crossovers, street tree locations, street lights, bin presentation and sufficient on street parking.
- The proposal will have attached dwellings fronting the proposed village centre, which is a current application lodged with Council (see DA19/0821). While the village centre has not yet been determined, the direct interface with the development is proposed to be residential townhouses transitioning to the residential flat building below and above. This design has been guided by Council's Urban Design Review Panel and as such represents a superior design outcome. The interface proposed within the subject DA is not thought to be appropriate as the proposed dwellings are bulky with an inferior street presence in comparison to the proposed village centre. N

discussion has been provided as to why the proposed design is considered appropriate or if the adjoining interfaces have been taken into consideration in the proposed design.

- The plans lodged with the application show rear loaded garages on roads opposite dwellings with their prime facades presenting on the same street. This is a poor and unattractive street presentation, and additionally raises concerns regarding adequate passive surveillance and CPTED issues.

Urban Design

- There is a lack of consistency in the architectural language between the dwellings proposed (while not encouraging identical repetition of elevations).
- Pending resolution of other matters, the urban sleeve dwellings adjacent to the future Regional Open Space thought to meet the intent of the central precinct plan in that they overlook a park, afford a different dwelling typology and are located in the village character area. However, the urban sleeve dwellings fronting proposed road 028A are not thought appropriate in that; they do not front a non-residential use nor activate what would otherwise be a dead space and they are not thought to contribute to a logical subdivision pattern in this local

Amenity

- The visual amenity of proposed lot 3332 is more adversely impacted than others as it will share a common boundary with 8 urban sleeve dwellings. This is not considered satisfactory as potentially 5 urban sleeve dwellings have habitable rooms that will overlook lot 3332 Private Open Space (POS) with less than 3 metre physical separation between the dwellings and the POS of lot 3332.
- An acoustic report was requested to determine if the dwellings would be impacted by road traffic noise and if what noise mitigation measures are required. This report has not been forthcoming. Hence it cannot be determined if the proposal is suitable in respect to acoustic privacy.
- Integrated waste provisions on each lot for each dwelling have not been provided. Nor have bin street presentation pads been shown for each dwelling. The lack of waste provisions will adversely impact on ease of waste disposal, potential conflicts between neighbors and potential storage of waste bins in spaces such as garages/in front of the dwellings.
- Adequate solar access to dwellings and private open spaces for lots with a frontage to Wianamatta Parkway has not been achieved.

Site Suitability

- Council holds records that indicate, there are areas within Jordan Springs (Central Precinct) that appear to have been constructed over an area of poorly compacted bulk fill. Subsequently a comprehensive geotechnical assessment was requested to be submitted to Council for consideration as part of this Development Application but was not forthcoming. Therefore, due to insufficient information the application has not demonstrated that the site is suitable for the proposed use.
- The site is bushfire affected and adjoins the future Regional Open Space. As part of the GTA requirements for NSW RFS extensive temporary APZs are required on the future Regional Open Space. It is unknown how the APZs will affect the final outcome of the Regional Open Space and future management/ownership of the Regional Open Space therefore it was requested that the applicant address these concerns, yet a response has not been forthcoming. Therefore, due to insufficient information the application has not demonstrated that the provision of the APZs will not have an adverse impact on the delivery and maintenance of the future Regional Open Space.

Traffic

- Vehicle trips within Jordan Springs East (includes Central Precinct and the subject application) were envisioned to be catered for via existing and new proposed connector roads into the area.
The current Precinct Plan and Development Control Strategy (Amendment No.1) came into effect September 2018 and accommodated an increase in the total number of dwellings from 970 to 1,400, necessitating a revised Planning Agreement. As the current application creates lots that are intended for future residential dwellings, the construction and delivery of the West Connector Road is crucial to facilitate the greater densities anticipated in the Central Precinct. The East West Connector road has been approved however the approval did not include the intersection from the Jordan Springs Central Precinct. Hence, the approval of the development without the delivery of the intersection and the East West Connector Road will result in decreased road capacities until such time as the intersection at the East West Connector Road is operational.
- The Traffic Impact Assessment, prepared by WSP, dated; 26/07/2019, states that; *"The occupation of Stag is scheduled to be undertaken after the opening of the East-West Connector Road, which will significantly affect the trip distribution out of Jordan Springs East"*. Given that the intersection is not proposed within this application, Council have no assurances as to the delivery of this and therefore cannot approve the development.

knowing that crucial infrastructure is needed to support the proposed residential densities. The approval of the development prior to the delivery of the infrastructure would result in decreased road capacities for residents

Access and Parking

- Driveways at lots 3323, 3324, 3325, 3331, 3353 are too close to the kerb returns. There needs to be a minimum of 6m clearance between the driveways and the kerb return tangent points as set out in AS 2890.1.
- The majority of the lots proposed have a width of 5m, which is compliant with the controls. However, the proposed lot widths have resulted in issues regarding lack of on street parking, driveway clutter, lack of area street trees and lack of an area for waste bin collection.

Section 4.15(1)(c) The suitability of the site for the development

The site is not considered suitable for the proposed development for the following reasons:

- Insufficient information provided to make an informed assessment;
- Poor internal site presentation and amenity;
- Inappropriate bulk and scale;
- Poor urban design outcomes in respect to architectural consistency and location of urban sleeve dwellings;
- Lack of road infrastructure to adequately cater for increased densities; and
- It is unknown if the site is suitable for residential occupation due to the lack of a geotechnical assessment.

Section 4.15(1)(d) Any Submissions

Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

Referral Body	Comments Received
Building Surveyor	No objections - subject to conditions
Development Engineer	Not supported
Environmental - Environmental management	Not supported
Environmental - Waterways	No objections - subject to conditions
Waste Services	Not supported
Traffic Engineer	Not supported

Development Engineer

There are items raised by Council's request for additional information relating to Engineering have not been addressed by the applicant. As such, prior to further assessment by Development Engineering the following matters must be addressed by the applicant.

- According to reports commissioned by Lendlease and copied to Council there are areas within Jordan Springs that appear to have been constructed over an area of poorly compacted bulk fill. To ensure that the site; being the subject of this DA has a geotechnical foundation suitable for the proposed development a comprehensive geotechnical assessment is required to be submitted to Council as part of this Development Application that fully investigates the site and provides an assessment certifying that the site is suitable for the proposed development. The report shall include but not be limited to; investigation of any fill currently on site and its compaction, any underlying pre-fill platforms and their compaction and suitability, full depth geotechnical testing, a site classification report in accordance with the requirements of AS2870 and an assessment of the proposed development, its engineering and geotechnical design.
- The submitted civil drawings prepared by Cardno, Subdivision layout plans, Street tree plan and

architectural plans do not correspond with one another. There are many discrepancies such as the proposed new location of the public reserves, the boundary adjustment made to lot 3324, footpath adjacent to the parking spaces and road widening at the 90 degree parking spaces. As such, all plans shall be amended to correspond.

- The proposed Kerb Inlet Pit (KIP) B04/1 appears to conflict with the vehicular crossing location of lot 3311. As such, plans are to be adjusted providing a minimum of 1 metre clearance between vehicular crossings and KIPs.
- The cross-section detail for road 27 shall be amended to include the footpath and batter adjoining the Regional Open Space. Proposed batter gradients are to be shown.
- The notations 'Transition Kerb & Gutter to Roll Kerb & Gutter' on the Civil drawing 1701 are to be deleted.
- Driveways at lots 3323, 3324, 3325, 3331, 3353 are too close to the kerb returns. There shall be a minimum of 6m clearance between the driveways and the kerb return tangent points as set out in AS 2890.1.

Environmental - Environmental management

There is a matter raised by Council's request for additional information relating to an acoustic assessment that has not been addressed/provided by the applicant. As such, prior to further assessment by Environmental Management the following matter must be addressed by the applicant.

Noise impact:

It is noted that the development proposal is situated adjacent to Wianamatta Parkway/Academy Street. An Acoustic Report is required to be submitted to council to demonstrate that the dwellings will not be impacted by Road Traffic Noise and to demonstrate that internal noise levels within the dwellings will comply with applicable criteria. The Report is to be prepared by an appropriately qualified acoustic consultant and is to consider applicable New South Wales EPA noise guidelines and Australian Standards. The Report is to include details of any noise mitigation measures should they be required. The Report is also to consider any other potential impacts as a result of the proposed development, and provide recommendations where necessary.

Traffic Engineer

There are items raised by Council request for additional information relating to traffic matters have not been sufficiently addressed by the applicant. As such, prior to further assessment by traffic department the following matters must be addressed by the applicant.

Access and circulation is unsatisfactory for the following reasons:

- The previous referral response advised that the lots are too narrow to allow for driveways and kerbside parking between driveways. The lots should be reconsidered to be wider and /or the driveways grouped together to allow suitable kerbside parking as well as street trees and waste collection. The provision of 90 degree angled parking opposite the lots along Road 027 may be acceptable for those lots fronting it on Road 027 however they are not desirable, practically usable for other lots in other streets.
- Driveways at lots 3325, 3331, 3353 still appear too close to corner kerb returns to allow driveways that are at least 6 metres clear of corner kerb return tangent points as set out in AS 2890.1. These driveways should be dimensioned and detailed to demonstrate that they are at least 6m clear of the corner kerb return tangent points.
- The proposed 90 degree parking has been adjusted and indented further away from the roadway in accord with AS 2890.1 figure 2.5 which requires an indent of 2.8 metres from the road kerb line to the start of the 90 degree parking spaces.
- The proposed parking spaces in the parallel parking bay appear to have been adjusted to provide spaces that are at least 6.2 metres long.
- The cross sections have not all been adjusted to show footpaths at 2% cross fall. All cross section should be adjusted to show all footpaths at 2% cross fall and other verge areas 4% cross fall.

Waste Services

There are items raised by Council's request for additional information relating to waste that have not been addressed by the applicant. As such, prior to further assessment by Waste Services the following matters must be addressed by the applicant.

- Each dwelling is to provide integrated on-site waste storage area.
- Each dwelling is to allow the movement of council issued 3x 240L bins from the backyard to the site of presentation for pick up without the need for bins to pass through the residential dwelling.
- Permanent bin storage in front and or within the dwelling is not permitted.
- All lots are required to provide unobstructed bin presentation areas large enough to accommodate 2x 240L bins. The proposed area must not be obstructed by driveway access, street trees or on-street parking.

Section 4.15(1)(e)The public interest

The proposal is not considered to be within the public interest, as the proposal is non compliant with key aims, objectives and controls under SREP 30- St Marys and Central Precinct Plan. The proposed design in respect to the insufficient information lodged, spatial arrangement and urban design results in negative and unacceptable impacts in the locality and as such, support of the proposal would not be in the public interest.

Conclusion

In assessing this application against the relevant environmental planning policies, being Sydney Regional Environmental Plan No 30- St Marys and Precinct Plan and Development Control Strategy Amendment No. 1, Central Precinct St Marys 2018, the proposal is considered unsatisfactory in regards to the aims, objectives and provisions of these policies. The development is likely to have adverse amenity impacts, poor urban design outcomes, inappropriate bulk and scale and poor internal site presentation.

Additionally, the assessment concluded that inadequate information has been provided by the applicant to allow a comprehensive assessment to be completed and as such the proposed development cannot be supported.

The application is recommended for refusal.

Recommendation

1. That Development Application DA19/0595 for the Integrated Housing and Subdivision Development Compromising of 57 Dwellings on 57 Residential Lots, Two Residue Residential Lots, One Residue Road Lot, Open Space Lot, Public Road Construction with Dedication and Associated Works at 1 Wianamatta Parkway Jordan Springs, be refused for the following reasons.

Refusal

1 X Special 02 (Refusal under Section 4.15(1)(a)(i) of EPA Act 1979)

The application is not satisfactory for the purpose of Section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act as the proposal is inconsistent with the following provisions of Sydney Regional Environmental Plan No 30- St Marys:

- Clause 3 Aims of this plan
- Clause 24 Conservation
- Clause 31 Urban Form
- Clause 40 Urban Zone objectives

2 X Special 04 (Refusal under Section 4.15(1)(a)(iii) of EPA Act 1979)

The application is not satisfactory for the purpose of Section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act as the proposal is inconsistent with the following provisions of Central Precinct Plan and Development Control Strategy, Central Precinct St Marys

- Section 5.3.4 Street Planting
- Section 5.3.5 Lighting
- Section 5.6.8 Urban Sleeve Dwellings
- Section 5.7.2 Landscaping
- Section 5.7.3 Visual and Acoustic Privacy
- Section 5.7.7 Solar Access
- Section 5.7.9 Servicing

3 X Special 07 (Refusal under Section 4.15(1)(b) of EPA Act 1979)

The application is not satisfactory for the purpose of Section 4.15(1)(b) of the Environmental Planning and Assessment Act in terms of the likely impacts of the development, including:

- The design of the proposed development is not considered consistent with the existing and desired future character of the immediate locality.
- The design of the proposed development presents as garage dominant and results in excessive driveways presentation on street frontages.
- The development will result in adverse traffic impacts as it does not propose the delivery of the intersection for the East-West Connector Road.
- The development is considered to be of an inappropriate bulk and scale.
- The development is considered to be an over-development of the site.
- The development is unsatisfactory in regards to the principals of Crime Prevention Through Environmental Design (CPTED).
- The proposal does not provide a suitable level of internal amenity stemming from solar access and visual and acoustic privacy.
- The proposal demonstrates a lack of consistency in the architectural language between the dwellings.
- The proposal represents poor spatial planning in respect to the urban sleeve dwelling locations.
- The development does not provide sufficient waste infrastructure to service the dwellings.
- The development does not provide compliant driveways/kerb return locations, resulting in non compliance with Australian Standard 2890.1.
- The proposal does not allow for sufficient on street parking.

4 [X Special 08 \(Refusal under Section 4.15\(1\)\(c\) of EPA Act 1979\)](#)

The application is not satisfactory for the purpose of Section 4.15(1)(c) of the Environmental Planning and Assessment Act as the site is not considered suitable for the proposed development.

- The application has not demonstrated that the site is suitable for the proposed use, as geotechnical information on the filling of the land has not been provided.
- The application has not demonstrated that the development on the site, specifically the bush fire measures required, will not have an adverse impact on the delivery of the future Regional Open Space.

5 [X Special 10 \(Refusal under Section 4.15\(1\)\(e\) of EPA Act 1979\)](#)

The application is not satisfactory for the purpose of Section 4.15(1)(e) of the Environmental Planning and Assessment Act as the proposal is not in the public interest.