

Supplementary assessment report to Sydney Central City Planning Panel

Panel reference: 2016SWC007 DA

Development application

DA number	JRPP-16-04459	Date of lodgement	22 November 2016
Applicant	Merhis Blacktown Pty Ltd		
Owner	Better Buildings Pty Ltd		
Proposed development	Construction of a 22 storey mixed use development comprising retail and commercial space, 90 residential units, 103 car parking spaces within 5 basement levels, drainage works and associated landscaping.		
Street address	26 Second Avenue, Blacktown		
Notification period	22 November 2016	Number of submissions	1

Assessment

Panel criteria (s9.1 of the EP&A Act & Ministerial Direction)
(Schedule 7, SEPP (State and Regional Development) 2011)

Capital investment value (CIV) over \$20 million (DA has CIV of \$23.6 million)

Relevant section 4.15(1)(a) matters

- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
- Blacktown Local Environmental Plan (BLEP) 2015
- Blacktown Development Control Plan (BDGP) 2015
- Central City District Plan 2018

Report prepared by	Holly Palmer
Original Report date	10 May 2018
Panel consideration and deferral	Approval subject to deferred commencement conditions
Supplementary Report date	17 July 2018
Recommendation	Approval subject to conditions.

Attachments

1. Copy of amended architectural plans submitted 24 May 2018
2. Applicant's analysis of impacts of a future development at the adjoining site to the east
3. Updated draft conditions of consent
4. Copy of the original report to the Panel

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the assessment report? Yes

Clause 4.6 Exceptions to development standards

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

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s7.24EF)? No

Conditions

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

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1 Executive summary

- 1.1 This supplementary report is prepared in response to the Panel deferring consideration of the original report on 24 May 2018 to address the following:
 - '1. To enable Blacktown City Council to assess the amended plans that were lodged on the 24th of May 2018.*
 - 2. To enable the applicant to undertake and provide to Council an assessment of the impacts of future development on the adjoining site to the east (the Department of Housing site) on the subject development proposal. This assessment is to examine shadowing, privacy and outlook impacts. The hypothetical future development on the neighbouring site is to assume 12 metre separation between buildings above the podium levels and compliance with front and rear setbacks as given in Blacktown Development Control Plan 2015.'*
- 1.2 We have considered the amended architectural plans provided at **attachment 1**, and consider the relocation of the services core and associated changes to suitably address our concerns. Refer to further discussion at **Section 2** below.
- 1.3 The Applicant also submitted additional information at **attachment 2** which considers the impacts on this development from a future development of the adjoining site to the east, being the Department of Housing land at H/N 22 Second Avenue, Blacktown. We consider that this analysis demonstrates that the Department of Housing site is capable of a suitable form of redevelopment despite having some restrictions in terms of setbacks and building separation. This potential redevelopment ensures that a reasonable level of amenity is also maintained for the development the subject of this application. Refer to further discussion at **Section 2** below.
- 1.4 The application is therefore satisfactory when evaluated against section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- 1.5 This report recommends that the Panel approve the application subject to the updated recommended conditions provided at **attachment 3**.
- 1.6 A copy of the original report is at **attachment 4**.

2 Further assessment of the amended plans

- 2.1 We have assessed the amended architectural plans provided at **attachment 1**, and consider the relocation of the services core and associated changes to suitably address our concerns.
- 2.2 As a result of our original assessment of this Application and given the strong concerns raised by the submitter (being the adjoining development to the west at H/N 26 Second Avenue) and in consultation with our City Architect, we recommended that conditions be applied to amend the design of the building to assist with resolving the submitter's concerns.
- 2.3 At the Panel meeting, the Applicant submitted amended plans, which are provided at **attachment 1**, which generally incorporate our required amendments. Our City Architect has reviewed the amended plans and our following requirements are satisfied:
 - i. Increase the setback of the core from nil to 100 mm to the western boundary from Level 1 through to the roof level.
 - ii. Decorate the western elevation of the core with a pattern panelling system.

- iii. Incorporate additional fire rated glass blocks along the western elevation of the fire stair to break up the appearance of the building's core.
- iv. Treat all west facing windows to be tinted and translucent.
- v. Delete the planter boxes on all levels next to the building's core.
- vi. The external steel structure decorative elements are to be yellow in colour.

2.4 However, the following required amendment has not been made:

- i. Relocate the core of the building (including the lifts, lift lobby, fire stairs and associated services) at least 6 metres to the north to open up the outlook looking south-east for the apartments in 28 Second Avenue which have a single outlook towards this development.

2.5 The Applicant has provided justification for relocating the core only 3.5 metres to the north (instead of 6 metres) including view analysis diagrams. This is provided at **attachment 1**. The Applicant has demonstrated that the difference between shifting the core 6 metres to the north, compared to only 3.5 metres as they are proposing, results in a negligible improvement in terms of solar access, privacy and outlook.

2.6 On this basis, we do not object to relocating the core only 3.5 metres, and the amended plans are supported. We have amended the recommended conditions of consent to reflect the amended plans, which is provided at **attachment 3**.

3 Consideration of the impact of the site to the east

3.1 The Applicant has prepared additional information which considers the impacts on this development from a future development of the adjoining site to the east, being the Department of Housing land at H/N 22 Second Avenue, Blacktown which is provided at **attachment 2**.

3.2 Out City Architect has reviewed this submission, and has provided the following commentary with regard to the impacts of a future development of the Department of Housing land:

- i. The Applicant has demonstrated that if a building on the Department of Housing site has a **6 metre** building setback, the result would be a development which does **not** comply with the solar access requirements of the Apartment Design Guide for the Department of Housing site, and to the proposed development the subject of this application.
- ii. The Applicant has demonstrated that if a building on the Department of Housing site has an increased **9 metre** building setback, the result would be a development which **does** comply with the solar access requirements of the Apartment Design Guide for the Department of Housing site and to the proposed development the subject of this application.
- iii. The provision of a building setback of 9 metres, or greater, on the Department of Housing site is capable of achieving a development which reaches its development potential with regard to the maximum permitted building height and floor space ratio.
- iv. In addition, any future development proposed for the Department of Housing site will need to take into consideration its impact on neighbouring sites to ensure reasonable levels of amenity are maintained. Given the substantial dimensions of the site (approximate width of 37 metres and depth of 55 metres), it will allow for

flexibility in the design to respond to the neighbouring development whilst still achieving its development potential.

- v. We do have concern based solely on setting a precedent of developments creating a burden on adjacent lots, however given the substantial dimensions of the Department of Housing site, the burden will be limited.
- 3.3 We consider that this analysis demonstrates that the Department of Housing site is capable of a suitable form of redevelopment despite having some restrictions in terms of setbacks and building separation. This potential redevelopment ensures that a reasonable level of amenity is also maintained for the development the subject of this application. It is also noted that the Department of Housing did not object to this proposal, and there is no current Development Application for the redevelopment of the Department of Housing site. Therefore the proposal is supported.

4 Conclusion

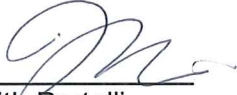
- 4.1 The proposed development has been assessed against all matters for consideration and is considered to be satisfactory. The likely impacts of the development have been satisfactorily addressed and we conclude that the proposal is in the public interest. The site is considered suitable for the proposed development subject to the updated conditions of consent.
- 4.2 The issues raised in the public submission have been addressed by the Applicant, ameliorated through proposed amendments to the plans, or are capable of being managed by us through conditions of consent. Therefore the issues raised do not warrant the refusal of the application.

5 Recommendation

- 1. Uphold the variation to the height of buildings development standard in clause 4.3 of the Blacktown Local Environmental Plan 2015 using clause 4.6 for the following reasons:
 - a. The request is well founded and warrants approval.
 - b. Adherence to the height standard is unnecessary in this instance as no adverse impacts will result from the height breach.
 - c. The breach will enable access to rooftop communal open space, thus providing sufficient environmental planning grounds to justify the variation. The breach will enable development that is consistent with relevant zone objectives and thus is in the public interest.
 - d. We consider that the request is satisfactory and we support the variation.
- 2. Approve Development Application JRPP-16-04459 for the reasons listed below, and subject to the updated conditions of consent listed at **attachment 3**.
 - a. The proposal is in the public interest.
 - b. The site is considered suitable for the proposed development.
 - c. The requested clause 4.6 variation is acceptable.
- 3. The submitter be notified of the Planning Panel's decision.



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