

Report to Sydney West Central Planning Panel

Panel reference	2016SYW040 DA
DA number	JRPP-16-02969
Proposed development	2 x Residential Flat Buildings
Street address	Lots 12B and 13D within the subdivision of 34-38 Pelican Road, Schofields
Applicant/owner	Universal Property Group Pty Ltd
Date of DA lodgement	16 February 2016
Number of submissions	1
Regional development criteria (Schedule 4A of the EP&A Act)	Capital investment value (CIV) over \$20 million (DA has CIV of \$23.26 million)
All relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River • Blacktown City Council Growth Centre Precincts Development Control Plan 2010
Report prepared by	Blacktown City Council
Report date	17 July 2017
Recommendation	Approval subject to conditions

Summary of s79C matters

Have all recommendations in relation to relevant s79C 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 (s94EF)? Yes

Conditions

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

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ATTACHMENTS

- Attachment 1 – Location map
- Attachment 2 – Aerial image as of 12 March 2017
- Attachment 3 – Zoning extract
- Attachment 4 – Approved subdivision plan under DA-14-01110 and DA-14-01112
- Attachment 5 – Applicant's Clause 4.6 request
- Attachment 6 – Detailed information about proposal and DA submission material
- Attachment 7 – Development application plans
- Attachment 8 – Assessment against planning controls
- Attachment 9 – Council assessment of Clause 4.6 request
- Attachment 10 – Draft conditions of consent

1 Executive summary

- 1.1 This report considers a proposal to construct 2 x 5 storey residential flat buildings containing 95 units at proposed Lots 12B and 13D within the subdivision of 34-38 Pelican Road, Schofields.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The application is therefore satisfactory when evaluated against Section 79C of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel approve the application subject to the recommended conditions.

2 Key issues list

- 2.1 The key issues that need to be considered by the Panel in respect of this application are:
 - a. Building height variation (Section 8)
 - b. Colours and finishes (Section 8)
 - c. Matters raised by the objection (Section 9)

3 Location

- 3.1 The site is located within the Alex Avenue Precinct within the North West Growth Centre as identified by the Growth Centres SEPP. It is located within the suburb of Schofields.
- 3.2 The location of the site is shown in **Attachment 1**. The land immediately to the west, east and south of the site is zoned R3 Medium Density Residential, with a building height limit of 16 m. The land that adjoins the site to the north is zoned SP2 Infrastructure (Drainage).
- 3.3 The site is located approximately 730 m south east of Schofields Station on the Richmond rail line. Part of the land between the site and Schofield Station has been identified as a neighbourhood centre.

4 Site description

- 4.1 The site is vacant and is a proposed lot within the subdivision of larger allotments on Pelican Road. The current registered land is Lots 12 and 13 DP 31797. The site is proposed Lots 12B and 13D created in the approved subdivisions under DA-14-1110 and DA-14-1112, which is yet to be registered at Land Property Information.
- 4.2 Proposed Lots 12B and 13D are a regular configuration, with 3 local road frontages to the east, west and north. The total site area of Lots 12B and 13 D is 4,551 sqm.
- 4.3 An aerial image of the site and surrounding area is at **Attachment 2**.

5 Background

- 5.1 On 17 May 2010, the site was rezoned to R3 Medium Density Residential and SP2 Infrastructure (Drainage) under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The zoning plan for the site and surrounds is at **Attachment 3**. The site was previously zoned 1(a) General Rural under the Blacktown Local Environmental Plan 1988.
- 5.2 On 22 April 2015, Council approved DA-14-1110 for the subdivision of the land. This included Torrens title subdivision into 3 residential superlots, 3 public road lots, construction of new roads and associated civil works.
- 5.3 On 24 April 2015, Council approved DA-14-1112 for the subdivision of the land. This included Torrens title subdivision into 2 residential superlots, 1 drainage lot, 1 residue lot and 1 lot for future public road. The DA also approved the construction of new roads and associated civil works. **Attachment 4** shows the approved subdivision plan under DA-14-1110 and DA-14-1112.

6 The proposal

- 6.1 The Development Application (DA) has been lodged by Universal Property Group Pty Ltd for the construction 2 x 5 storey residential flat buildings on proposed Lots 12B and 13D. A total of 95 residential units are proposed, including 9 x studios, 8 x 1 bedroom units, 74 x 2 bedroom units and 4 x 3 bedroom units.
- 6.2 The applicant proposes the construction of 2 basement levels of car parking for 118 car parking spaces. A new vehicle access point is proposed to Road No. 6, on the western side of the development.
- 6.3 The maximum building height of the development is 18.57 m. The development exceeds the height limit by 2.57 m over only limited portions of the buildings, above the maximum

height limit of 16 m under the Growth Centres SEPP. The applicant requests a variation to the development standard as the site has a 3.5 m fall across the site and only the lift overrun, stairs and plant rooms exceed the height limit. The maximum variation sought is equivalent to a 16.1 % variation to the development control. The applicant has lodged a Clause 4.6 variation to the development standard for the consideration of the consent authority. The applicant's written Clause 4.6 request and height limit diagram is held at **Attachment 5**.

- 6.4 The proposal has an FSR of 1.24:1, which is compliant with the maximum FSR of 1.75:1 permissible on the site under the Growth Centres SEPP.
- 6.5 The proposal provides for 6 m setbacks to public roads and setbacks of 6 m and 7.5 m to the adjoining R3 zoned land.
- 6.6 Since lodgement, the applicant amended their colours and finishes to respond to Council's design concerns. The amended design incorporates alucobond frames, colourback glass spandrels, external timber-look cladding and face brickwork feature elements. Powdercoated aluminium louvered screens in grey and silver are provided to balconies to address amenity concerns in relation to privacy and solar access.
- 6.7 A Design Verification Statement prepared by architects at Universal Property Group has been prepared for the development, in accordance with the requirements of SEPP 65. The Design Verification Statement identifies that the design of the development is largely function of design requirements of Apartments Design Guide, topography of given location and demands for efficient and economical construction methods. The building design responds to the site constraints. The density of the development responds to the context of the site with its proximity to Schofields Train Station.
- 6.8 Other details about the proposal are at **Attachment 6**, including traffic, parking and acoustic matters, and a copy of the development plans is included at **Attachment 7**.

7 Assessment against planning controls

- 7.1 A full assessment of the DA against relevant planning controls is provided in **Attachment 8**, including:
 - a. Environmental Planning and Assessment Act 1979
 - b. State Environmental Planning Policy (State and Regional Development) 2011
 - c. State Environmental Planning Policy (Infrastructure) 2007
 - d. State Environmental Planning Policy No. 55 – Remediation of Land
 - e. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
 - f. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
 - g. State Environmental Planning Policy (Sydney Region Growth Centres) 2006
 - h. State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River
 - i. Draft West Central District Plan
 - j. Blacktown City Council Growth Centre Precincts Development Control Plan 2016.

8 Key planning issues assessment

8.1 Building height variation to the Growth Centres SEPP development standard

a. The proposal seeks to vary the building height by up to 2.57 m above the permissible height limit of 16 m, but only over limited parts of the 2 buildings, being a variation of 16.1 %. The variations sought are as follows:

Part block	Building element	Maximum height	Variation sought (%)
A	Lift overrun, stairs and plant room	18.577 m	2.577 m (16.1 %)
B	Lift overrun and plant rooms	18.5 m	2.5 m (15.6%)

b. The variations relate only to encroachments of lift overrun, stairs and plant rooms. No habitable floor or room is located above the height limit. The 5 storey buildings are considered to be consistent with the 16 m height limit permissible on the site.

The rooftop plant and equipment and lift overrun are centrally located and would not be visible from the street. The additional 2.57 m in height is therefore considered acceptable. The variation is considered to be substantially offset within the development site, with portions of the development up to 2.7 m below the maximum height limit.

The portion of the roof structures which exceeds the height limit do not result in excessive bulk and scale and do not result in adverse shadow and amenity impacts on surrounding properties.

The additional height does not result in any additional yield and does not result in an additional residential storey.

The site has a 3.5 m fall from the north-east to the south-west portion of the site. The buildings have been designed in response to this constraint on the site, however, to create level building platforms, minor point encroachments have occurred. The majority of the development is at or below the 16 m height limit. Further, lowering of the building would result in subterrain apartments, which is not desired from an amenity perspective.

Given that the additional height does not result in any commercial gain for the developer (in terms of yield or number of storeys) and will result in a better designed building, it is considered that the proposed variation to the height standard should be supported in this instance.

c. The applicant has submitted a written Clause 4.6 request to justify that compliance with the height development standard is unreasonable and unnecessary in this instance.

There are sufficient environmental planning grounds to justify varying this development standard. A copy of the applicant's written request is held at **Attachment 5**.

d. Council officers consider that the variation will not have unreasonable impacts on the neighbouring properties or the character of the area. The proposed is also consistent with the objectives of the development standards and the R3 Medium Density zone.

Attachment 9 identifies the Council officer assessment of the relevant Land and Environment Court matters for a consent authority to take into consideration when deciding whether to grant concurrence to the variation to the development standard.

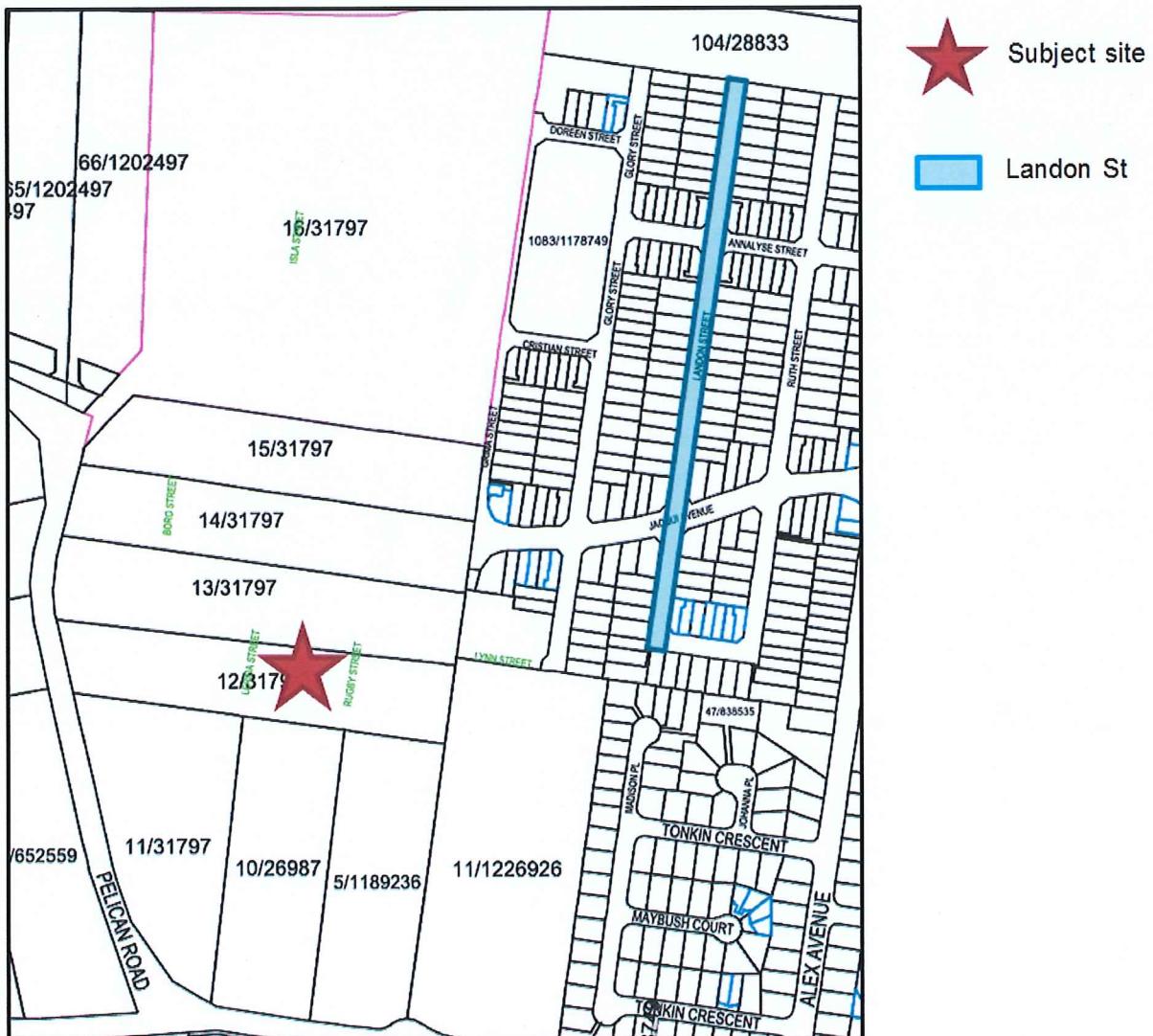
8.2 Building materials and finishes

a. Design concerns were raised in relation to the buildings' materials and finishes, which were a predominant white painted render finish. The applicant has responded to Council's concerns by amending their design to incorporate alucobond frames, colourback glass spandrels, external timber-look cladding and face brickwork feature elements. The revised finishes are considered to be of a high quality. A condition has been imposed to ensure that all finishes comply with relevant fire resistance levels.

9 Issues raised by the public

9.1 The proposed development was notified to property owners and occupiers within the locality between 17 and 31 May 2016. The DA was also advertised in the local newspapers, including the Blacktown Sun, and a sign was erected on the site.

9.2 During the notification period, 1 submission was received. The objector did not identify a property address, other than they were located on Landon Street, Schofields. The location of Landon Street in relation to the site is identified below.



9.3 The following comments are provided in response to the objector's concerns:

- **Objection concern: Density**

Response: The density of the zone is dictated by the development controls established under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. This includes a maximum height of 16 m on the site and a permissible floor space ratio of up to 1.75:1. The development is compliant with the building height, with the only variation sought to plant and equipment and lift overrun. The development is also significantly under the maximum permissible floor space, providing a FSR of 1.24:1. The minimum density for the site is 25 dwelling per ha. The development achieves 209 dwelling per ha.

- **Objector concern: Parking**

Response: The car parking requirements for a residential flat building are established under the Growth Centres DCP. The development is required to provide 97 residential car parking spaces and 19 visitor car parking spaces. The development exceeds the minimum car parking requirements, providing 99 resident car parking spaces and 19 visitor car parking spaces.

Concerns regarding the existing car parking issue at Schofields Train Station are not a matter for this DA and Sydney Trains controls commuter parking at the station, not Council. This site is within walking distance of the train station, as it is 730 m from the station.

- **Objection concern: Privacy**

Response: The objector has identified themselves as living in Landon Street, Schofields, which is a minimum 250 m east of the subject site.

The development will not create a privacy issue to the objector as there are 2 blocks of development between the development site and Landon Street. This **Objector concern: View loss**

Response: The objector is located within the Avenue estate. The land to the west of the site is currently undeveloped and the Avenue estate benefits from views of the Blue Mountains to the west. However, the land between the Avenue estate and the Richmond rail line as well as the land further west in the Schofields Precinct has been rezoned. The land immediately to the west of the site was rezoned at the same time as The Avenue Estate, to R3 Medium Density Housing with a 16 m building height limit. Therefore at time that the objector would have purchased their property, the building height was already established. Therefore, the objector's property only benefits from the view until the properties to the west are developed.

- **Objector concern: Insufficient number of schools**

Response: This is not a matter for consider in the assessment of this DA. However, as part of the strategic planning process in rezoning the Alex Avenue Precinct of the North West Growth Centres, the State Government identified future school sites. This includes the recently constructed K-12 school on Hambleton Road, Schofields as well as an identified school site to the north of the site. Figure 7 below provides the Alex Avenue Precinct ILP, with current and future school sites for the Precinct identified in purple. The timing of the development of the future state schools is however, a matter for the NSW Department of Education and Training.

9.4 The objection does not warrant refusal of the DA.

10 External referrals

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

Section	Comments
NSW Police	No objection subject to conditions

11 Internal referrals

11.1 The DA was referred to the internal sections of Council and no objections were made subject to conditions.

12 Conclusion

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

13 Recommendation

13.1 The development application be approved by the Sydney West Central Planning Panel subject to the conditions held at **Attachment 10**.

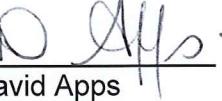
13.2 The submitter be notified of the Planning Panel's decision.



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