

Supplementary assessment report to Sydney Central City Planning Panel

Panel reference: 2016SYW072

Development application

DA number	JRPP-16-03305	Date of lodgement	24 March 2016
Applicant	Fauborg 24 Pty Ltd (Applicant)		
Owners	Better Buildings Pty Ltd (Owner of 11-17 Second Avenue, Blacktown)	Australia's Sun International (Sydney) Pty Ltd (Owner of 9 Second Avenue, Blacktown)	
Proposed development	2 x 18 storey mixed use buildings, including retail premises, serviced apartments, commercial premises and residential apartments		
Street address	9-17 Second Avenue, Blacktown		
Notification period	9 to 23 August 2016	Number of submissions	None

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 \$85.096 million)
Relevant section 4.15(1)(a) matters	- State Regional Environmental Policy No. 20 – Hawkesbury-Nepean River - 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 - Blacktown Local Environmental Plan (BLEP) 2015 - Blacktown Development Control Plan (BDGP) 2015
Report prepared by	Blacktown City Council
Original Report date	27 October 2017
Panel consideration and deferral	Panel discussion concluded that the Applicant is to submit a detailed flood study. If this study concludes that the building levels are to be raised, an updated clause 4.6 request to vary the height of buildings development standard is to be submitted. Additional solar access analysis is to be submitted. A site investigation report is to be submitted.
Supplementary Report date	4 July 2018
Recommendation	Approval subject to conditions listed in attachment 3

Attachments

1. Solar access analysis plans
2. Details of shadow impacts from the approved development at the adjoining site to the north (10-14 Third Avenue, Blacktown)
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

Contents

1	Executive summary.....	3
2	Further assessment of solar access.....	4
3	Conclusion.....	5
4	Recommendation.....	5

1 Executive summary

- 1.1 This supplementary report is prepared in response to the Panel deferring consideration of the original report on 18 December 2017 to address the following:

'1. The Panel notes the application seeks a 7.2% variation (up to 4 metres) of the building height standard and that there is a requirement for a detailed flood study to be undertaken. The latter could add further to the building height.

The Panel requires the flood study to be completed and the final building height determined. A revised clause 4.6 variation request may be needed at that time.

2. The Panel also requires submission of an additional plan which clearly shows the relationship between Stages 1 and 2, and specifically the shadowing impacts on the communal open space identified on plan DA-L101 29/2/16.

3. The Panel notes the assessment report does not adequately address the requirements of clause 7, State Environmental Planning Policy (SEPP 55) - Remediation of Land and requires that a site investigation report be provided that addresses all the relevant requirements of the SEPP.'

- 1.2 The Applicant submitted a Flood Study Report for Overland Flow Analysis prepared by MA Engineers. Our drainage and development engineers reviewed this report and advise that the proposal is appropriately protected from surface flows, and does not impact on surrounding properties and flood levels during large storm events. The deferred commencement conditions accompanying the original report are to be deleted. The Applicant has also confirmed that the maximum height of the proposed development is maintained. Therefore, the Applicant's clause 4.6 request to vary the height of buildings development standard continues to apply and is considered acceptable on its merits subject to being integrated into architectural roof features.
- 1.3 The Applicant's solar access diagram at **attachment 1** and the shadow impact plans from the approved development at the adjoining site to the north (10-14 Third Avenue, Blacktown) at **attachment 2** demonstrate that sufficient sunlight is available to the apartments and communal open space areas in mid-winter as required by the Apartment Design Guide. The proposal demonstrates suitable amenity for the future occupants of this development, is consistent with the desired characteristics of developments within the Blacktown Central Business District, and is supported. Refer to further discussion at **Section 2** below.
- 1.4 The Applicant submitted a Stage 2 Detailed Site Investigation report prepared by EBG, Environmental Geoscience, Report number EBG-02663.02.18.Stage2.DSI, dated 13 March 2017. Our Environmental Health section reviewed this report and advises that the site can be made suitable for the proposed retail, commercial and residential uses subject to conditions requiring the recommendations of this report to be carried out. The recommendations include:
- Removing the construction machinery on the site to enable a qualified environmental consultant to conduct an inspection to verify that the soil is not significantly impacted by the removal of this machinery or associated hydraulic soils or fuels
 - All excavations shall be backfilled with clean validated virgin excavated natural material.
- 1.5 The proposal is considered to satisfy clause 7 of SEPP 55 – Remediation of Land and is supported.

- 1.6 The application is therefore satisfactory when evaluated against section 4.15 of the *Environmental Planning and Assessment Act 1979*. This includes the deletion of the deferred commencement condition at Part 1, and update to condition 4.4 regarding contamination and remediation.
- 1.7 This report recommends that the Panel approve the application subject to the updated recommended conditions provided at **attachment 3**.
- 1.8 A copy of the original report is at **attachment 4**.

2 Further assessment of solar access

- 2.1 The Applicant's Solar Access diagrams at **attachment 1** demonstrate that all primary ground level, podium and rooftop communal open space (COS) areas receive direct sunlight, including the ground level COS area along the northern boundary of the site, as shown on Landscape Concept Plan DA-L101 and **Figure 1** below.

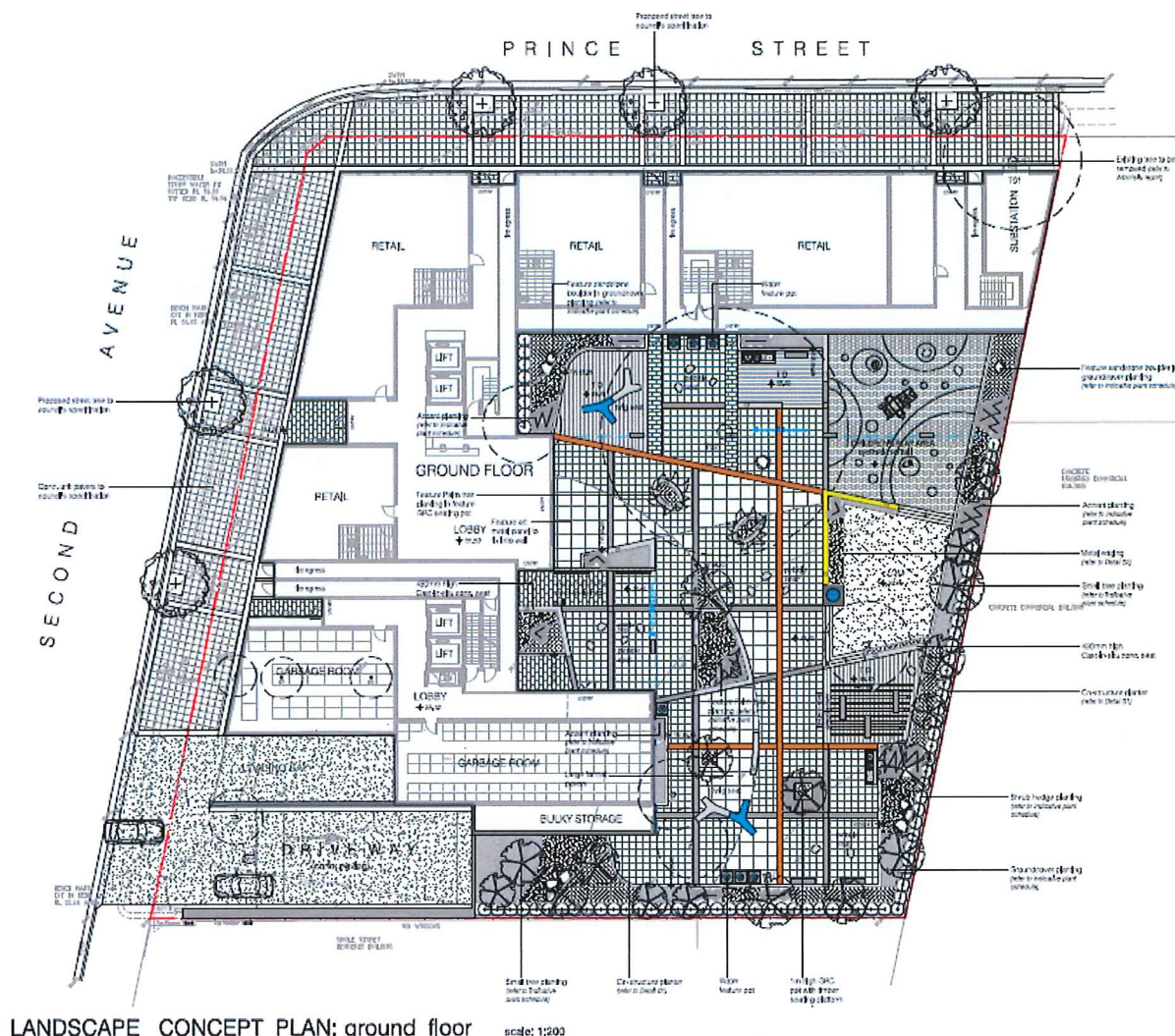


Figure 1: Extract from the Landscape Concept Plan prepared by Canvas Landscape Architects, DA-L101, Revision A, dated 29 February 2016, showing the Stage 1 ground level communal open space area (right).

- 2.2 It is noted that limited solar access is provided to the centrally located communal open space area at the ground level of Stage 2 along the eastern boundary of the site which serves as a courtyard to the retail and foyer area and receives sunlight until approximately 10:30 am only, as shown in attachment 1. However, this area is designed to complement the foyer area as an extension of the indoor space, and is not designed for a high level of exposure to sunlight.
- 2.3 The orientation and layout of the proposed development maximises the exposure of the COS areas and habitable rooms to sunlight. This is achieved by the careful placement of the footprint of the tower forms so as to avoid overshadowing other components of the development throughout the day.
- 2.4 Furthermore, it is noted that the Stage 1 component of the application provides a total of 2,406 m² of COS, being over three times the minimum requirement. The provision and quality of the Stage 1 COS areas is of high quality to the benefit of the future occupants.
- 2.5 The shadow impact plans from the approved development at the adjoining site to the north (JRPP-16-03334 approved by the Sydney Planning Panel on 24 May 2018 for an 18 storey mixed use development at 10-14 Third Avenue, Blacktown) at **attachment 2** demonstrate that sufficient sunlight is available to the apartments and communal open space areas in mid-winter as required by the Apartment Design Guide. In particular, the rooftop COS areas achieve solar access at all times. The podium COS area for Stage 1 is in full sunlight from 11 am onwards. Parts of the ground level COS area for Stage 1 receives sunlight from midday onwards (being the area shown in Concept Landscape Plan DA-L101 and **Figure 1** above).
- 2.6 In summer (on 21 December) all COS areas receive a high level of solar access until approximately 2 pm. The design of the development is responsive to creating opportunities for shading of facades to assist with cooling benefits. Refer to the December Shadow Diagrams Plan at **attachment 2**.
- 2.7 The proposal demonstrates suitable amenity and access to sunlight for the future occupants of this development, is consistent with the desired characteristics of developments within the Blacktown Central Business District, and is supported.

3 Conclusion

- 3.1 The proposed development has been assessed against all matters for consideration and is 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.

4 Recommendation

- 4.1 The development application be approved by the Sydney Central City Planning Panel subject to the updated conditions held at **attachment 3**.


Holly Palmer
Senior Project Planner


Judith Portelli
Manager Development Assessment


David Apps
Acting Director Design and Development