

Report to Sydney Central City Planning Panel

Panel Reference	2016SYW118
DA Number	JRPP-16-03311
Proposed Development	9 x Residential Flat Buildings and 2 stage subdivision into 5 lots and roads
Street Address	23-27 Schofields Road, Schofields
Applicant	Homebush One Pty Ltd
Owner	J Cremona, S Cremona, D Gauci, M Gauci and E M Skinner
Date of DA lodgement	17 May 2016
Land zoning	R3 Medium Density Residential
Number of Submissions	One
Regional Development Criteria (Schedule 4A of the EP&A Act)	The proposed development constitutes 'regional development' requiring referral to a Sydney Planning Panel for determination as it has a capital investment value of \$143.1 million.
List of all relevant s79C(1)(a) matters	• State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • 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) • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • Draft West Central District Plan • Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean River • Blacktown City Council Growth Centre Precincts Development Control Plan 2014
Report prepared by	Holly Palmer, Senior Project Planner, Blacktown City Council
Report date	28 September 2017
Recommendation	Approval subject to conditions of consent

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 SEPP) 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**

Assessment Report

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1 Executive summary

- 1.1 This report considers a proposal for the staged construction of 9 x 4/5 storey residential flat buildings delivering 650 apartments, and associated staged subdivision into 5 residue lots and roads at 23 - 27 Schofields 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 development site excludes an adjoining house lot (Lot 39 DP1218200 H/N 56 Whitechapel Avenue, Schofields) located at the staggered intersection of Gloucester Street, Whitechapel Avenue and Berkeley Street. Assessment of the application includes consideration of the Land and Environment Court planning principles regarding site isolation. Whilst ideally the consolidation of Lot 39 with the development site should have occurred, the owner of Lot 39 cannot be compelled to sell their land to the applicant. Although the circumstances of this case are unusual, it is apparent that all parties will be satisfied if amalgamation is not pursued.
- 1.4 The application is therefore satisfactory when evaluated against Section 79C of the *Environmental Planning and Assessment Act 1979*.
- 1.5 This report recommends that the Panel approve the application subject to the recommended conditions of consent.

2 Key issues list

- 2.1 The key issues that need to be considered by the Panel in respect of this application are:
 - a. **Development in the vicinity of a rail corridor** (Section 8.1 and Attachment 9)

Appropriate measures are capable of being implemented to ensure that potential impacts to and from the future rail corridor are managed.
 - b. **Remediation of land** (Section 8.2 and Attachment 9)

Conditions are recommended to be imposed to ensure that this site is appropriately remediated and suitable for the proposed residential use.
 - c. **Site isolation and impact on the Precinct's desired future character and streetscape** (Section 8.3 and Attachment 9)

Although the circumstances of this case are unusual, it is apparent that all parties will be satisfied if amalgamation is not pursued. To provide a cohesive development outcome, it is recommended that Building F is amended to reduce it from a part 4/part 5 storey RFB, to a 3 storey RFB only. Subject to a condition of consent requiring the submission of amended plans prior to the issue of a Construction Certificate for Building F, the application is considered to be in keeping with the desired future character and streetscape of the Precinct.
 - d. **Building height** (Section 8.4 and Attachment 4)

Despite exceeding the maximum permitted building height for point encroachments of plant and equipment, which will be integrated into a rooftop feature, and minor portions of the roofline and habitable room area due to the slope of the site, the application is considered to result in a better planning outcome which offers access to rooftop communal open space.

e. Visual privacy (Section 8.5 and Attachment 4)

Despite shortfalls in the separation distance between habitable rooms and balconies, suitable privacy screening measures are integrated into the design of the development.

f. Natural ventilation (Section 8.5 and Attachment 4)

The application seeks to rely on skylights for 54 of the top floor apartments to meet the minimum requirement for natural ventilation. The use of skylights is considered to be a satisfactory alternative in this instance.

g. Common space/rooms (Section 8.5 and Attachment 4)

Given the substantial size of this proposal, the application is required to include 3 community rooms for activities such as owners' corporations meetings or resident use for each of the 3 'Blocks'.

h. Acoustic privacy (Section 8.5 and Attachment 4)

A portion of the development is solely orientated towards the adjoining Transport Corridor and Schofields Road to the south. Appropriate noise mitigation strategies are to be included in the development to ensure that potential acoustic impacts are appropriately mitigated.

i. Noise and pollution (Section 8.5 and Attachment 4)

A portion of the development is solely orientated towards the adjoining Transport Corridor and Schofields Road to the south. Appropriate noise and pollution mitigation strategies are to be included in the development to ensure that potential acoustic impacts are appropriately mitigated.

j. Apartment mix (Section 8.5 and Attachment 4)

The proposal, as amended, provides only 4% of units as 3 bedroom apartments, which is a poor mix of dwelling types. A condition is included in the consent to require amended plans to be submitted to ensure that the number of 3 bedroom apartments is increased to 6% as originally proposed.

k. Road pattern variation (Section 8.6 and Attachment 4)

The application seeks, as part of the subdivision to create the roads and residues, to vary the road pattern identified within the Riverstone Precinct Indicative Layout Plan. Given the constraints on the site, including the adjoining Lot 39 being unable to be amalgamated with the subject site and the Transport Investigation Corridor Area, the proposed road layout is acceptable in this instance.

l. Setbacks to public roads (Section 8.6 and Attachment 4)

The proposal provides point encroachments throughout the development site which do not satisfy the minimum setback requirements. However, these setbacks are considered to provide unique architectural features which add visual interest to the streetscape and assist with breaking up the façade and scale of the buildings. They are acceptable in this instance.

m. Setbacks to the transport corridor (Section 8.6 and Attachment 4)

The proposal does not satisfy the full 6 m building setback to the new Transport Corridor, with setbacks of only 2.5 m in places. Full compliance with the building setback will not contribute to improving the proposal's visual presentation or the acoustic privacy of the future residents. The proposal is supported in this instance.

n. Building separation (Section 8.6 and Attachment 4)

Some internal separation distances do not strictly satisfy the 12 m separation distance, for example a separation distance of only 10 m for Buildings D and E. The Applicant provides design techniques, such as providing blank walls and orientating openings to habitable rooms away from balconies. These are considered to satisfactorily mitigate this and comply with the Apartment Design Guide.

o. Matters raised by the public (Section 9)

One submission has been received, raising concern regarding construction noise and adverse impacts caused by a substantial population increase, the issues being a lack of infrastructure, traffic and availability of education, and therefore the developer should build more car spaces, supermarkets, schools and child care centres. The issues raised are not considered warranted to require the refusal of this DA and where relevant can be satisfactorily mitigated by conditions of consent.

3 Location

- 3.1 The site is within the Riverstone Precinct in the North West Growth Centre, as identified by the Growth Centres SEPP. Schofields Farm Road adjoins the site to the east and Junction Road is approximately 100 m to the west. The site is situated to the north of Schofields Road. The location of the site is within the suburb of Schofields as shown in **Attachment 1**.
- 3.2 The adjoining land to the east and west is also zoned R3 Medium Density Residential with a building height limit of 16 m. The site adjoins Schofields Road to the south, being a major arterial road. The land on the southern side of Schofields Road is zoned R3 Medium Density Residential and R2 Low Density Residential, and is currently under construction with new public roads and small lot residential dwellings.
- 3.3 There is one adjoining lot (Lot 39 DP 1218200, known as 56 Whitechapel Avenue, Schofields) to the north of the subject site which is also zoned R3 Medium Density Residential with a building height limit of 16 m. The site only has an area of 456 sqm. This lot adjoins Gloucester Street along its northern boundary, and its eastern boundary is at the intersection of Gloucester Street, Whitechapel Avenue and Berkeley Street.
- 3.4 The land to the north of the site is zoned R2 Low Density Residential and is the subject of a recent Torrens title subdivision and new public roads.
- 3.5 The Land Zoning Map of the Growth Centres SEPP has identified the area immediately on the northern side of Schofields Road as a Transport Corridor Investigation Area. Clause 6.10 Appendix 4 of the Growth Centres SEPP states that consent must not be granted to development in the Transport Corridor without the concurrence of Transport for NSW.
- 3.6 The RMS is currently undertaking road widening works in the area immediately to the south of the site.
- 3.7 Schofields Railway Station is approximately 1 km to the south-west, in the vicinity of the new Schofields Town Centre. The future Cudgegong Road Railway Station is to be delivered as part of the Sydney Metro Northwest and is located 2 km to the east.
- 3.8 Developments in the area consist of a mix of market gardens and rural residential development. The character of the area is in transition, with the market gardens and rural residential developments being replaced by small lot subdivision for residential purposes, particularly to the north of the site.

4 Site description

- 4.1 The site is formed by 3 separate allotments, being Lots 209, 210 and 211 DP 1189773, known as 23 - 27 Schofields Road, Schofields.
- 4.2 The lots have a regular configuration and previously had a street frontage to Schofields Road. Due to RMS road widening and improvements to Schofields Road, there is no longer access via Schofields Road. The site has road frontages to Schofields Farm Road, and new public roads Berkeley Street and Gloucester Street to the north.
- 4.3 The approximate dimensions of the site are 30 m along the northern boundary (along Gloucester Street and Berkeley Street), 159 m along the eastern boundary (along Schofields Farm Road), 319 m along the southern boundary (along the Transport Investigation Corridor Area) and 74 m along the western boundary. The total site area of the 3 allotments is 4.921 hectares. The site area of the development site (excluding the 1.666 hectare Transport Investigation Corridor Area) is 3.255 hectares.
- 4.4 23 Schofields Road currently consists of a dwelling, associated structures and 2 dams, with some scattered trees and vegetation. 27 Schofields Road currently consists of a dwelling, several sheds and associated structures, with some scattered trees and vegetation. 25 Schofields Road currently consists of a dwelling and swimming pool, several metal sheds and associated structures, 3 metal poultry sheds on the northern portion of the site with dimensions of approximately 90 m x 15 m which operate as a chicken farm, rainwater tanks, a dam and large sized gravel areas.
- 4.5 An aerial image of the site and surrounding area is at **Attachment 2**.

5 Background

- 5.1 In May 2010 the Alex Avenue and Riverstone Precinct Plan 2010 was finalised and gazetted, providing the primary planning controls for this site. The Riverstone Precinct Plan provides coordinated planning of over 975 hectares and the potential provision of some 9,000 homes for a further 27,000 people. The subject site is now zoned R3 Medium Density Residential under the Growth Centres SEPP. The zoning plan for the site and surrounds is at **Attachment 3**.
- 5.2 In November 2012 the NSW Government announced a proposed extension of the North West Rail Link from the existing proposed terminus at Cudgegong Road Station to the east of the site, through to Marsden Park to the west of the site. This proposed extension of the Transport Corridor has been incorporated into NSW Government strategic planning documents 'A Plan for Growing Sydney' and the 'NSW Long Term Transport Master Plan'.
- 5.3 Parts of the Transport Corridor extension to the west of the Riverstone Precinct have been included in the Zoning Maps for the Schofields Precinct and the Marsden Park Industrial Precinct, which are adjoining Precincts to the Riverstone Precinct.
- 5.4 Clause 6.10 of Appendix 4 of the Growth Centres SEPP was inserted in December 2015, prohibiting the grant of consent for development within the area marked 'N' Transport Investigation Area Corridor without the concurrent of Transport for NSW.
- 5.5 On 20 July 2016, Council considered a variation to the road pattern in the Riverstone Precinct along the alignment of the North West Transport Corridor. The amendments were recommended to ensure that development can proceed in an orderly manner along the corridor alignment. The proposed road pattern amendments to the Blacktown City Council Growth Centre Precincts Development Control Plan were adopted and came into effect on 22 May 2017. The proposal is generally consistent with this road pattern amendment.

- 5.6 On 24 November 2015, the Applicant attended a pre-application meeting with Council officers.
- 5.7 On 17 May 2016, the Applicant lodged this development application.
- 5.8 On 17 February 2017, the Applicant formally offered to purchase the adjoining Lot 39 DP 1218200 for \$600,000. The Applicant's independent valuation by Theo Stamoulis & Associates valued Lot 39 at \$625,000. Therefore the offer was \$25,000 or 4% below the valuation of Lot 39. More information on this issue is at **Attachment 7** to this report.
- 5.9 26 April 2017, the owner of Lot 39 DP 1218200 confirmed that they have withdrawn their objection to the proposal and wish to retain Lot 39 for the purpose of constructing a residential dwelling and granny flat.

6 The proposal

- 6.1 This integrated Development Application (DA) has been lodged by Homebush One Pty Ltd for the staged construction of residential flat buildings and staged subdivision into residues and roads at 23 - 27 Schofields Road, Schofields.
- 6.2 The applicant proposes the staged subdivision of the site into residue development lots, new public roads and residual lots for the transport corridor, and to demolish the existing structures, remove all trees and construct 9 x 4/5 storey residential flat buildings in a staged manner containing 650 apartments and basement car parking, new roads, communal open space, landscaping and associated stormwater drainage works and services.
- 6.3 Other details about the proposal are at **Attachment 4**, including building height, design verification, acoustic matters and relationship with the Transport Corridor, bushfire impacts, landscaping, traffic and parking, and road layout. A copy of the development plans is included at **Attachment 5**.

7 Planning controls

- 7.1 A full assessment of the DA against relevant planning controls is provided in **Attachment 9**, 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 (SEPP 55)
 - e. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
 - f. Apartment Design Guide (ADG)
 - g. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
 - h. State Environmental Planning Policy (Sydney Region Growth Centres) 2006
 - i. Draft West Central District Plan
 - j. Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20)
 - k. Blacktown City Council Growth Centre Precincts Development Control Plan 2014 (Growth Centres DCP)

8 Key planning issues assessment

8.1 Development in the vicinity of a rail corridor

- a. Appropriate measures are required to be implemented to ensure that potential impacts to and from the future rail corridor are managed. Refer to discussion at **Attachment 9**.

8.2 Remediation of land

- a. A condition is recommended to be imposed to ensure that this site is appropriately remediated and suitable for the proposed residential use. Refer to discussion at **Attachment 9**.

8.3 Consideration of Lot 39 regarding site isolation and the orderly development of land, and impact on the desired future character and streetscape of the Precinct

- a. The Applicant is required to address the value of the proposed development with regard to the Objects of the *Environmental Planning and Assessment Act 1979*, in particular to encourage the promotion and co-ordination of the orderly and economic use and development of land. This includes consideration of the relevant planning principles for site isolation. The Applicant's submission in response to this is provided at **Attachment 7**. Given the delay in receiving this submission and the contentious nature of this issue, Council engaged the advice of an independent town planning consultant, John Brunton Planning Pty Ltd. This advice is provided at **Attachment 10** and concludes the following:

'This review of the intended isolation of Lot 39 DP1218200 Whitechapel Road, Schofields following the construction of residential flat buildings on the site known as 23 - 27 Schofields Road has concluded that there is no material benefit in pursuing the amalgamation of the sites. It is appreciated that the circumstances of this case are unusual. Nevertheless, it is apparent that all parties will be satisfied if amalgamation is not pursued. The planning objectives will be achieved and there will be no disadvantage to the community. Consequently, the request from the applicant for the determination of development application JRPP-16-3311 to proceed without amalgamation can be supported.'

If amalgamation is not required the design of the proposed development should be adjusted to ensure that overlooking and loss of privacy do not adversely affect the future residents of the dwellings on Lot 39. These amendments to the design can be pursued prior to determination of the application, or appropriate conditions of consent can be imposed. Building separation distances satisfy the minimum requirements but there is potential for improvement. Installation of louvres on north and east facing windows will improve the amenity of the nominated apartments and reduce the potential for overlooking. Solid balustrades on balconies will promote greater privacy. Redesign of the roof top terrace can also provide a superior solution. These improvements will benefit residents of the development and Lot 39. They can be achieved without significant amendments to the design of the project.'

- b. The recommendation for improved privacy measures will be addressed via conditions of consent. Notwithstanding the above considerations regarding privacy, we also consider the contribution of the proposal's impact on streetscape to be a consideration, which is discussed below.

- c. The Applicant's submission is dated 17 February 2017, and includes the Applicant's formal offer to purchase the adjoining Lot 39 DP 1218200, 56 Whitechapel Avenue, Schofields (Lot 39) for \$600,000. The Applicant's independent valuation by Theo Stamoulis & Associates valued Lot 39 at \$625,000. Therefore the offer was \$25,000 or 4% below the valuation of Lot 39.
- d. Two valuation reports were prepared by the owner of adjoining Lot 39, including Peter Chuck (Valuations Pty Ltd) which valued Lot 39 at \$600,000 and Valuations NSW which valued Lot 39 at \$590,000.
- e. The comparative sale properties analysed for the purpose of all 3 of the valuations are not representative of the R3 Medium Density zoning of Lot 39, and include some properties a distance of up to 1.5 km away and are not within the Riverstone Precinct.
- f. With regard to adjoining Lot 39, which is in the vicinity of L-Shaped Building F, a setback of 4.5 m to 8 m is provided to the ground level terraces and a setback of 6.5 m to 9 m is provided for Levels 2 to 5. The proposed setbacks to Lot 39 exceed that required by the SEPP 65 Apartment Design Guide (ADG). This is appropriate given the proximity of this development to Lot 39 and the Applicant's inability to purchase Lot 39 for amalgamation with this development site.
- g. The ADG includes a consideration that *'at the boundary between a change in zone from apartment buildings to a lower density area, increase the building setback from the boundary by 3 m'*. This consideration would result in the building separation between Building F and the boundaries of Lot 39 being 9 m for the first 4 levels and 12 m for the fifth level.
- h. This consideration is not technically applicable in this case as this development site and Lot 39 are both zoned R3 Medium Density Residential. As the Applicant is unable to purchase Lot 39 for the purpose of amalgamation into this development site, Lot 39 is now limited to a residential potential of a dwelling house or multi dwelling development. In effect, Lot 39 is now only capable of a much lower density development outcome than the development site, and so the increased building setbacks to help with transitioning is reasonable to apply in this case.
- i. However, in isolation, we do not consider that merely increasing the building setback from Lot 39 is sufficient to achieve a good development outcome when considering the Precinct and its desired future character and streetscape.
- j. The owner of Lot 39 has indicated that he intends to proceed with the construction of a 2 storey dwelling and standalone granny flat. The construction of a 2 storey dwelling on a corner lot, which is surrounded by a part 4/part 5 storey RFB, is undoubtedly not a desirable development outcome for the Riverstone Precinct. The resulting development outcome is an undesirable positioning of contrasting development forms, which is not usually acceptable in a greenfield location.
- k. However, given the Applicant has made all attempts to purchase Lot 39, and the owner of Lot 39 has declined this offer in line with the directions of the planning principles, it is considered reasonable to allow for the construction of RFBs in the vicinity of Lot 39. However, to provide a softer transitioning between the 2 sites, it is recommended that Building F is amended to reduce it from a part 4/part 5 storey RFB, to a 3 storey RFB only. A condition of consent is recommended to be imposed requiring amended plans to be submitted prior to a Construction Certificate for Building F.

- I. With this amendment, the proposal will be able to achieve a much better development outcome with regard to privacy and the orderly development of land which is more in keeping with the desired future character and streetscape of this Precinct.

8.4 Variation to the Growth Centres SEPP development standard - building height variation

- a. The proposal generally satisfies the maximum permitted building height of 16 m, with the exception of the following variations:
 - Up to 1.6 m above the permissible height limit of 16 m due to lift overruns and roof parapets of buildings, representing a variation of 10%
 - Up to 4.05 m above the permissible height limit of 16 m due to the provision of lift overruns and fire stairs required to access the rooftop communal open space areas of Buildings E and G, representing a variation of 25%
 - Up to 88 mm for a minor part of Building A, representing a variation of 5%
 - Up to 200 mm for a minor part of Buildings B, C, E, F and G, representing a variation of 1%.
- b. The Applicant has submitted a request for variation to the building height development standard pursuant to Clause 4.6 of the Growth Centres SEPP, which is provided at **Attachment 6**.
- c. An assessment of the justification for the variation, including the 5-part test established by the NSW Land and Environment Court, is provided at **Attachment 4**. The proposed exceedance of the building height enables the provision of rooftop communal open spaces, which significantly increases the overall provision of usable outdoor space that benefits from sunlight access for the future residents and their guests.

We recommend a condition of consent is imposed requiring the rooftop lift overruns and stairwells which exceed the height plane to be screened within an architectural roof feature.

This is considered to be a better planning outcome than enforcing the deletion of a level to enable all rooftop lift overruns and stairwells to be within the compliant building height limit.

- d. Based on this assessment, we agree that the requested variation under Clause 4.6 will result in a better planning outcome and is considered reasonable, well founded and is recommended for support.

8.5 Variations to the Apartment Design Guide

SEPP No. 65 requires that consideration must be given to the requirements of the Apartment Design Guide (ADG). Council officer's assessment against the relevant design concepts and numerical guidelines of the ADG is at **Attachment 9**. The development complies with the ADG with the exception of visual privacy, natural ventilation, common spaces/rooms, acoustic privacy, noise and pollution and apartment mix, as discussed below.

a. Visual privacy

Section 3F of the ADG requires separation distances between buildings on the same site depending on the type of room as set out in Figure 3F.2, which is generally a distance of 12 m as all separation distances are between habitable rooms/balconies. The application comprises minor shortfalls to the minimum

required distances, ranging from a variation of 2 m to 4 m as identified in **Attachment 4**.

Despite these non-compliances, the proposal comprises methods to ameliorate potential impacts, such as attempts to locate circulation cores in these sensitive locations, a 'blank wall effect' in places, windows which are orientated to avoid direct lines of sight, and balconies with solid side walls and fixed privacy screens.

These arrangements are considered sufficient to protect the visual privacy of future residents as directed by the ADG.

b. Natural ventilation

Section 4B 'Natural Ventilation' of the ADG requires at least 60% of apartments to have natural cross ventilation. The objective of this is to maximise the opportunity to create a comfortable indoor environment for residents. The proposal provides natural cross ventilation for 60% of the units, however 54 (8%) of the top floor apartments achieve this by providing a skylight to the living room only.

The use of a skylight is considered to be acceptable in this case given that these 54 single aspect apartments are designed to maximise natural ventilation, as they feature narrow depths with a distance of only 8 m from any window to the rear wall of apartments (as indicated by Objective 4B-2 of the ADG) and the skylights will be manually operable and capable of serving the needs of residents to gain airflow as an alternative to achieving this through providing dual aspect or corner apartments.

The alternate use of skylights is considered to be a satisfactory alternative in this instance.

c. Community spaces

Section 4F 'Common Circulation and Spaces' of the ADG states that, for larger developments, community rooms for owners meetings or resident use should be provided.

The proposal is submitted with the intent of providing a single development or 'Precinct' across the overall development site. As lodged, there was no community room provided. In response to concerns raised by Council, the Applicant provided a centrally located 'Communal Pavilion' within the Communal Open Space area of Buildings D and E, to be shared communally by all residents. This pavilion blocks the east-west vista throughout the site, and for this reason is not supported.

Given the substantial number of apartments proposed (650 apartments), the provision of a single community room is not considered to be sufficient to service the needs of such a large number of residents.

It is recommended that a condition of consent be imposed requiring the provision of 3 community rooms, for activities such as owners corporation meetings or resident use, to be provided for each of the 3 'Blocks'. These rooms are not to encroach on the proposed communal open spaces, and are to be within the building footprint as a room within the buildings, as opposed to a covered structure within the communal outdoor space areas. Amended plans are to be submitted prior to the issue of a Construction Certificate for the relevant stage of development. Subject to the imposition of these conditions, it is considered that the provision of communal open space is considered to meet the minimum requirements for this development.

d. Acoustic privacy

Section 4H 'Acoustic Privacy' of the ADG includes an objective that noise transfer is minimised through the siting of buildings and building layout. This is generally achieved, with the exception of the relationship of the proposal to the adjoining

Transport Corridor and Schofields Road to the south. The proposal results in reduced building setbacks and some window and door openings orientated to these noise sources, as identified in detail in **Attachment 4**.

Appropriate noise mitigation strategies are recommended to be imposed as a condition, with regard to potential noise impacts during construction and the operation of the future Transport Corridor and Schofields Road to the south. It is noted that this is also a requirement of SEPP Infrastructure 2007, as discussed at **Attachment 9**. Given the above measures to mitigate potential acoustic impacts, full compliance with the building setback is not considered to improve the proposal's acoustic privacy for the future residents, and is supported in this instance.

e. **Noise and pollution**

Section 4J of the ADG 'Noise and Pollution' states that, in noisy or hostile environments, the impacts of external noise and pollution are to be minimised through the careful siting and layout of buildings.

This is generally achieved, with the exception of some window and door openings orientated to the adjoining Transport Corridor and Schofields Road, as identified in detail in **Attachment 4**.

Given the nature of the redevelopment of this site for medium density purposes which is in close proximity to major roads and transport corridors, it is recognised that there is difficulty in providing a development which achieves private open space and windows that provide natural ventilation to habitable rooms away from the busy road or rail corridor. These apartments will also have to meet the minimum standards in accordance with SEPP Infrastructure 2007, as discussed at **Attachment 9**. Therefore, there is no objection to the outcome of a portion of the apartments which have openings solely to the rail corridor and Schofields Road.

f. **Apartment mix**

Section 4K of the ADG 'Apartment mix' requires a variety of apartment types to be provided. The application was originally submitted with an apartment mix of 2 x studios, 162 x 1 bed, 447 x 2 beds and 40 x 3 beds. The Applicant has since revised the mix. With regard to the number of 3 bed apartments, 14 apartments have been deleted, resulting in only 4% of the apartments being 3 bed apartments, which is unsatisfactory.

In this instance we will require 6% of the apartments to be 3 bed apartments (as originally proposed). This will be imposed as a condition of consent requiring amended plans to be submitted. A suitable and responsive apartment mix is capable of being provided within this development.

8.6 Variations to the Growth Centres DCP 2014 requirements

a. **Road pattern variation**

The application seeks to vary the road pattern identified within the Riverstone Precinct Indicative Layout Plan so that it terminates in a cul-de-sac head and not link up as a through road, because the Applicant was unable to provide a safe road intersection design at the staggered intersection at Gloucester Street, Whitechapel Avenue and Berkeley Street. The variation to the road pattern is described in **Attachment 4** and is considered acceptable given the grounds.

b. **Building setbacks to public roads**

The Applicant seeks a variation to the Growth Centres DCP requirement for setbacks to public roads, which requires a 6 m setback to the building line, with balconies and other articulation being allowed to encroach into the setback to a

maximum of 4.5 m from the boundary for the first 3 storeys, and for a maximum of 50% of the façade length.

The proposal provides point encroachments throughout the development site which do not satisfy these requirements for each level as shown on the Articulation Diagram provided at **Attachment 8**. Further discussion on this is also provided at **Attachment 4**.

However, it is considered that the proposed building setbacks to public roads are considered to provide unique architectural features which add visual interest to the streetscape and assist with breaking up the façade and scale of the buildings. Therefore, the variations to the street setbacks are considered to be satisfactory and are supported in this instance.

c. Building setbacks to the transport corridor

Due to the recent provision for the extension of the North West Rail Link, the southern portion of the site is identified as a Transport Corridor Investigation Area under Clause 6.10 of Appendix 4 of the Growth Centres SEPP, as detailed in Section 3 above and **Attachment 4**. The southern property boundary which adjoins this corridor is now subject to the building setback controls in the DCP, being a 6 m setback to the building line.

With regard to the visual impact of the proposed setbacks, as viewed from the public domain and in light of the varied width and alignments of the Transport Corridor and Schofields Road, the portions of the development which encroach into the 6 m setback line will not be visually discernible. Therefore, full compliance with the building setback is not considered to improve the proposal's visual presentation or acoustic privacy of the future residents, and is supported in this instance.

d. Building separation

The DCP requires a minimum building separation of 12 m between habitable room / balcony separation distance for buildings 3 storeys and above. Some internal separation distances do not strictly satisfy the 12 m separation distance, for example a separation distance of only 10 m for Buildings D and E.

The Applicant seeks to mitigate this by providing design techniques, such as providing blank walls and orientating openings to habitable rooms away from balconies, some of which are suggested by Figure 3F.2 of Section 3F of the ADG.

The proposal is considered to provide a satisfactory outcome with regard to creating a sense of space and amenity for future residents, and no further objection is raised in this instance.

9 Issues raised by the public

- 9.1 The DA was notified to property owners and occupiers within the locality between 9 and 23 August 2016. An advertisement was also placed in the local newspaper, the Blacktown City Sun, and a notification sign was displayed on the site. No submissions were received.
- 9.2 The Panel was briefed and concern was raised that the site isolation issue was not appropriately resolved by the Applicant. The Panel directed that the DA be re-notified in its current form, including the proposed cul-de-sac. The Applicant is required to demonstrate that the proposal is representative of the promotion and co-ordination of the orderly development of land and which respects the future enjoyment of the use of surrounding properties.

- 9.3 Due to concerns regarding site isolation of an adjoining lot, and new owners of the recently approved torrens title subdivision to the north, the application was re-notified between 25 February and 7 March 2017 to the property owners and occupiers within the locality, current at the date of this second notification. The DA was also advertised in the local newspaper.
- 9.4 As a result of the second notification process 2 submissions were received, including a submission from the isolated lot. However, this submission was formally withdrawn by the current owners of Lot 39 on 26 April 2017. These owners confirmed that they no longer object to the proposal, and they intend to construct a 2 storey dwelling on their property.
- 9.5 The remaining 1 submission, which is a confidential submission, raised concern regarding construction noise and adverse impacts caused by a substantial population increase with regard to a lack of infrastructure, traffic and availability of education, and therefore the developer should build more car spaces, supermarkets, schools and a child care centre. Refer to **Attachment 11** for further consideration of the issues raised by the confidential submitter.
- 9.6 The issues raised in the submission are considered to be suitably addressed by the Applicant, and where necessary are capable of being managed by conditions of consent to satisfactorily control the development. Therefore, the remaining submission is not considered to warrant the refusal of this DA.

10 Internal referrals

- 10.1 The DA was referred to the various applicable internal sections of Council and the proposal was considered satisfactory subject to conditions.
- 10.2 Council's City Architect raised a number of concerns with the original and amended DA plans with regard to:
- i. Building setbacks
 - ii. Building separation and associated amenity issues, including visual privacy
 - iii. Solar access
 - iv. Provision of deep soil zones co-located with communal open space areas.
- 10.3 In response to these concerns, the Applicant submitted amended plans. The City Architect has advised that although 3 courtyards now comprise deep soil zones, there is no deep soil zone within the Block A courtyard. This approach is deemed acceptable in this instance as the proposal does provide deep soil areas for the majority of other communal open space areas, and there are 2 pockets of soil with dimensions of approximately 5.5 m x 6 m for trees within the Block A courtyard, albeit with a depth of only 1.2 m and therefore not 'deep soil' as described in the ADG.
- 10.4 The departures from the controls for deep soil zones, building setbacks and building separation have been considered as satisfactory for this particular development, given the unique circumstances of this case.
- 10.5 The City Architect is now satisfied with the amended proposal.

11 External referrals

11.1 The DA was referred to external authorities as summarised below:

Section	Comments
NSW Rural Fire Service (RFS)	Council's Bushfire Prone Land Map identifies that the land to the south of Schofields Road contains Category 1 Bushfire Prone Vegetation, with the 100 m wide buffer zone to the vegetation extending onto the development site. As such, the proposal constitutes 'Integrated Development' under Section 91(1) of the <i>Environmental Planning and Assessment Act 1979</i>. The NSW RFS provided its concurrence for the DA subject to a condition regarding management of the Asset Protection Zone.
Transport for NSW (TfNSW)	TfNSW reviewed the proposal and provided the following response: <i>'The Growth Centres SEPP is applicable as part of the site is marked 'N' on the land zoning map under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and therefore concurrence of TfNSW is required under Clause 6.10.</i> <i>Clause 6.10 requires TfNSW to take into account the effect of the development on:</i> <i>(a) The practicability and cost of carrying out public transport projects on the land in the future, and</i> <i>(b) Without limiting paragraph (a), the structural integrity or safety of, or ability to operate, public transport projects on the land in the future, and</i> <i>(c) Without limiting paragraph (a), the land acquisition costs and the costs of construction, operation or maintenance of public transport projects on the land in the future.</i> <i>TfNSW has taken these matters into consideration and has reviewed the relevant documentation supporting the development application.</i> <i>There are concerns that the proposed development could have adverse effects on the viability of the Northwest Transport Corridor.</i> <i>The placing of any foundations, other structures and building loads in or near the proposed Northwest Transport Corridor alignment would affect the practicability of future construction.</i> <i>TfNSW gives concurrence to the proposed development in this development application, subject to Council imposing the conditions listed.'</i> These conditions are to be imposed.
Department of Primary Industries - Water	Department of Primary Industries – Water confirmed that there is no watercourse shown on the Precinct Plan, and therefore it does not raise any objection to the proposal.
RMS	Roads and Maritime Services (RMS) reviewed the DA and raised no objection to the proposal subject to conditions.
NSW Local Police	The NSW Local Police reviewed the proposal and the Applicant's Harris Crime Prevention Services' Crime Prevention Through Environmental Design (CPTED) Report and did not raise any objection to the proposal subject to the recommendations of the CPTED Report and the Police recommendations in its correspondence of 8 October 2016 being adhered to. This condition is to be imposed.

Section	Comments
Sydney Water	Sydney Water reviewed the DA and provided the following comments: Water: - The drinking water mains available for connection is the 150 mm main on the northern side of Schofields Road and the 200 mm main on the western side of Schofields Farm Road. - Amplifications and additional works to support the proposed development may be required. - Detailed water requirements will be provided at the Section 73 application phase. Wastewater: - The proposed development will be served by wastewater extensions from the wastewater mains being constructed for the adjacent subdivision. - An accredited Hydraulic Designer will need to ensure new pipe works constructed to service the proposed development allow for sufficient capacity to meet Code requirements. - Detailed wastewater requirements will be provided at the Section 73 application phase. Sydney Water advises that detailed requirements for each of these items will be provided at the Section 73 Application phase, which will be conditioned in the consent.

12 Conclusion

- 12.1 The proposed development has been assessed against all matters for consideration. It is considered that, subject to amendments to the proposal via conditions of consent, the likely impacts of the proposal are capable of being satisfactorily addressed. The resulting residential flat building development is considered to be a satisfactory development outcome for this site, which is in the public interest. The site is considered suitable for the proposed development, subject to conditions of consent.

13 Recommendation

- 13.1 The development application be approved by the Sydney Central City Planning Panel subject to the conditions of consent held at Attachment 12.
- 13.2 The submitter be notified of the Planning Panel's decision.


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