

Assessment report to Sydney Central City Planning Panel

Panel reference: 2016SYW133

Development Application

DA number	JRPP-16-03312	Date of lodgement	20 May 2016
Applicant	Urban Link Pty Ltd		
Owner	Mrs Prema Reddy, Mr Ram Reddy and New Island Apartments Pty Ltd		
Proposed development	Amalgamation of 4 lots, demolition of existing structures and construction of a part 6/part 7 storey residential flat building comprising 81 units over 2 levels of basement car parking, stormwater drainage works and landscaping		
Street address	Lots 111, 112, 113 and 114 in DP 14294, 11 - 17 George Street, Seven Hills		
Notification period	16 to 30 May 2017	Number of submissions	1

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> Regional development as defined in Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011. Capital investment value (CIV) over \$20 million (DA has CIV of \$21,023,812).
Relevant section 4.15(1)(a) matters	<ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 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 2015 Blacktown Development Control Plan 2015 Central City District Plan 2018 Environmental Planning and Assessment Regulation 2000
Report prepared by	Ruth Bennett, Senior Project Planner
Report date	5 June 2019
Recommendation	Approve, subject to the conditions listed in attachment 10.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning map and height of building map extracts
- 4 Detailed information about proposal and DA submission material
- 5 Development Application plans
- 6 Assessment against planning controls
- 7 Issues raised by the public
- 8 Applicant's Clause 4.6 request
- 9 Assessment of Clause 4.6 request
- 10 Draft conditions of consent

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 (section 7.24)? No

Conditions

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

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1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this DA are:
- The proposed building exceeds the maximum permitted building height for rooftop structures and equipment and point encroachments on the rooftop parapet.
 - Some balconies (6 of 81 balconies) do not meet the requirements of the Apartment Design Guide (ADG).
 - The side setback on the Clancy Lane frontage to 1 balcony at the rear varies from the setback control in the ADG but only at the secondary frontage as a point encroachment.
 - Internal building separation does not comply with the Apartment Design Guide in relation to units numbered suffix .01 and the front wing of the building.
 - The objection raised in the public submission.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 Assessment of the application has been undertaken in accordance with Clause 7 of State Environmental Planning Policy No. 55 (Remediation of Land) and we are satisfied that the use of the site is suitable for the proposed residential use.
- 1.4 The application is considered to be satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.5 This report recommends that the Panel support the Clause 4.6 request to vary the height of buildings development standard in this instance. The proposal provides a built form scale of a part 6/part 7 storey residential flat building, which is consistent with the R4 zone in the Seven Hills Growth Precinct. There are appropriate offsets for the point encroachments on the rooftop parapet.
- 1.6 This report recommends that the Panel approve the application subject to the recommended conditions listed in attachment 10.

2 Location

- 2.1 The site is located at 11 to 17 George Street, Seven Hills. It has 2 street frontages - to George Street and to Clancy Lane. The location of the site is shown at attachment 1.
- 2.2 The site is zoned R4 High Density Residential under Blacktown Local Environmental Plan 2015. It is located in the Seven Hills Growth Precinct which has been planned for higher density residential development. The proposal responds to the desired future character of the precinct as envisaged by the NSW State Government for infill development.
- 2.3 There are existing dwellings to the south and west of the site. The B2 zone is located 200 m to 400 m to the north-west and Best Road Park is 120 m to the east.
- 2.4 The site is 310 m from Seven Hills Railway Station. It is close to bus interchanges, taxi ranks, the Seven Hills retail centre, local schools, churches, community organisations and clubs. There are excellent connections to public transport, including the Cumberland and Western train lines and bus services to the Parramatta and Blacktown CBDs.

3 Site description

- 3.1 The site is slightly irregular in shape with an area of 3,396 m². The site falls to the rear and the proposed building has been stepped down to reflect the natural topography.

- 3.2 The site has a principal street frontage of 65 m to George Street and a secondary street frontage of 63 m to Clancy Lane (a 3 m wide laneway).
- 3.3 The site contains 4 existing brick dwellings, with areas of hardstand, other structures, trees and vegetation.
- 3.4 Vehicular access into the site will be by way of a 6 m wide concrete driveway off George Street. Vehicular access for waste truck collection is via Clancy Lane.
- 3.5 An aerial image of the site and surrounding area is at attachment 2.

4 Background

- 4.1 The site was rezoned from 2(a) Residential under Blacktown Local Environmental Plan (BLEP) 1988 to R4 High Density Residential under BLEP 2015. The zoning and height of building maps for the site and surrounds are at attachment 3.
- 4.2 A pre-DA meeting was not held with Council officers.
- 4.3 This application was lodged on 20 May 2016.
- 4.4 The originally submitted proposal was for a 7 storey residential flat building and included various non-compliances with BLEP 2015 and the Apartment Design Guide (ADG) relating to building separation, bulk and scale, and height. We also did not support the proposed waste collection solution.
- 4.5 The original proposal was amended a number of times between 2016 and July 2017. This involved a series of meetings with the Applicant to discuss concerns about the design and the proposed non-compliances. These meetings included relevant Council officers, including the City Architect's office, Engineering, Traffic and Waste.
- 4.6 Amended plans dated 19 April, 25 April and 2 June 2017 were provided in response to changes requested by our Waste and development assessment officers, as well as our Senior Architect.
- 4.7 The final amended plan for the Development Application, Issue M dated 6 July 2017, proposes a part 6/part 7 storey building with waste collection from Clancy Lane and vehicular access for residents and visitors from George Street. Pedestrian entry is from the main entry at George Street only.
- 4.8 The amended proposal provided to Council in July 2017 was reviewed several times since its submission by the City Architect's office and the Engineering and Sustainable Waste Sections of Council. Waste provided approval for a small rigid vehicle (SRV) with private collection, notwithstanding that this is no longer our policy, in late 2018.

5 The proposal

- 5.1 Under the amended application, the Applicant proposes:
 - demolition of existing dwellings and structures and tree and vegetation removal
 - amalgamation of 4 lots into 1 lot
 - construction of a part 6/part 7 storey residential flat building comprising 81 units over 2 levels of basement car parking. The unit mix is made up of 21 x 1 bedroom, 44 x 2 bedroom and 16 x 3 bedroom units
 - the proposal achieves a part 6/7 storey building, with the 7 storey component proposed to be situated at the front of the site. The proposed building has dual street aspects to the roads to the north-west (George Street) and north-east (Clancy Lane). As the site slopes towards the rear, the building has been stepped down by a storey, creating the part 6th storey of the building located at the centre and rear of the site, and

the 7th storey with primary frontage to George Street. The 7th storey section of the building is minimal in scale and proportion, and is under the height plane. The 7th storey (Level 05), which is 484 m² at the front of the site, makes up only 7% of the Gross Floor Area of the building (6,933 m²)

- due to the slope of the land, there is an upper ground level and a lower ground level reflecting the stepping of the design, and waste collection at the lower ground level with side access from Clancy Lane for a SRV waste truck to enter and leave in a forward direction
 - 123 car parking spaces, including parking for residents, visitors, accessible spaces, bicycle parking, motorbike parking and a car wash bay
 - storage cages on both basement levels
 - associated site works, retaining walls, stormwater design drainage works including OSD and landscaping including street tree planting
 - communal open space in excess of the ADG requirement. The landscaping proposal provides for 886 m² on the lower ground floor and upper ground floor levels, and 563 m² on the rooftop. The ADG requirement is for a minimum provision of 849 m².
- 5.2 Other details about the proposal are at attachment 4, including building height, ADG compliance, waste management, traffic and parking matters, and landscaping.
- 5.3 A copy of the development plans Issue M dated 6 July 2017 is at attachment 5.

6 Assessment against planning controls

- 6.1 An assessment of the DA against section 4.15(1)(a) matters and relevant planning controls is at attachment 6.

7 Key issues

7.1 Proposed building exceeds the maximum permitted building height

- 7.1.1 The Applicant seeks to exceed the 20 m maximum permitted building height for this site by up to 3.6 m or 18% to the top of the roof structures, as measured from ground level. The height exceedance relates only to the lift overrun, shade structure, 2 stair cores and balustrade/corner roof element over unit 5.05. We note that any rooftop open space will increase the point encroachment heights of the lift and stair overruns to provide access to the roof.
- 7.1.2 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. A summary of the justification follows and a copy of the request is at attachment 8.
- The non-compliance is attributable to the existing site topography which slopes naturally from the front of the site to the rear.
 - There is significant benefit to residents through the provision of rooftop open space. The proposed lift overrun, shade structure and 2 stair cores are necessary to provide equitable access to this space.
 - The proposal provides for a part 6/part 7 storey residential flat building which is consistent with the aims and objectives of the height control.
 - The non-complying elements are small, do not contribute to an increase in residential density and do not create any adverse amenity impacts. They are predominantly located in the centre of the building, so as to facilitate access to and weather protection for use of the rooftop communal open space.

- In our view the proposed non-compliances will not result in any amenity impacts upon adjoining properties including unreasonable overshadowing, given the C-shape of the development which reduces impacts to the neighbours located to the rear of the site. It is noted that sun shadow diagrams provided by the Applicant demonstrate that solar access is not impeded to neighbouring properties south of the site.
 - The proposal is consistent with other residential flat buildings which have been approved within the locality.
- 7.1.3 Our assessment of the adequacy of the request is at attachment 9. It identifies that there are sufficient environmental planning grounds to justify varying the development standard because the proposed design comprises a stepped building form, which ensures the changes in the landform are accommodated. This includes allowing for lower ground access for waste vehicles and amalgamated basement levels to service the needs of residents. In addition, the design maximises deep soil areas which are co-located with communal open space areas. The amended proposal promotes good design and amenity which creates a diverse and attractive neighbourhood based on strong urban design principles, and will result in a better planning outcome.
- 7.1.4 The Clause 4.6 height variation request is considered reasonable and well founded in this particular circumstance and is recommended for support. It will allow the minor encroachment only of the corner roof element of unit 5.05 and plant and equipment and communal rooftop elements.
- 7.1.5 It is noted that the proposal achieves a part 6/7 storey building, with the 7 storey component proposed to be situated at the front of the site. The proposed building has dual street aspects to the roads at the north-west (George Street) and north-east (Clancy Lane). As the site slopes towards the rear, the building has been stepped down by a storey, creating the part 6 storey of the building located at the centre and rear of the site, and the 7th storey with primary frontage to George Street. The 7th storey section of the building is minimal in scale and proportion, and is under the height plane. The seventh storey (Level 05) which is 484 m² at the front of the site makes up only 7 per cent of the Gross Floor Area of the building (6,933 m²).

7.2 Internal building separation required by Apartment Design Guide not achieved

- 7.2.1 Variations are sought to the internal building separation requirements of the Apartment Design Guide (ADG). A variation is sought with respect to the balcony and 1 window of units located in the rear wing of the building, numbered with the suffix .01.
- 7.2.2 Under Objective 3F-1 Visual Privacy of the ADG, setbacks for habitable rooms and balconies are to be a minimum of 12 m from other habitable rooms and balconies for the 1st to 4th storeys, and a minimum of 18 m from other habitable rooms and balconies for the 5th to 7th storeys.
- 7.2.3 The separation of the balcony and 1 window is 8.5 m for the lower ground level and 9.5 m for levels above this, as measured to the habitable rooms and balconies in the front wing of the building. Thus the proposal does not achieve the required internal building separation as outlined by the ADG.
- 7.2.4 The building separation is proposed as:
- 8.5 m for the lower ground level - should be 12 m
 - 9.5 m for the upper ground level to Level 2 (being the 4th storey) - should be 12 m

- 9.5 m for the 5th and 6th storeys - should be 18 m.

7.2.5 Given that this relates only to the side of the balcony and to 1 window, and given that the remainder of the elevation is a blank wall, these are considered minor encroachments and are acceptable as they can be addressed by conditions of consent, including applying translucent glass to the window and a fixed privacy screen to the side of the balcony. Such conditions will prevent overlooking and privacy impacts to the front wing of the building.

7.3 Non-compliance with balcony sizes required by the Apartment Design Guide

7.3.1 The DA proposes variations to the balcony sizes with the result that 6 of the 81 balconies do not meet the requirements of the Apartment Design Guide.

7.3.2 This relates to the balconies of units numbered 1.01, 1.02, 1.11, 2.01, 2.02 and 2.11.

7.3.3 The ADG requires balcony sizes to be as follows:

- 1 bedroom unit – greater than 8 m² in area and 2 m in depth
- 2 bedroom unit – greater than 10 m² in area and 2 m in depth
- 3 bedroom unit – greater than 12 m² in area and 2.4 m in depth.

7.3.4 The non-compliances relate to depth and overall size.

- The balcony for unit 1.01 is 2 m deep, and is required to be 2.4 m deep.
- The balcony for unit 1.02 is 2 m deep, and is required to be 2.4 m deep. It is 10.3 m² in size, and is required to be 12 m² in size.
- The balcony for unit 1.11 is required as a primary balcony to be 10 m² in size, and is only 7.7 m².
- The balcony for unit 2.01 is 2 m deep, and is required to be 2.4 m deep.
- The balcony for unit 2.02 is 2 m deep, and is required to be 2.4 m deep. It is 10.2 m² in size, and is required to be 12 m² in size.
- The balcony for unit 2.11 is required as a primary balcony to be 10 m² in size, and is only 7.7 m².

7.3.5 A suitable condition is proposed that amended plans be provided prior to the issue of a Construction Certificate, to address the non-compliant balcony sizes.

7.4 Non-compliance with ADG side setback requirement

7.4.1 The side setback on the Clancy Lane frontage to one balcony at the rear varies from the setback control of 6 m by 1 m, but only at the secondary frontage as a point encroachment.

7.4.2 This minor point encroachment is considered reasonable in this instance.

8 Issues raised by the public

8.1 The proposed development was notified to property owners and occupiers in the locality between 16 and 30 May 2017. The DA was also advertised in the local newspapers and a sign was erected on the site.

8.2 We received 1 submission from a nearby resident.

8.3 The issue raised by the resident relates to potential traffic impact on the street network as a result of the proposed development. This submission was forwarded to Council's Traffic Section for comment, and no objections were raised on traffic grounds subject to suitable

conditions of consent, including making sure the access to the proposal meets Australian Standards for driveway design, sightlines and egress requirements.

- 8.4 The objection is not considered sufficient to warrant refusal of the DA on the basis that this proposal will only generate 23 additional vehicular movements in the morning and afternoon peak periods and the road network has adequate capacity to cater for this development.

9 External referrals

- 9.1 The DA was referred to the following external authority for comment:

Authority	Comments
NSW Local Police	Acceptable subject to conditions

10 Internal referrals

- 10.1 The Development Application was referred to some internal sections of Council, including Engineering, Open Space Infrastructure, Traffic, Building, Sustainable Waste and Environmental Health Unit. The DA was considered acceptable subject to conditions of consent.
- 10.2 Our Senior Architect identified some concerns during his initial evaluation. In response, the Applicant submitted amended plans which reduced the height of the building, provided deep soil zones to support the growth of mature trees and amended the bulk and scale of the building and presentation to the street. Units below street level and units below natural ground level were not supported, and balconies which encroached were to be screened. Seven levels within a 20 m height limit were not supported. Amendments provided for a part 6 and part 7 storey building, improvements to the design of waste collection, and provision of direct street access to ground floor apartments. Our Senior Architect is now satisfied that the proposal offers an improved and acceptable development.

11 Conclusion


- 11.1 The proposed development has been assessed against all relevant matters 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.
- 11.2 The issues raised in the public submission are not considered sufficient to warrant the refusal of this application and have been addressed where appropriate by conditions.

12 Recommendation

- 1 Uphold the variation to the height of buildings development standard in Clause 4.3 of Blacktown Local Environmental Plan 2015 using Clause 4.6 for the following reasons:
- a The request is well founded and warrants approval.
 - b Strict 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, as it provides for increased height of the lift overrun to enable access to the communal roof terrace. The height exceedance relates to the lift overrun, shade structure, 2 stair cores and the balustrade/corner roof element over unit 5.05. The provision of rooftop communal open space provides sufficient environmental planning grounds to justify

the variation. The breach will enable development that is still consistent with the relevant zone objectives and is in the public interest.

- d We consider that the request is satisfactory and we support the variation.
- 2 Approve Development Application JRPP-16-03312 for the reasons listed below and subject to the conditions listed in attachment 10.
- a The proposal is in the public interest.
 - b The site is considered suitable for the proposed development.
 - c The proposed development responds positively to the existing residential land uses adjoining the site. The proposal will provide for residential uses within the Seven Hills urban renewal precinct which is currently undergoing transformation to higher density residential land uses.
 - d The requested Clause 4.6 variation is acceptable.
 - e Conditions are proposed that will address all key issues raised by Council.
- 3 Council officers notify the Applicant and submitter of the Panel's decision.



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