

Assessment report to Sydney Central City Planning Panel

Panel reference: 2016SYW210

Development application

DA number	JRPP-16-03327	Date of lodgement	4 August 2016
Applicant	Statewide Planning Pty Ltd		
Owner	Schofields Linx Pty Ltd		
Proposed development	Demolition and subdivision, construction of 5 shop top housing buildings with 8 retail units and supermarket at ground and part first floor level and 229 residential units, basement car parking for 767 vehicles, public roads and private laneways, via an amended application		
Street address	209 Railway Terrace, Schofields (Lot 14 DP 1203330)		
Notification period	2 August to 2 September 2017	Number of submissions	Nil

Assessment

Panel criteria

Section 7, SEPP
(State and Regional
Development) 2011

- Capital investment value (CIV) over \$20 million at the time of lodgement (DA has a CIV of \$66,656,967 (savings provision)

Relevant section 4.15(1)(a) matters

- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River
- 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
- Rural Fires Act 1997
- Water Management Act 2000
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006
- Blacktown City Council Growth Centre Precincts Development Control Plan
- Central City District Plan

Report prepared by Ruth Bennett, Senior Planner

Report date 7 November 2019

Recommendation Approve as a deferred commencement consent, subject to conditions listed in attachment 9

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material
- 5 Development Application plans
- 6 Assessment against planning controls
- 7 Applicant's Clause 4.6 request to vary a development standard
- 8 Council assessment of Clause 4.6 request to vary a development standard
- 9 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)? Yes

Conditions

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

Contents

1	Executive summary	4
2	Location.....	5
3	Site description.....	5
4	Background	5
5	The proposal	6
6	Assessment against planning controls.....	7
7	Key issues.....	7
8	Issues raised by the public	10
9	Internal referrals	10
10	External referrals	11
11	Conclusion	11
12	Recommendation	11

1 Executive summary

1.1 The key issues that need to be considered by the Panel in respect of this application are:

- The proposed buildings exceed the maximum permitted building height for rooftop structures and equipment and on a portion of the roofline and parapet.
- A common room in each building has not been provided for the use of the residents, and is ordinarily required for such a large development. The communal open space has been allocated to the 5 rooftops with some communal areas provided at the podium level. Given the climatic conditions in this location, especially in mid-summer, this limits the availability of the communal open space. To ensure all weather access, a common room will need to be provided for each building to provide for resident access at all times, located off the podium common open space area for Buildings A and B or at level 1 for Buildings C, D and E. This can be dealt with as a deferred commencement condition to be addressed by the applicant.
- A Preliminary Heritage Advice Report was submitted with the DA which stated that the site was not listed on any heritage register, and concluded that there are no indicators that the site contains items of non-indigenous heritage significance. It is recommended that in order to manage the key aspects of the site from an indigenous perspective that the Applicant provide an unexpected finds protocol. This will be required prior to the Construction Certificate.
- Another key issue relates to on-site parking provision, with an excessive number of on-site parking spaces proposed. The applicant intends to have an extra 259 resident spaces and 29 visitor spaces, being a total of 288 extra parking spaces. This is not acceptable as it is pre-emptive of the future planning for the area and is not required to service the development. On this basis, these spaces are to be deleted from the plans as part of the deferred commencement consent conditions and a revised basement parking plan is to be submitted. Secondly, all revised parking is to be properly secured access only, and separated from commercial and visitor parking. This is also to be conditioned.
- The other key issue is that the proposed internal laneways around the 5 buildings need more sensitive treatment, to reduce the amount of concrete and improve the amenity of the ground level space around the buildings. This large expanse of hardstand can be treated with cobblestone banding, pavers, pebblecrete or the like. This will help define loading docks, pedestrian pathways, internal ramps and different spaces adjacent to the retail outlets. This is also addressed by a deferred commencement condition requiring amended landscaping and pavement treatment plans.

1.2 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 and commercial use.

1.3 Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments have not identified any concerns that cannot be dealt with by conditions of consent.

1.4 The application is therefore assessed as satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979.

1.5 This report recommends that the Panel approve the application as a deferred commencement consent, subject to the recommended conditions listed in attachment 9.

2 Location

- 2.1 The site is located in the Alex Avenue Precinct of the North West Growth Area as identified under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- 2.2 The site is directly opposite the Schofields railway station. The site is bounded by the future Minerva Street to the east, Railway Terrace to the west and Jerralong Drive to the north. Schofields Road is approximately 200 m to the north and Pelican Road is approximately 85 m to the south.
- 2.3 The land to the north of the site fronting Jerralong Drive is zoned SP2 Drainage and contains woodland vegetation and a wetlands and creek running east-west. The creek is located 150 m to the north of the site.
- 2.4 The area is in transition from a rural area to an urban town centre.
- 2.5 The property to the south has been developed for retail purposes (Woolworths). The site to the east will be a future public park. Schofields Public School is approximately 1.2 km to the north.
- 2.6 The location of the site is shown at attachment 1.

3 Site description

- 3.1 The site consists of 1 lot known as Lot 14 DP 1203330. The total area of the site is 11,140 m².
- 3.2 The site is irregular in shape with 3 street frontages of:
 - 30.526 m and splay 11.43 m to Railway Terrace
 - 214.97 m on an arc to Jerralong Drive
 - 13.09 m and splay 7.04 m to future Minerva Street.
- 3.3 The southern boundary of the site adjoining Woolworths is 204.25 m in length.
- 3.4 Vehicular access will be from Railway Terrace into Jerralong Drive and onto future Minerva Street.
- 3.5 The site is vacant land, with sparse vegetation, several trees and an area in the centre of hardstand, being concrete footings. Previous structures on the site have been removed. The past uses are identified as sewage/water treatment, storage of materials/stockpiling, and farming and agricultural uses.
- 3.6 The site contours show that the ground surface falls approximately 2.5 m to the north-east. Surface drainage is governed by a topography that gently slopes down in an easterly direction of <5% gradient. The site is well drained, with no flood prone areas.
- 3.7 A concrete wall of the adjoining Woolworths development secures the southern perimeter.
- 3.8 An aerial image of the site and surrounding area is at attachment 2.

4 Background

- 4.1 The Alex Avenue Precinct was rezoned for urban development on 4 May 2010 under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- 4.2 The site was zoned to B2 Local Centre under this SEPP.
- 4.3 The zoning plan for the site and surrounds is at attachment 3.
- 4.4 A dwelling house was on the site but has been demolished. A development consent was granted under DA-94-19 which approved landfill and excavation.

- 4.5 Lot 14 DP 1203330 was registered on 11 December 2014, and this lot was created due to Council acquiring Lots 11, 12, and 13 DP 1203330 for public road, drainage purposes and public reserve. The site is in a rural setting that has been undergoing considerable urbanisation and redevelopment.
- 4.6 The adjoining property to the south at 217 Railway Terrace, Schofields was approved under JRPP-11-605 for a staged retail development, including supermarket, liquor shop and specialty shops by the NSW Land and Environment Court on 2 February 2012.
- 4.7 The subject Development Application was lodged by Statewide Planning Pty Ltd originally for the construction of 5 x 6 storey shop top housing buildings consisting of 242 residential apartments across 5 buildings (Buildings A - E), shops and supermarket. Communal open space areas were proposed at ground level between Building E and the adjoining future park to the east, and on Level 1 between Buildings A and B. Parking was proposed within 4 basement levels. The application also included the removal of 2 trees, demolition of concrete footings, associated infrastructure and landscaping including street tree planting.
- 4.8 The original proposal provided for 4,092 m² of retail floor space inclusive of a 2,000 m² supermarket within Buildings A and B, and 2,092 m² of retail units within Buildings C, D, and E. Housing was proposed on levels 1 to 5 consisting of 242 residential units set over the retail area, being 30 x 1 bedroom units, 198 x 2 bedroom units and 14 x 3 bedroom units. Car parking proposed included 712 parking spaces.
- 4.9 Amendments were made to the application in January 2017 and included the extension of Minerva Street and resulted in a further amendment for subdivision to create 1 lot for public road (Minerva Street). Following advice from Council's Section 7.11 Finance Committee, it was further amended in November 2017 to provide for a residue portion of road frontage for the widening of Railway Terrace.
- 4.10 The proposal originally presented a number of non-compliances with State Environmental Planning Policy (Sydney Region Growth Centres), State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide. Since its lodgement the applicant has revised the architectural and engineering plans several times in response to Council's requests. Initially there was a lengthy delay as the applicant considered the advice from our Traffic Section which requested that the proposal be amended to include the extension of Minerva Street. The most recent architectural amendments have been in response to comments provided by our Planning Section, the Senior Architect and our external planning consultant Planning Ingenuity who reviewed a version of the plans.
- 4.11 The final version of the architectural plans, Revision I, dated 3 April 2019, was lodged with Council on 10 April 2019. This was an amendment to Revisions G and H, which had been lodged with Council on 2 October 2018. The Revision I plans are supported as the amendments adequately address the concerns raised with the applicant.

5 The proposal

- 5.1 The current proposal, lodged with Council on 10 April 2019, includes:
 - the removal of concrete footings and trees
 - construction of 4 x part 5/part 6 storey buildings and 1 x 5 storey building comprising:
 - 229 residential apartments across buildings A to E from the 2nd storey to the 6th storey. The apartment mix provides 34 x 1 bedroom apartments, 182 x 2 bedroom apartments and 13 x 3 bedroom apartments
 - 8 ground level retail units with a combined GFA of 2,345 m²

- a first level supermarket in buildings A and B of 2,050 m² serviced by 2 goods lifts from the ground level loading dock
 - a rooftop communal open space area on each building for use by residents
 - an area of communal open space on Level 2 at podium level between buildings A and B of 495 m²
 - ground and basement level parking for 767 vehicles, providing 569 residential spaces (but 236 spaces are only required), including 76 visitor spaces (only 47 visitor spaces required), and 198 retail spaces required and provided.
 - associated site works, public road construction of the Minerva Street extension and widening of Railway Terrace, private laneways through the site for loading and pedestrian use including public through access, stormwater drainage works and landscaping.
- 5.2 The proposal is supported by a Clause 4.6 variation request to vary the building height by up to 4.6 m above the permissible height limit of 18.5 m. This is discussed in Section 7 below.
- 5.3 Other details about the proposal, including building height, building separation, waste management, traffic and parking matters and noise matters are detailed in attachment 4.
- 5.4 A copy of the development plans is included at attachment 5.

6 Assessment against planning controls

- 6.1 A full assessment of the Development Application against the relevant planning controls is provided at attachment 6.

7 Key issues

7.1 The proposed buildings exceed the maximum permitted building height

- 7.1.1 The proposal seeks to vary the building height by up to 4.6 m above the permissible height limit of 18.5 m, being a variation of 24.8%.
- 7.1.2 The extent of departure to each of the buildings is as follows:
- Building A – 2.63 m (14%)
 - Building B – 4.13 m (22%)
 - Building C – 3.91 m (21%)
 - Building D – 4.6 m (24.8%)
 - Building E – 4.01 m (21.6%).
- 7.1.3 The height exceedance relates only to limited point encroachments of parts of the buildings, including lift overruns and stair access points (to provide access to the rooftop communal open space areas), rooftop shading structures, and rooftop lobbies and the components associated with the rooftop communal open space areas.
- 7.1.4 Although a portion of the rooftop lobbies breach the height limit, this is considered to be an acceptable component of the rooftop communal open space areas which provide all weather access to the lifts and stairwells, as they are open on their sides. The lobbies are a valuable addition to the functionality of the communal open space areas.

7.1.5 The applicant has submitted a Clause 4.6 request to justify that compliance with the height development standard is unreasonable and unnecessary in this instance. The applicant's justification for supporting the variation is that it results in planning benefits, such as providing rooftop open spaces which offer increased amenity for future occupants. In addition, there are no adverse visual bulk impacts created as the rooftop elements are not visible from the street and are shielded from public view by landscaped 3 m deep perimeter planting boxes, and there are no adverse amenity or solar access impacts.

7.1.6 Attachment 8 presents our 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 a development standard.

7.1.7 There are sufficient environmental planning grounds to justify varying the development standard and we consider that the variation will not have unreasonable impacts on the neighbouring properties or the character of the area. Also, the variation to the height limit will result in a better planning outcome for the future residents. Important considerations to note include that:

- None of the components which exceed the height limit relate to a habitable room within an apartment.
- The increase in height does not impact on the density of the development. The proposed development results in an FSR of 2.33:1, well below the maximum permissible of 3.5:1. The increased height simply accommodates the roof structures, rooftop services (lift overruns and stair access areas), and rooftop communal open space areas as shown within attachment 8.
- The majority of the overshadowing, caused by some of the rooftop plant and equipment that exceed the building height, is captured within the roof space of the development. The proposed rooftop lift overruns and stair access areas exceed the height limit by between 14% and 24.8% across buildings A – E. Their location within the centre of the buildings results in minimal additional overshadowing of the property to the south, which contains the retail development approved under JRPP-11-605 and includes a parking area. This is a minor additional impact and sufficient solar access is afforded to the buildings and parking area of the adjoining site. It is not known whether the adjoining site to the south will be developed for a similar 5 or 6 storey shop top housing development.
- The proposed part 5/part 6 storey and 5 storey buildings are considered to be consistent with the 18.5 m height limit permitted on the site.
- The proposal is consistent with the objectives of the height development standard and the B2 Local Centre zone.
- The proposed variation is consistent with minor departures recently granted by the Sydney Planning Panel and the NSW Land and Environment Court for similar development in the vicinity of this site.

7.2 The proposal does not include a common room for the use of residents and visitors of this development

7.2.1 A common room has not been provided for the use of the residents, and is ordinarily required for such a large development as an area for the regular meetings of the body corporate, and also to provide a gathering space for residents and visitors.

7.2.2 The majority of communal open space has been allocated to the 5 rooftops. Given the climatic conditions in this location, especially in mid-summer, this limits the availability of the communal open space in terms of comfort due to extremes of temperature. To ensure all weather access, a common room in each building will provide for access at all times.

7.2.3 A unit in each building will be required to be deleted in order to provide for an area of approximately 80 m² for this purpose, for the use of residents in each building. Unit B203 which is adjacent to the Level 2 communal open space area is suitable for this purpose for Building B. A unit can be set aside in Building A, also adjacent to the communal open space. With regard to Buildings C, D and E, this can be provided on level 1 closest to the ground level shops.

7.2.4 This amendment will be conditioned as a deferred commencement condition.

7.3 The proposal does not include sufficient information to address the site's heritage significance from an indigenous perspective

7.3.1 We note that Figure 2-5 The Aboriginal Cultural Heritage Sites of Schedule 1 Alex Avenue Precincts to the Growth Centres DCP does not identify any part of the site as an area of Aboriginal cultural heritage significance, or as having potential heritage constraints. The site is mapped as Local Centre on Figure 2-5.

7.3.2 The Preliminary Heritage Advice report by Heritage 21 dated 19 July 2016 was submitted with the application. It stated that the site is not listed on any heritage register, and concluded that there are no indicators that the site contains items of non-indigenous heritage significance. Nonetheless, it is recommended that in order to manage the key aspects of the site's potential heritage significance from an indigenous perspective that the applicant be required to prepare an unexpected finds protocol. This has been conditioned.

7.4 The proposal includes an overprovision of on-site parking, which is not required by the SEPP (SRGC), the Growth Precincts DCP and the Austroads Guide to Traffic Management

7.4.1 The excess of 288 extra parking spaces (being an additional 259 resident spaces and 29 visitor spaces) is not required for the development.

7.4.2 The excess parking spaces should be deleted from the proposal as their provision is pre-emptive of future planning of the surrounding area and they are not required to service the development.

7.4.3 Under NSW Government statutory controls for car parking provision on residential flat building sites within 800 m of railway stations, it has been determined that a lower rate of resident parking provision is mandated if the Council parking rates are higher. This is designed to encourage the use of public transport in lieu of private vehicle usage. The Panel has previously required that Development Applications that propose more spaces than under the Government standards be amended to reduce the on-site provision.

7.4.4 A deferred commencement consent condition will be imposed which requires the deletion of 288 spaces from the plans and a revised basement parking plan is to be submitted.

7.5 The proposal does not have adequate amenity at ground level around the buildings and the large expanse of hardstand requires amended landscaping and pavement treatment

7.5.1 Our Senior Architect has advised that a more sensitive treatment is required for the internal laneways around the 5 buildings, in order to improve amenity for pedestrians and clearly delineate between vehicular and pedestrian access.

7.5.2 This amendment will be conditioned as a deferred commencement condition.

- 7.6 On the merits of the application and subject to deferred commencement conditions, the proposal is now considered satisfactory.

8 Issues raised by the public

- 8.1 The proposed development was notified to property owners and occupiers in the locality between 2 August and 2 September 2017. It was also advertised in the local newspapers and a sign was erected on the site.
- 8.2 We received no submissions.
- 8.3 The application was amended in October 2018 and April 2019 to achieve compliance with the Apartment Design Guide. As the amended application reduced the potential for amenity impacts (visual privacy and solar access), amended the building form to achieve compliance with building separation, and reduced the number of apartments from 242 to 229, the proposal was not re-notified in line with the Notification Policy in the Blacktown DCP 2015 which states that amendments are to be re-notified only when they "cause a greater or more serious impact on any affected person".

9 Internal referrals

- 9.1 The Development Application was referred to the following internal sections of Council for comment:

Section	Comments
Drainage Section	Acceptable subject to appropriate conditions
Engineering	Acceptable subject to appropriate conditions
Building	Acceptable subject to appropriate conditions
City Architect's Office	Council's Senior Architect reviewed the DA plans and considers the proposal acceptable. He advised that the project demonstrates an appropriate palette of materials suitable for its intended use. The building form and external appearance is strong and primarily addresses the surrounding street frontages appropriately, with commercial activity incorporated into the street frontage facing the public park, which will provide activation. All sides of the buildings provide elements of visual interest through geometry and material application. However, there are concerns about the nature of the through site links. They should be redesigned to reflect "front of house" and not "back of house". The approved finishes must be of a high quality paved finish and not in concrete or asphalt. These issues are addressed by the conditions in the deferred commencement part of the consent.
Civil and Open Space Infrastructure	Acceptable subject to inclusion of conditions provided
Traffic Management Services (TMS)	TMS reviewed the DA plans and, following the Applicant's amendment to abandon the partial closure of Minerva Street, withdrew their original objection and advised no objection in principle from a traffic management point of view.
Sustainable Waste	Acceptable subject to inclusion of conditions provided

Section	Comments
Environmental Health Unit	Acceptable subject to inclusion of conditions provided
Civil Assets and Forward Planning	The Civil Assets and Forward Planning review provided clarification on Council's road design for the widening of Railway Terrace, and requirements for future road construction and dedication. The proposal is acceptable subject to appropriate conditions.

10 External referrals

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

Authority	Comments
Rural Fire Service (RFS)	The NSW RFS has reviewed the application and found it acceptable. General Terms of Approval have been provided.
Office of Water	The Office of Water has reviewed the application and found it acceptable. General Terms of Approval have been provided.
Roads and Maritime Services (RMS)	The RMS has reviewed the application and advised it is acceptable.
Transport for NSW	Transport for NSW has reviewed the application and found it acceptable subject to conditions.
Local Police	Acceptable subject to conditions.

11 Conclusion

11.1 The proposed development has been assessed against all relevant matters and is now considered to be satisfactory subject to detailed conditions. 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.

12 Recommendation

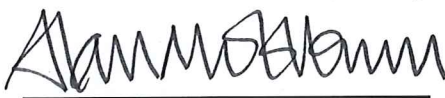
- 1 Uphold the variation to the height of buildings development standard in Clause 4.3 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as the proposal still meets the height objectives of the zone and provides a positive development outcome, as outlined in the following reasons:
 - a The request is well-founded and warrants approval.
 - b Adherence to the height standard is unnecessary in this instance as no adverse impacts will result from the resultant minor height breaches.
 - c The breach will enable access to rooftop communal open space on each building, as it provides for the increased height of the lift overrun to enable access to the communal roof terrace of each building. The height exceedance relates to the lift overrun, stair access area, shade structures, planters and part of the roofline and parapet. 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.

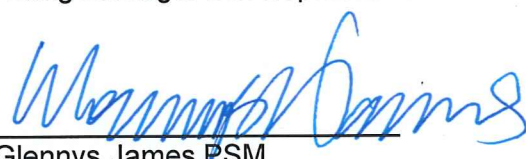
- d We consider that the request is satisfactory and we support the variation.
- 2 Approve, by way of deferred commencement consent, Development Application JRPP-16-03327 for the reasons listed below and subject to the deferred commencement and other conditions listed at attachment 9.
- a The proposal is in the public interest.
 - b The site is considered suitable for the proposed development.
 - c The proposed development responds positively to the existing land uses adjoining the site. The proposal will provide for commercial, retail and residential uses within the Local Centre area, which is currently undergoing transformation to high density land use close to the Schofields Railway Station and bus interchange which have been recently upgraded and will be further enhanced.
 - d The requested Clause 4.6 variation is acceptable.
 - e Conditions require amended plans to be provided to address the key issues raised by Council.
- 3 Council officers notify the applicant of the Panel's decision.



Ruth Bennett
Town Planner



Alan Middlemiss
Acting Manager Development Assessment



Glennys James PSM
Director Planning and Development