

ITEM	30 – 46 Auburn Road, Regents Park
	Proposed concept design for a high density residential development
JRPP REF.	2017SSH014
FILE	DA-107/2017
ZONING	R4 – High Density Residential
DATE OF LODGEMENT	20 February 2017
APPLICANT	Pacific Planning Pty Ltd
SITE AREA	21,180m²
OWNERS	30 Auburn Road Pty Limited
ESTIMATED VALUE	\$20,800,000

SUMMARY REPORT

This matter is reported to the Sydney South Planning Panel in accordance with the provisions of *State Environmental Planning Policy (State and Regional Development) 2011*. The proposed development has an estimated capital investment value of \$20.8 million and exceeds the threshold for '*general development*'.

Development Application No. DA-107/2017 is lodged as a staged development application, and seeks a 'masterplan' concept approval for 10 residential flat buildings across the development site that range in height from 2 to 3 storeys. A basement car parking level is also included in the concept plan, with 2 separate vehicle access points to Auburn Road.

The proposal has been assessed against the relevant provisions of *State Environmental Planning Policy (State and Regional Development) 2011*, *State Environmental Planning Policy No. 55 – Remediation of Land*, *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*, *Bankstown Local Environmental Plan 2015*, and *Bankstown Development Control Plan 2015*. The application fails to comply with the maximum number of dwellings permitted by the DCP.

The application was advertised and notified on lodgement for a period of 21 days, and was renotified for 14 days following the lodgement of amended plans and additional information. Submissions have been received from 5 separate households, raising matters relating to traffic and parking, privacy, built form, impacts during construction, property values, and impacts on existing services.

POLICY IMPACT

This matter has no direct policy implications.

FINANCIAL IMPACT

This matter has no direct financial implications.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions included at Attachment 'B'.

DA-107/2017 ASSESSMENT REPORT

SITE & LOCALITY DESCRIPTION

The subject site is known as 30 – 46 Auburn Road, Regents Park. It comprises 2 existing allotments, is zoned R4 – High Density Residential, and has a consolidated area of 21,180m². The site has a frontage of approximately 170 metres to Auburn Road, which serves as the eastern boundary. Existing industrial developments adjoin the site to the north, and the Regents Park to Birrong section of the Bankstown railway line forms a sweeping, arc boundary to the south and to the west.

An R2 residential zone is located east of the site, across Auburn Road. With the exception of some low-rise villa homes, this area predominantly comprises detached dwellings. Public open space (Magney Reserve) lies immediately to the north-east. Commercial centres and train stations are located 400 metres to the north (Regents Park) and between 300 – 500 metres to the south (Birrong).



PROPOSED DEVELOPMENT

DA-107/2017 is lodged as a staged development application according to the provisions of section 83A – 83D of the *Environmental Planning and Assessment Act, 1979*, and seeks a 'masterplan' concept approval for the works listed and illustrated below:

- Building envelopes for 8 separate residential flat buildings, 2 of which are 'split' into separate modules. The envelopes are arranged around communal open space areas, with pedestrian accessways running on both an east-west and north-south axis.
- Building envelopes at the southern end of the site and to the east (along the Auburn Road frontage) are 2 storeys in height. The remaining envelopes, at the northern end of the site, are 3 storeys.
- A single basement car parking level with 2 separate connections to Auburn Road (one at the northern end of the site's frontage, the other toward the southern end as Auburn Road approaches the railway overpass).



PROPOSED STAGING

The applicant proposes the following sequencing for each of the proposed 'stages' of the development:

- Masterplan concept (the subject of this DA-107/2017).
- Demolition and site clearing.
- Stage 1 – Construction of buildings A, B and C (Auburn Road frontage).
- Stage 2 – Construction of buildings D, E and F.
- Stage 3 – Construction of buildings G, H, J and K.

PLANNING PROPOSAL (PP 2016 CBANK 002 00)

The site is the subject of a separate Planning Proposal, which seeks an uplift in floor space ratio and building height. This Planning Proposal has not yet progressed to a stage at which it can be deemed imminent or certain. Accordingly, the Planning Proposal has not been given any weight in the assessment of DA-107/2017.

SECTION 79C ASSESSMENT

The proposed development has been assessed pursuant to section 79C of the *Environmental Planning and Assessment Act, 1979*.

Environmental planning instruments [section 79C(1)(a)(i)]

State Environmental Planning Policy (State and Regional Development) 2011

According to SEPP (State and Regional Development) a regional panel may exercise the consent authority functions of Council for the determination of applications included in Schedule 4A of the EP&A Act. Schedule 4A includes '*general development over \$20 million*'. The proposed capital investment value of \$20.8 million falls within this category. Accordingly, the application is reported to the Sydney South Planning Panel for determination.

A Panel Briefing was held on 16 May 2017. At the time of the briefing, the proposed concept plan only proposed building footprints, with no proposed building heights shown. The Panel noted a number of key issues at the briefing, including:

- *Planning Proposal is currently being considered for an uplift of FSR but is not imminent nor certain.*
- *Difficulty for Council to assess key issues without building envelopes relating to future floor space ratios.*
- *Having regard to the status of the Planning Proposal it would be premature to consider the proposal.*

The application was subsequently amended to illustrate the proposed building envelopes. These envelopes do not rely on the provisions of the Planning Proposal. Rather, the envelopes have been designed to accord with the current provisions of the *Bankstown Local Environmental Plan 2015* (i.e. maximum 0.6:1 floor space ratio and 13 metre building height).

State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 of SEPP 55 requires Council to consider whether the development site is contaminated and, if it is, whether it is suitable for the proposed development either in its contaminated state or following remediation works.

A preliminary contamination investigation was undertaken, which included a review of previous investigations at the site and a 'detailed site inspection'. The investigation notes that *'the development will include an expansive basement level car park covering approximately 75% of the site, therefore at least the upper 3 metres of soil will be removed across the majority of the site and effectively removing any potential impacts documented in previous reports in those areas subject to excavation'*.

The investigation concurs with previous reports that *'priority high risk areas at 30 Auburn Road have been identified and targeted for sampling'*. Further, supplementary sampling under and around site buildings and filled areas is recommended. So, too, is sampling of 46 Auburn Road, as well as groundwater particularly at site boundaries.

With respect to the requirements of SEPP 55, the investigation concludes that *'the site can be made suitable for the proposed residential use subject to the findings of previous reports, further sampling of soils and groundwater at an appropriate later stage, and if necessary, considerate of existing results and any new information, performing remediation works to remove any unacceptable human or environmental health risks'*. The need for further sampling and the potential for subsequent remediation works is included in the conditions at Attachment 'B' to this report.

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development

SEPP 65 applies to residential flat buildings having 4 or more units and 3 or more storeys. Proposed buildings H, J and K fulfil this criteria, and an assessment against the relevant provisions of the *Apartment Design Guide* has been undertaken.

The proposal has adequate regard for the design quality principles under the SEPP, and responds appropriately to the site's context. Moreover, the envelopes for proposed buildings H, J and K generally conform to the key design criteria as discussed in the table below. It is noted that the detailed resolution of matters including apartment size, private open space, internal circulation and room layouts would be addressed at future DA stages.

DESIGN CRITERIA	PROPOSED	COMPLIES?
Communal open space Min. 25% of the site with a min. 2hrs sunlight to 50% between 9am – 3pm on 21 June.	Up to 40% of the site is capable of being embellished as communal open space, with more than 50% capable of receiving the required solar access.	Yes.

Deep soil zones Minimum 7% of the site with a min. 6m dimension.	30% of the site is provided as deep soil zones with a minimum 6m dimension.	Yes.
Building separation Min. 12m between habitable rooms/balconies and 6m between non-habitable rooms.	6.7m separation between proposed buildings H, J and K. Minimum 17.8m separation to other buildings on the site, noting that these are only 2 storeys in height.	Yes – on the basis that the interface between buildings H, J and K is treated as 'non-habitable to non-habitable'.
Ceiling height Min. 2.7m for habitable rooms. Min. 3.3m for ground and first floor to promote flexibility of uses.	The maximum LEP building height is 13m, which provides sufficient clearance for buildings up to 3 storeys that comply with the minimum ceiling heights (approximately 10m allowing for 300mm floor slabs).	Yes.
Solar access Min. 70% apartments must receive min. 2hrs direct sunlight between 9am – 3pm on 21 June and a max. 15% of apartments to receive no direct sunlight between these hours.	Proposed buildings H, J and K are designed to present their long edge to a northern orientation. The neighbouring building to the north would not overshadow the proposed building footprints, nor would the other buildings proposed at the site given their 2 storey height. The provision of south-facing units is inevitable given the proposed building layout, however this would likely be limited to 1 unit per floor (i.e. 15% of a notional total of 59 units across the 3 buildings).	Yes.
Cross ventilation Min. 60% apartments to be naturally cross ventilated.	The proposed building layout is such that a compliant level of cross ventilation can be achieved. The proposed building envelopes are fragmented into manageable envelopes and have exposed edges to the north, south, east and west. The absence of any substantial buildings or structures on neighbouring sites would ensure that prevailing breezes are carried through the site.	Yes.

Bankstown Local Environmental Plan 2015

The proposed development is satisfactory with regard to the relevant provisions of the Bankstown Local Environmental Plan 2015, including the following:

Clause 1.2 Aims of Plan

The proposed development is consistent with the relevant aims of the BLEP 2015:

- (a) to manage growth in a way that contributes to the sustainability of Bankstown, and recognises the needs and aspirations of the community,*
- (d) to provide development opportunities that are compatible with the prevailing suburban character and amenity of residential areas of Bankstown,*
- (f) to provide a range of housing opportunities to cater for changing demographics and population needs,*
- (i) to achieve good urban design in terms of site layouts, building form, streetscape, architectural roof features and public and private safety;*
- (k) to consider the cumulative impact of development on the natural environment and waterways and on the capacity of infrastructure and the road network;*
- (l) to enhance the quality of life and the social well-being and amenity of the community.*

Clause 2.3 Zone objectives and Land Use Table

The site is located in Zone R4 – High Density Residential, which permits development for the purposes of 'residential flat buildings'. Moreover, the proposal is consistent with the objectives of the R4 zone, being:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Clause 4.3 Height of buildings

According to the LEP Height of Buildings Map, the maximum permitted building height at the subject site is 13 metres. The proposed building envelopes contain a maximum 3 storeys. This would typically equate to a building height of up to 10 metres, with sufficient 'spare' capacity for any necessary earthworks or adjustments to existing ground levels in future stages of the development.

Clause 4.4 Floor space ratio

According to the LEP Floor Space Ratio Map, the maximum permitted floor space ratio for the subject site is 0.6:1. The proposed concept scheme illustrates building envelopes that represent a total floor area of 16,138m². The applicant has applied a floor space 'efficiency' of 80% to account for elements not included in the definition of 'gross floor area' (i.e. lifts, balconies, etc.). This approach is accepted, and reduces the proposed floor space ratio across the site to a compliant 0.6:1.

Draft environmental planning instruments [section 79C(1)(a)(ii)]

There are no draft environmental planning instruments applicable to the proposed development.

Development control plans [section 79C(1)(a)(iii)]

Part A3 – Key Infill Development Sites

The following table provides a summary of the development application against the key numerical controls contained in *Part A3 – Key Infill Development Sites* and *Part B5 – Parking* of the *Bankstown Development Control Plan 2015*. It is noted that Section 4 of *Part A3* applies specifically to the subject site.

CONTROL	BDCP 2015 PARTS A3 and B5	
	PROPOSED	COMPLIES?
Dwelling yield Maximum number of dwellings permissible on the site is 85.	137 dwellings.	No – see discussion below.
Storey limit Maximum 3 storeys, with a 2 storey limit fronting Auburn Road.	Maximum building envelope height is 3 storeys, with 2 storey envelopes fronting Auburn Road.	Yes.
Setbacks Minimum 1 metre to railway boundary.	6m – 10m	Yes.
Minimum 10 metre setback to northern boundary.	12.6m – 20m	Yes.
Minimum 5.5 metres to Auburn Road.	6m	Yes.
Acoustic privacy Mitigation measures to control road and rail noise and vibration must be incorporated.	The proposed setbacks to Auburn Road and the railway line exceed the requirements of the DCP. Future DA stages to be supported by acoustic reports to confirm that the detailed design of each building satisfies the necessary acoustic criteria.	Yes – It is recommended that a condition be included that requires future DA stages to satisfy the necessary acoustic criteria.

CONTROL	BDCP 2015 PARTS A3 and B5	
	PROPOSED	COMPLIES?
Vehicular access Egress and ingress must be from Auburn Road.	Vehicle access points are limited to Auburn Road.	Yes.
Car parking 1 space per 1-bed 1.2 spaces per 2-bed 1.5 spaces per 3-bed 1 visitor space per 5 units	At the nominated rates and on the basis of the proposed dwelling mix, a total of 164 resident and 27 visitor spaces would be required. The proposed basement carpark is of sufficient size to adequately cater for this demand.	Yes.

Dwelling yield

Clause 4.1 in Section 4 of Part A3 of the DCP states that '*The maximum number of dwellings permitted at the site is 85*'.

Despite this DCP threshold, the maximum FSR of 0.6:1 allowed under the *Bankstown Local Environmental Plan 2015* provides for up to 12,708m² of gross floor area. Distributed across 85 dwellings, this gross floor area would result in an average apartment areas of 150m², which is well in excess of the areas prescribed by the *Apartment Design Guide*.

The maximum 12,708m² gross floor area distributed across the proposed 137 dwellings results in an average unit area of 93m². This would provide for apartment areas and a unit mix that accords with the *Apartment Design Guide*, and would be appropriate in the context of the site. Further, the traffic assessment submitted in support of the proposed development considers up to 137 dwellings, and has been reviewed and accepted by Council's traffic engineers.

Planning agreements [section 79C(1)(a)(iia)]

There are no planning agreements applicable to the proposed development.

The regulations [section 79C(1)(a)(iv)]

The proposed development is not inconsistent with the relevant provisions of the *Environmental Planning and Assessment Regulation, 2000*.

The likely impacts of the development [section 79C(1)(b)]

It has been demonstrated that the proposed development would not have any unreasonable or unacceptable environmental, social, or economic impacts on the surrounding locality.

Suitability of the site [section 79C(1)(c)]

The site is suitable for the proposed development, which is permitted with consent in the R4 – High Density Residential zone. The proposed building envelopes have been located to respond appropriately to the relevant provisions of the SEPP 65 *Apartment Design Guide*, for the scale of development permitted by the current floor space ratio and building height provisions of the Bankstown LEP. The proposed vehicle access points have been accepted in principal by Council's traffic engineers, and communal open space and landscaping opportunities have been appropriately distributed.

Submissions [section 79C(1)(d)]

The application was advertised and notified on lodgement for a period of 21 days, and was renotified for 14 days following the lodgement of amended plans and additional information. Submissions have been received from 5 separate households, raising matters relating to traffic and parking, privacy, built form, impacts during construction, property values, and impacts on existing services. It is noted that some matters raised in the submissions relate to the planning proposal being considered separately for the site. The discussion below is limited to the issues of relevance to the proposed concept plan for buildings of 2 and 3 storey height.

Traffic and parking

- *Auburn Road is bumper to bumper with traffic every morning so by constructing this type of high rise would only add to the traffic congestion already on Auburn Road.*
- *How many off street car parking spaces are being provided and are they above ground or below ground? If the proposal does not provide enough off street parking vehicles will spill over into Auburn Road, Morris Street and Magney Avenue.*
- *Where would visitors park? Visitor parking would spill over into nearby streets and possibly to an unacceptable level resulting in concerns such as vehicles illegally parking over driveways.*
- *Inadequate information has been provided to adequately identify the local vehicular and pedestrian movements, or to address how the concept plan would add or correct the traffic movements with the significant increase of vehicular and pedestrian traffic to and from the proposal.*
- *How many entrances and exits, traffic lights, roundabouts and pedestrian crossings will be constructed?*
- *Emergency vehicle access and local traffic flows will be impacted.*
- *The proposal includes a childcare centre and café. There is no mention of additional parking for these facilities or the traffic handling at relevant times.*

The application is supported by a traffic assessment, which examines the potential impacts of the proposed development on the surrounding road network. The analysis applies the additional peak hour volumes generated by the proposal at the nearby intersections at Auburn Road/Amy Street, Auburn Road/Wellington Road/Tewinga Road, Auburn Road/Bagdad Street, and Carlingford Street/Park Road/Auburn Road. Future peak hour volumes have also been examined further to the east on Cooper Road, at intersections around the Potts Hill Estate including Bruncker Road.

Council's traffic engineers have reviewed the traffic assessment, including the proposed driveway location and design and the potential impacts on Levels of Service (LoS). The proposed driveway locations are accepted, conditional on the potential need to relocate an existing bus stop approximately 10 metres north of the proposed southern access point. With regard to traffic generation, the proposed 137 dwellings are expected to increase traffic volumes by 26 trips in the AM peak and 21 trips in the PM peak. According to the *RMS Guide to Traffic Generating Developments 2002*, this increase will maintain a Level of Service (LoS) A.

With respect to car parking, the notional mix of units proposed by the applicant (13 x 1-bed, 117 x 2-bed and 7 x 3-bed) generates a demand of 191 spaces according to the parking rates in the *Bankstown Development Control Plan 2015*. The proposed basement carpark is of sufficient capacity to accommodate this demand. It is noted that the applicant's traffic assessment makes reference to RMS guidelines, however these rates are less onerous than the DCP rates and thus could also be accommodated. The proposed café and childcare centre have been removed from this concept DA. A rigorous assessment of these facilities would be undertaken should they be proposed in future DA stages.

Privacy

- *The proposed buildings will be overlooking the existing residential area directly opposite the site on Auburn Road. This will be an invasion of privacy.*

The proposed 2 storey building envelopes along the Auburn Road frontage would not unreasonably impact the level of privacy afforded to neighbouring residential dwellings. Moreover, the proposed 3 storey envelopes are located further into the site, approximately 100 metres from the closest neighbouring dwelling.

Built form

- *Impact of building high density units so close to the railway line?*
- *We would agree to 2 and 3 storey units or villas, which would beautify and be acceptable to our area.*

The proposed setbacks to the adjacent rail corridor exceed the requirements set out in Part A3 of the DCP. It is anticipated that future DA stages will be supported by acoustic reports to confirm that the detailed design of each building satisfies the necessary acoustic criteria.

Impacts during construction

- *What precautions will be taken with respect to asbestos, dust and noise during demolition?*
- *Noise, traffic and pollution impacts during construction.*

Attachment 'B to this report includes recommended conditions requiring the proper management of demolition and construction related matters (including noise, dust, stormwater runoff, and the removal and management of any asbestos at the site).

Property values

- *We do not need high rise buildings to be built at this location as it will devalue our properties.*

No evidence has been provided to confirm any perceived impact on the value of neighbouring properties as a consequence of the proposed development.

Existing services

- *The water main to the development site was turned off after failure in 2016. There is no water main accessible if there is a fire or major water required. This would have to be fixed before any major work is done at the site, which would have to involve tunneling under Auburn Road to replace the broken pipes.*
- *The services in the area are always suffering difficulties such as power outages over summer. We also suffer from varying degrees of water outages as well and more pressure will be put on these services.*

This matter is noted. The applicant will be required to consult with the relevant service providers for future DA stages.

The public interest [section 79C(1)(e)]

Having regard to the matters discussed in this assessment report, it is considered that the proposed development would not contravene the public interest.

CONCLUSION

DA-107/2017 has been assessed according to the relevant provisions of *State Environmental Planning Policy (State and Regional Development) 2011*, *State Environmental Planning Policy No. 55 – Remediation of Land*, *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*, *Bankstown Local Environmental Plan 2015*, and *Bankstown Development Control Plan 2015*.

The proposed development scheme represents an appropriate site layout within the current LEP framework, which provides for a maximum 0.6:1 floor space ratio and 13 metre building height. The site specific provisions contained in Part A3 of *Bankstown Development Control Plan 2015* are complied with, except for a proposed departure from the maximum number of dwellings permitted at the site. However having regard to the relationship between the maximum floor space ratio allowed under the LEP and the minimum apartment sizes prescribed by the *Apartment Design Guide*, the proposed number of dwellings is warranted. The balance of relevant matters contained in the *Apartment Design Guide* have been appropriately responded to, and the scale of the proposed development, being 2 and 3 storeys in height, is compatible with the character of the area.

No significant or unresolved matters have been raised in public submissions, and the proposal would facilitate future DA stages that are unlikely to have any adverse or unreasonable impacts on the surrounding locality.