

Assessment report to Sydney Central City Planning Panel

Panel reference: 2017SWC023

Development Application

DA number	JRPP-16-04460	Date of lodgement	22 November 2016
Applicant	Jencarling JW Developments Pty Ltd		
Owner	Jencarling JW Developments Pty Ltd		
Proposed development	Demolition of existing structures, removal of all trees, construction of 8 residential flat buildings in 3 stages comprising 690 apartments and associated new public roads, stormwater drainage works and landscaping		
Street address	Lots 25 and 26 DP 13137 and Lot 22 DP 850117 42, 64 and 66 Junction Road, Schofields		
Notification period	12 December 2017 to 9 January 2018	Number of submissions	2 individual and 6 pro forma letters

Assessment

Panel criteria	Capital investment value (CIV) over \$20 million (DA has CIV of \$181.4 million).
Section 7, SEPP (State and Regional Development) 2011	

Relevant section	<ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 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 State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Blacktown City Council Growth Centre Precincts Development Control Plan 2018 Central City District Plan 2018 Environmental Planning and Assessment Regulation 2000
4.15(1)(a) matters	

Report prepared by	Holly Palmer, Senior Project Planner
Report date	21 March 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 Applicant's Clause 4.6 request
- 8 Council assessment of Clause 4.6 request
- 9 Summary of residents' concerns and Council response
- 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)? Yes

Conditions

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

Contents

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

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 with the roofline and rooftop structures and some offsets for habitable space
 - the proposal is not consistent with the Riverstone Precinct Indicative Layout Plan for new public roads. However, an improved overall road layout is achieved in response to the opportunity created by the amalgamation of the 3 subject properties
 - the proposed buildings do not satisfy the minimum required setback to the secondary street frontages at the fourth level and above
 - the proposal seeks to remove all trees, which are scattered over the site
 - matters raised in public submissions, which are considered in detail in Section 8 of this report. The objections are not considered sufficient to warrant the refusal of the Development Application.
- 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, including deferred commencement conditions.
- 1.3 The application is therefore considered to be satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 Assessment of the application has also been undertaken in line with Clause 7 of State Environmental Planning Policy No. 55 (Remediation of Land) and we are satisfied that the site can be made suitable for residential development, subject to conditions.
- 1.5 This report recommends that the Panel support the Clause 4.6 request to vary the height of building development standard in this instance. The proposal provides a built form scale of 5 storeys, which is consistent with the scale anticipated by the Precinct Plan, with appropriate offsets for habitable floor space encroachments.
- 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 in the suburb of Schofields. It is within the Riverstone Precinct of the North West Growth Area as identified by State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). The location of the site is shown at attachment 1.
- 2.2 The site is 37 m to 76 m to the north of the Transport Corridor Investigation Area and Schofields Road. Local shops are located to the west of the site along Railway Terrace. Schofields Railway Station, a Woolworths supermarket and future Local Centre are located some distance to the south-west of the site.
- 2.3 The locality is in transition. It comprises a mix of rural-residential properties and land under development. The range of redevelopment includes dwelling houses, residential flat buildings and the future Local Centre. An aerial image of the site and surrounding area is at attachment 2.

- 2.4 The site and surrounding properties to the south of Advance Street are zoned R3 Medium Density Residential. The properties to the north of Advance Street are zoned R2 Low Density Residential, however are capable of redevelopment for multi dwelling housing development where a site has an area of over 1,500 m². The land to the south and south-west (which comprises tributaries of Eastern Creek) are zoned SP2 Infrastructure - Drainage.
- 2.5 The subject site and surrounding properties which are zoned R3 Medium Density Residential have a permitted building height of 16 m. The properties to the east of Junction Road are zoned R2 Low Density Residential and have a permitted building height of 9 m.

3 Site description

- 3.1 The 4.104 hectare site is generally rectangular in shape. It slopes up to 6.5 m from the part of the site near Junction Road to the south-west corner of the site.
- 3.2 The site has a 208.6 m wide road frontage to Junction Road.
- 3.3 The site contains 3 existing dwellings, associated sheds, a swimming pool, stables, dog kennels and driveways off Junction Road. Trees are scattered throughout the site and are identified as Shale Plains Woodland. These trees continue to the adjoining sites to the south and south-west. The remainder of the site is grassed.

4 Background

- 4.1 On 17 May 2010, the site was rezoned to R3 Medium Density Residential under the Growth Centres SEPP. The zoning and height of building maps for the site and surrounds are at attachment 3.
- 4.2 This application was lodged on 22 December 2016.
- 4.3 On 13 October 2018, the Applicant submitted amended engineering plans which correlate with the levels and civil infrastructure design of the surrounding approved and proposed DAs.

5 The proposal

- 5.1 The Development Application for residential flat buildings at 42, 64 and 66 Junction Road, Schofields was lodged by JW Developments Pty Ltd.
- 5.2 The Applicant proposes to construct 8 x 5 storey residential flat buildings comprising 690 apartments, 872 car parking spaces with 2 basement levels and associated new public roads, stormwater drainage works and landscaping.
- 5.3 The building heights to the roofline and rooftop structures range from 12.69 m to 22.52 m as measured from the ground levels created by the new roads. The majority of the proposed development exceeds the maximum building height for this site, which is 16 m under the Growth Centres SEPP.
- 5.4 Details of the proposal, including a Clause 4.6 request to exceed the maximum building height, is at attachment 4 and a copy of the development plans is at attachment 5.

6 Assessment against planning controls

- 6.1 An assessment of the Development Application against the section 4.15(1)(a) matters under the Environmental Planning and Assessment Act 1979 and relevant planning controls is at attachment 6.

7 Key issues

7.1 Proposed buildings exceed the maximum permitted building height

- 7.1.1 The DA seeks approval for 5 storey buildings across the entire site with an overall height of 12.69 m to 22.52 m. The maximum height of buildings permitted on this site is 16 m and the Applicant seeks to exceed this height limit by up to 6.52 m or 41%, as measured from the ground levels created by the new roads.
- 7.1.2 The height exceedance relates to parts of the buildings, including the roofline and parapets, shade structures, stairwell and lift overrun, to enable access to rooftop communal open space areas of Buildings A, B, C, D, G and H. Some height offsets for habitable room areas are also proposed.
- 7.1.3 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 7.
- *"The site will be developed to provide new roads, footpaths and landscaped setbacks. The proposed building layouts and relationship with the new public domain will achieve the desired future character for this emerging precinct.*
 - *To enable an appropriate development of the site, the development will provide 3 new lots with amalgamated car parking basements to minimise disruption to new footpaths and reduce conflict with pedestrians.*
 - *The additional height of the proposed new buildings will vary across the site and will not unreasonably affect adjoining properties or new residential units, and all will still maintain or achieve a high level of solar access including the communal open space areas.*
 - *The varied height will provide architectural interest to this new precinct and will not be significantly higher than the 16 m height control given the size of the development and shared variation across the site.*
 - *The topography combined with the amalgamated basement levels will see some buildings higher than others. However, the benefits of amalgamated basement levels far outweigh the impacts of the minor height non-compliance across the precinct. The resulting benefit will be that the communal open space will remain level and accordingly have improved functionality and provide disabled access for the benefit of future residents.*
 - *The residential properties to the north will not be detrimentally affected by shadow due to site orientation to the south and adequate measures are in place to minimise overlooking from Buildings A and B.*
 - *The location of the roads around all buildings, combined with site layout, will ensure that adjoining properties to the east, west and south will not be unreasonably affected by shadow.*
 - *The increased heights have been offset across the site and this flexible outcome results in a highly appropriate development that will achieve the desired characteristics of the emerging precinct without any detrimental effects.*
 - *The proposed development is well below the density anticipated by this site established by the floor space ratio (FSR) control. The Growth Centres SEPP permits a maximum FSR of 1.75:1. The proposed development provides a maximum FSR of 1.46:1. By the flexible application of the height control, this*

enables the site to achieve a reasonable development density although significantly lower than the maximum FSR permitted."

- 7.1.4 Our assessment of the adequacy of the request to vary the development standard is at attachment 8. It identifies that there are sufficient environmental planning grounds to justify varying the development standard because the proposed design comprises stepped building forms which ensure that the changes in the landform are accommodated. This includes allowing for basement access for waste vehicles and amalgamated basement levels which service the needs of residents. In addition, the design maximises deep soil areas which are co-located with communal open space areas. The proposal promotes good design and amenity, which creates a diverse and attractive neighbourhood based on strong urban design principles.
- 7.1.5 The Clause 4.6 variation request is considered reasonable and well founded in this particular circumstance and is recommended for support to allow flexibility in the application of the development standard and, where appropriate, compensatory offsets have been provided.

7.2 The Applicant seeks to delete a proposed road pattern under the Precinct Plan

- 7.2.1 The Applicant seeks to vary the Riverstone Precinct ILP by reorientating the centrally located east-west road and providing a north-south road in its place. This variation increases the net developable area by 846 m² (2.1 % of the site area). This is because the east-west road to be deleted has a length of 192 m and has a greater area than the proposed north-south road which has a length of 145 m (shorter by 47 m).
- 7.2.2 Refer to attachment 4 for further details.
- 7.2.3 The Applicant submits that the proposed variation to the ILP are an improved outcome because:
- *"The ILP follows the land ownership pattern of 64 and 66 Junction Road. However, as this application involves the amalgamation of these properties, the significance of this road is negated.*
 - *The 8 new buildings will be orientated to address the new streets and will be set amongst generous landscaped setbacks that will soften the built form when viewed from the street.*
 - *The variation is justified on solar access, privacy and open space grounds.*
 - *The creation of the additional north-south road will reduce the length of the east-west blocks and result in an improved outcome.*
 - *The relocation of the east-west road to a north-south road will not affect the development potential of adjoining sites, as the southern, northern and western roads will still be proposed in the recommended position.*
 - *The completion of the new public roads in this proposal provides road access to the approved DA to the west (JRPP-16-04461 at 30 Advance Street for residential flat buildings)."*
- 7.2.4 We consider that the variation to the ILP fosters a road network which is logical and supports the progression of the orderly development of the site and surrounding precinct.
- 7.2.5 The proposal has been assessed by our Access and Transport Management section, which advises that the additional traffic generated by the proposed development can be accommodated within the existing and future road network

capacity. It supports the proposed variation to the ILP and this proposed development.

- 7.2.6 The proposal provides an improved overall road layout in response to the opportunity created by the amalgamation of these 3 properties.

7.3 The proposal does not satisfy the minimum required setbacks

- 7.3.1 The Applicant seeks to vary the development controls so that some private balconies and architectural elements have a setback of only 4.5 m. Refer to attachment 4 for these locations. The *Growth Centre Precincts Development Control Plan 2018* requires the secondary setback for corner lots to be a minimum of 6 m. The DCP also requires buildings to be setback 6 m above the third level.
- 7.3.2 Although the full extent of the street setback is not met, the proposal offers an interesting and high quality streetscape presentation which is considered satisfactory on its merits. Given the large scale of this proposal, the development should be considered holistically and we consider that the articulation of the buildings compensates for some building elements having a reduced setback.
- 7.3.3 The Apartment Design Guide does not include a numerical requirement for street setbacks, and directs that consideration be given to providing articulation zones accommodating space for building entries, ground floor courtyards, balconies, landscaping, deep soil zones and to 'use a setback range where the desired character is for variation within overall consistency.' The proposal is consistent with these guidelines.
- 7.3.4 Although the full extent of the street setbacks is not achieved, the proposal offers a design which considers each street frontage to be the primary street frontage. This creates an interesting and high quality streetscape presentation which is considered satisfactory on its merits.

7.4 The proposal seeks to remove all trees and vegetation on the site

- 7.4.1 The application is accompanied by an Arboricultural Development Impact Assessment Report by Birdtree Consultancy, which considers the removal of the trees on the site given their condition and impact of the proposed development.
- 7.4.2 There are a total of 268 trees on the site which are proposed to be removed for 1 or more of the following reasons:
- 3 trees are recommended to be removed as they are dead with no visible habitat
 - 14 trees are recommended to be removed as they are in poor and declining condition
 - 1 tree is recommended to be removed as it is an environmental pest species
 - 27 trees are recommended to be removed as they have decay and/or cavities within their trunks
 - 209 trees are proposed to be removed to enable the construction of the roads and development
 - 14 trees are proposed to be removed as the levels associated with this development significantly differ from the existing levels. As a result, these trees are not viable to be retained.
- 7.4.3 There are several existing trees on the adjoining sites to the south which are in close proximity to the proposed works. Appropriate tree protection measures will be imposed to retain these trees, until such time as development consent is issued

for the removal of these trees and construction of the residential redevelopment. This will be conditioned in the consent.

- 7.4.4 Our position is that any assessment of trees is to ensure that, as far as practicable, as many trees as possible within a development site are retained. However, as evidenced above, the condition of the trees and impact of the proposed development do not warrant their retention.
- 7.4.5 Overall, the proposal satisfies the objective of Clause 5.9 Preservation of trees or vegetation of the Growth Centres SEPP to 'preserve the amenity of the area through the planting of new trees and other vegetation', by providing landscaping around the perimeter of the development and in the internal courtyard areas. It is recommended a condition is imposed requiring at least 50% of the trees and vegetation to be native species.

8 Issues raised by the public

- 8.1 The proposed development was notified to property owners and occupiers in the locality between 12 December 2017 and 9 January 2018. The Development Application was also advertised in the local newspapers, including the Blacktown City Sun and a sign was erected on the site.
- 8.2 We received 2 individual submissions and 6 pro forma letters objecting to the proposal.
- 8.3 The submissions raised concern about the ability of the proposed road access to service the development, inadequate provision of public transport, and the impact on the local school and existing amenities. Concern was also raised about loss of amenity to local residents, development which differs from the current land use, the size of the development, and dust nuisance as a result of earthworks and construction.
- 8.4 Concern was raised regarding the ability of the dwelling houses to the east of Junction Road to continue enjoying the use of their land due to privacy impacts and the increased traffic and people passing by, provision of a green space area to act as a buffer to neighbouring dwellings to the east, and the lack of infrastructure to service this large influx of residents.
- 8.5 6 pro forma letters were received objecting to the proposed dwelling density, height of buildings, number of storeys, crowding and amenity, traffic, environmental impact due to the destruction of native trees and habitat, communal open space and access to sunlight, BCA compliance violations, adaptable housing unevenly distributed throughout the buildings, inappropriate apartment mix, no outdoor drying areas, monoculture of higher density dwellings, capacity of local amenities, risk of the Sydney property price bubble impacting on the commercial viability of developments, and significant change to the character of the local area.
- 8.6 A summary of each issue and our response is at attachment 9.
- 8.7 The issues raised in the objections are not considered to be sufficient to warrant refusal of the Development Application.

9 External referrals

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

Authority	Comments
NSW Transport for NSW and Sydney Trains	Acceptable, subject to conditions
Roads and Maritime Services	Acceptable, no conditions required
Sydney Water	Acceptable, subject to conditions
NSW Local Police	Acceptable, subject to conditions

10 Internal referrals

- 10.1 The DA was referred to the internal sections of Council and was considered acceptable subject to conditions of consent.
- 10.2 Our City Architect identified some concerns during his initial evaluation. The Applicant submitted amended plans, and our City Architect is now satisfied that these show an improved and acceptable development. This has been achieved by improvements to the selection of external materials; the level of articulation on the building facades and the interface of the basement and driveway near the northern boundary.

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 scale of proposed development subject to conditions.

12 Recommendation

- 1) Uphold the Applicant's Clause 4.6 written request to vary 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.
- 2) Approve Development Application JRPP-16-04460 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 requested Clause 4.6 variation is acceptable.
- 3) Council officers notify the Applicant and submitters of the Panel's decision.



Holly Palmer
Senior Project Planner



Judith Portelli
Manager Development Assessment



Glennys James
Director Planning and Development