

# Assessment report to Sydney Central City Planning Panel

Panel reference: 2017SWC128

## Development application

<b>DA number</b>	SPP-17-00033	<b>Date of lodgement</b>	28 September 2017
<b>Applicant</b>	Tarun Chadha		
<b>Owner</b>	Benefit Property Corporation		
<b>Proposed development</b>	Construction of 2 residential flat buildings containing 127 units, car parking, associated stormwater drainage works and landscaping on proposed Lot 3 to be created under SPP-17-00031		
<b>Street address</b>	84 Tallawong Road, Rouse Hill (Lot 63, DP 301861)		
<b>Notification period</b>	31 October to 14 November 2017	<b>Number of submissions</b>	None

## Assessment

<b>Panel criteria</b> Section 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> <li>Capital investment value (CIV) over \$20 million (DA has a CIV of \$22.08 million).</li> </ul>
<b>Relevant section 4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>Environmental Planning and Assessment Act 1979</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River</li> <li>Blacktown City Council Growth Centre Precincts Development Control Plan 2016</li> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>Central City District Plan 2018</li> </ul>
<b>Report prepared by</b>	Jared Spies
<b>Report date</b>	16 January 2019
<b>Recommendation</b>	Approve, subject to deferred commencement consent including 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 Variation Request
- 8 Council assessment of Clause 4.6 Variation Request
- 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

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## 1 Executive summary

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- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
  - the proposed variation to the maximum permitted height limit of 12 m prescribed by the Blacktown Growth Centres SEPP
  - deferred commencement of consent to ensure drainage issues are addressed
  - minor non-compliances with the ADG.
- 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 also been undertaken in accordance 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.
- 1.4 The application is considered 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 a development standard in this instance and approve the application subject to the recommended conditions listed in attachment 9.

## 2 Location

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- 2.1 The site is located at 84 Tallawong Road in the suburb of Rouse Hill. The site is within the Riverstone East Precinct of the North West Growth Area (NWGA) as identified by State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- 2.2 The land is located 600 m to the north-west of Tallawong Railway Station and approximately 3 km from the Rouse Hill Town Centre.
- 2.3 The location of the site is shown at attachment 1.

## 3 Site description

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- 3.1 The original site's legal description is Lot 63 DP 301861 and has an area of 2.023 ha. It is rectangular in shape, being 82 m wide and having a depth of 246 m. The site has a consistent fall from the rear south-eastern corner to the front north-western corner to Tallawong Road of approximately 12.5 m.
- 3.2 This application relates to proposed Lot 3 in the subdivision of Lot 63 and has an area of 0.7490 ha.
- 3.3 Proposed Lot 3 only has frontage to the local roads to be constructed in the subdivision. It is 82 m wide and has a depth of 91 m.
- 3.4 A single storey brick and tile dwelling sits at the south-western corner of the site with various rural outbuildings situated to the rear. There is a farm dam towards the north-western corner which is to be dewatered.
- 3.5 Vehicle access to the site is currently provided to the dwelling and rear sheds from a driveway off Tallawong Road.
- 3.6 The site is generally cleared of vegetation, although some can be found on the perimeter of the site. A small strip of trees is located towards the site frontage. There is no remnant bushland, natural watercourses or threatened species on the site. There are various farm fences located across the site.
- 3.7 An aerial image of the site and surrounding area is at attachment 2.

## 4 Background

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- 4.1 In August 2016 the site was rezoned to R3 Medium Density Residential under the Growth Centres SEPP. The maximum height for the site is 12 m. No Floor Space Ratio is applicable to the site. The zoning plan for the site and surrounds is at attachment 3.
- 4.2 Nearby Tallawong Railway Station is surrounded by B2 Local Centre and B4 Mixed Use zoned land, with the subject site falling within the R3 zoned land which surrounds the business zones.
- 4.3 The site has been historically used for farming purposes.
- 4.4 Surrounding lots are characterised by single dwellings on similarly sized rural allotments, with a mixture of rural outbuildings and varying levels of vegetation concentration. The area is in the Riverstone East Precinct and redevelopment of this precinct is in its preliminary stages.
- 4.5 Three DAs have been submitted as part of the development at 84 Tallawong Road:
  - SPP-17-00031 - Road construction and subdivision to create 3 super lots and 1 road lot, and construction (on Lot 1) of 2 shop top housing buildings containing 117 units over 8 commercial tenancies, car parking and associated stormwater drainage works and landscaping
  - SPP-17-00032 - Construction of 2 residential flat buildings, associated stormwater drainage works and landscaping on proposed Lot 2
  - SPP-17-00033 - This DA on proposed Lot 3.
- 4.6 The first 2 DAs were considered and approved by the Panel in late 2018.
- 4.7 The overall development consists of 2 shop top housing buildings and 4 residential flat buildings, with 2 buildings provided on each of the proposed 3 new lots that will be created from SPP-17-00031. Each lot will contain 1 building situated on the northern side of the site and 1 on the southern side of the site, with all apartment buildings oriented generally east-west and with each building façade parallel to the site's boundaries. Within each lot the buildings are separated by a central communal open space area which continues through the entire development from Tallawong Road through to the rear of the site. Each apartment building is 4 storeys in height. A total of 367 apartments are proposed across the entire development.

## 5 The proposal

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- 5.1 This Development Application for Stage 3 has been lodged by Benefit Property Corporation.
- 5.2 The Applicant proposes the development of 2 residential flat buildings containing 127 units with 134 residential car parking spaces and 26 visitor parking spaces over 2 basement levels, and associated stormwater drainage works and landscaping.
- 5.3 The application is classified as 'Integrated Development' under section 4.46 of the Environmental Planning and Assessment Act 1979 as a bushfire safety authority from the NSW Rural Fire Service is required.
- 5.4 Each building will be 4 storeys in height. The buildings will contain a unit mix of 20 studio units, 16 x 1 bedroom units, 78 x 2 bedroom units and 13 x 3 bedroom units.
- 5.5 A proposed landscaping scheme has been prepared that seeks to increase the amount of significant vegetation that is currently on the site.
- 5.6 Full details about the proposal are at attachment 4 and a copy of the development plans is at attachment 5.

## 6 Assessment against planning controls

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- 6.1 A full assessment of the Development Application against the relevant section 4.15(1)(a) matters is provided at attachment 6, together with a summary assessment of relevant planning instruments and variations to standards.

## 7 Key issues

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### 7.1 Variation to the maximum permitted height limit of 12 m

- 7.1.1 The Applicant has submitted a Clause 4.6 variation request (see attachment 7) to justify the building height non-compliance of the 2 residential flat buildings.
- 7.1.2 The parts of the building causing the non-compliance consist of lift overruns (greatest non-compliance of 3.83 m), rooftop communal features and small portions of the roof parapet based on the topography of the property.
- 7.1.3 The portion of the roof parapet that encroaches the height plane is located on the north-western corner of the buildings and will encroach 93 cm above the height plane, but will be offset by a greater portion, being 125 cm below the height plane.
- 7.1.4 The tallest rooftop elements, the lift overruns, have minimal bulk and are located in the centre of the buildings, which will assist them not being visible from the public domain.
- 7.1.5 No part of any residential apartment is proposed to extend above the height limit and so the minor non-compliances outlined above are considered to be acceptable.
- 7.1.6 Our assessment of the adequacy of the request to vary the development standard is at attachment 8. We consider there are sufficient environmental planning grounds to justify varying the development standard because the variation will not have unreasonable impacts on neighbouring properties or the character of the area, and still meets the objectives of the zone and height plane controls.

### 7.2 Deferred commencement of consent to ensure drainage issues are addressed

- 7.2.1 Approval from the neighbouring owner for an inlet pipe and tail-in works on the adjoining property at Lot 80 DP 208203, needs to be submitted to Council.
- 7.2.2 Further, amended stormwater plans must be submitted that satisfy the requirements of the Manager Asset Design before the consent can be activated.

### 7.3 Minor non-compliances with Apartment Design Guide (ADG)

- 7.3.1 In terms of objective 4B of the ADG, the maximum depth of cross over apartments is 18 m. Depths of up to 19 m have been provided for the cross over apartments at the centre of each level of each apartment building.
- 7.3.2 These apartments also have open plan layouts with depths of up to 8.6 m to a window, where objective 4D of the ADG is a maximum 8 m depth.
- 7.3.3 These minor non-compliances are considered acceptable because these apartments assist in providing multiple cores to each building. The apartments are designed so that bedrooms are all located at the one end of each apartment which limits the length of the corridors and the perception of depth within the apartments. This arrangement allows the occupants access to natural cross ventilation through the opening of bedroom doors and improves solar access. The dimensions of the open plan living areas within these apartments are proportionate with that provided elsewhere within the development, so there would be little benefit in complying with these controls. The living area window could be relocated inward to achieve compliance with the requirements; however this would create little benefit to the

overall design of the unit and would increase the balcony depth, limiting internal solar access.

- 7.3.4 Objective 4F of the ADG requires the provision of community rooms for owners meetings or resident use. Community rooms have not been provided, however extensive communal open space areas are provided that far exceed the ADG communal open space area requirement, which compensates for the absence of community rooms. The proposal provides a high level of recreational and passive communal spaces.

## 8 Issues raised by the public

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- 8.1 The proposed development was notified to property owners and occupiers in the locality between 31 October and 14 November 2017. The DA was also advertised in the local papers and a DA notification sign was erected on the site.
- 8.2 We received no submissions.

## 9 External referrals

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

Authority	Comments
Rural Fire Service	Acceptable subject to supplied General Terms of Approval
NSW Police Force	Acceptable subject to conditions

## 10 Internal referrals

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

Section	Comments
Environmental Health Unit	Acceptable subject to conditions
Waste	Acceptable subject to conditions
Building	Acceptable subject to conditions
Engineering	Acceptable subject to deferred commencement conditions
Traffic	No objection is raised with the proposal from a traffic management point of view based on the Road Safety Audit and median design submitted
City Architect	Comments raised at the pre-DA meeting have been satisfactorily addressed in the design

## 11 Conclusion


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- 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 suitable for the proposed development subject to the conditions in attachment 9.

## 12 Recommendation

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- 1 Uphold the variation to the height of buildings development standard in Clause 4.3 of the GCSEPP 2006 using Clause 4.6 for the following reasons:
  - a The proposal provides certainty as to the maximum building height, massing and density on the site and the request is well founded and warrants support.
  - b Adherence to the height standard is unnecessary in this instance as no adverse impacts will result from the minor variations to the building height control.
  - c The proposal will create a positive Precinct outcome, thus providing sufficient environmental planning grounds to satisfy the minor variations.
  - d The minor variations will foster development that is consistent with the zone objectives and is still in the public interest.
- 2 Approve Development Application SPP-17-00033 subject to the conditions listed in attachment 9 and for the reasons listed below:
  - a The proposal is in the public interest.
  - b The site is considered suitable for the proposed development, being in a R3 Medium Density Residential zone.
  - c The architecture of the buildings will provide a good design outcome that will define the public domain and contribute to the character of the streetscape.
  - d The proposal is almost fully ADG compliant and is therefore an overall well designed apartment development.
- 3 Council officers notify the Applicant of the Panel's decision.



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