

Assessment report to Sydney Central City Planning Panel

Panel reference: 2017SWC129

Development Application

DA number	SPP-17-00031	Date of lodgement	28 September 2017
Applicant	Tarun Chadha		
Owner	Benefit Property Corporation		
Proposed development	Subdivision to create 3 superlots and 1 road lot and including demolition, tree removal and road construction 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		
Street address	84 Tallawong Road, Rouse Hill (Lot 63, DP 301861)		
Notification period	31 October to 14 November 2017	Number of submissions	None

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> Capital investment value (CIV) over \$20 million (DA has a CIV of \$22.5 million).
Relevant section 4.15(1)(a) matters	<ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River Blacktown City Council Growth Centre Precincts Development Control Plan 2016 State Environmental Planning Policy (State and Regional Development) 2011 Central City District Plan 2018
Report prepared by	Jared Spies
Report date	10 December 2018
Recommendation	Approve subject to Deferred Commencement consent including conditions listed in attachment 11.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning and height of building 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 variation request
- 8 Council assessment of Clause 4.6 variation request

- 9 Applicant's adaptive reuse plans
- 10 Applicant's Economic Impact Assessment
- 11 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

- 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 Growth Centres SEPP
 - our concerns about the viability of the proposed commercial/retail units on the ground floor of the shop top housing buildings, given their proximity to Tallawong Station and the future shopping centre precinct
 - the proposed removal of 42 trees to facilitate construction of this development and the new public road network in accordance with the designated precinct road pattern
 - deferred commencement of the consent to ensure drainage issues are addressed.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments has 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 11.

2 Location

- 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 kilometres from the Rouse Hill Town Centre.
- 2.3 The location of the site is shown at attachment 1.

3 Site description

- 3.1 The site's legal description is Lot 63 DP 301861 and has an area of 2.023 hectares.
- 3.2 The site is rectangular in shape. It is 82 m wide with a length 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.
- 3.3 A single storey brick and tile dwelling sits at the south-western corner of the lot with various rural outbuildings situated to the rear. There is a farm dam towards the north-western corner which is to be dewatered.
- 3.4 Vehicle access to the site is currently provided to the dwelling and rear sheds from a driveway off Tallawong Road.
- 3.5 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 throughout the site.
- 3.6 An aerial image of the site and surrounding area is at attachment 2.

4 Background

- 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 Medium Density Residential 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 (this DA)
 - SPP-17-00032 (construction of 2 residential flat buildings, associated stormwater drainage works and landscaping on proposed Lot 2 created by the subject DA). This DA was approved electronically by the Sydney Planning Panel on 12 November 2018
 - SPP-17-00033 (construction of 2 residential flat buildings, associated stormwater drainage works and landscaping on proposed Lot 3 created by the subject DA).
- 4.6 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 would be created from this DA. 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

- 5.1 This Development Application for Stage 1 has been lodged by Benefit Property Corporation.
- 5.2 The Applicant proposes the demolition of an existing dwelling and outbuildings, Torrens title subdivision to create 3 superlots and 1 road lot for the construction of roads.
- 5.3 The Applicant proposes 2 shop top housing buildings containing a total of 117 units and 8 commercial tenancies, with 127 residential car parking spaces, 24 commercial car parking spaces and 24 visitor parking spaces over 2 basement levels on proposed Lot 1, and associated stormwater drainage works and landscaping.
- 5.4 The proposal includes the removal of 42 trees to construct this development and the new public roads that would surround it. A proposed landscaping scheme has been prepared that seeks to increase the amount of significant vegetation that is currently provided on the site.
- 5.5 Other details about the proposal are at attachment 4.
- 5.6 A copy of the development plans is at attachment 5.

6 Assessment against planning controls

- 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

7.1 Concerns about the viability of the proposed ground floor commercial units

- 7.1.1 We are concerned about the long-term viability of the 8 commercial/retail units proposed on the ground floor of this development due to the proximity of the subject site to the Tallawong Station and future Town Centre.
- 7.1.2 We therefore requested the Applicant to prepare and submit adaptive reuse plans to demonstrate that the commercial/retail units could be converted into residential units in the event that they become unviable.
- 7.1.3 The adaptive reuse plans were referred to our City Architect who has stated that the conversion would be possible and acceptable provided that the Apartment Design Guide (ADG) is complied with. This has been included as a condition of consent. We are generally satisfied that a Modification Application can be lodged later which will be able to satisfy the ADG standards and parking.
- 7.1.4 We also requested the Applicant prepare an Economic Impact Assessment (EIA) to justify and validate the long term viability of the commercial units. A copy of the assessment is at attachment 10. The Assessment was referred to and signed off by Council's Economic Officer who had no objections to the report's findings.

7.2 Variation to the maximum permitted building height limit of 12 m

- 7.2.1 The Applicant has submitted a Clause 4.6 variation request (see attachment 7) to justify the building height non-compliance of the 2 shop top housing buildings.
- 7.2.2 The parts of the building causing the non-compliance consist of lift overruns (greatest non-compliance of 3.7 m), rooftop communal features and small portions of the roof based on the topography of the property.
- 7.2.3 The tallest rooftop elements, such as the lift overruns, have minimal bulk and are located in the centre of the buildings which will assist them in not being visible from the public domain.
- 7.2.4 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.
- 7.2.5 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.

7.3 Proposed removal of 42 trees to facilitate construction

- 7.3.1 An Arboricultural Impact Assessment submitted with the application shows a total of 42 trees that will be required to be removed:
- 37 of these are to facilitate construction of the new public road network in accordance with the designated precinct road pattern. Many of these trees straddle or are located just outside of the property boundary where a future half road will be built when the adjacent properties are developed.

- The remaining 5 trees will require removal due to them being located in the proposed building footprints and associated hardstand areas.

7.3.2 This assessment was referred to our Civil and Open Space Infrastructure section which has only given approval for the proposed removal of 13 trees within the boundary of the development that will be impacted by road construction or the building footprint. The remaining 29 trees are not approved for removal as they are outside the subject site, in a future indicative road pattern on the neighbouring land. A condition of consent has been included to cordon these trees off from any site works.

7.3.3 Additional trees, other vegetation and landscaping are proposed that will increase the amount of significant vegetation that is currently provided on the site. Our Civil and Open Space Infrastructure section have also specified certain street tree species to be planted at 8 m intervals.

7.4 Deferred commencement of consent to ensure drainage issues are addressed

7.4.1 The outstanding issues can be conditioned as deferred commencement matters:

- Approval from the neighbouring owner for an inlet pipe and tail-in works on the adjoining property at Lot 80 DP 208203.
- Amended XPSTORM modelling by Advent Consulting Engineers is to be submitted to address the following:
 - justification needs to be provided as to why the Soil Conservation Society (SCS) hydrological method from America was used as it is unclear how this method works in Australia. If justification where it has been used in Australia cannot be provided, please use the Laurenson Method
 - rectify those roof catchment areas which are undersized
 - amend weir widths to reflect what is shown on the plans
 - storages for the OSD tanks need to reflect the OSD spreadsheet.
- Amended stormwater plans to be submitted that satisfy the requirements of the Manager Asset Design.

8 Issues raised by the public

- 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

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

Authority	Comments
Rural Fire Service	Acceptable subject to conditions
NSW Police Force	Acceptable subject to conditions

10 Internal referrals

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
Open Space - Tree Removal	Acceptable subject to conditions
Engineering	Acceptable subject to conditions
Economic Development	No objections, no 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-Development Application Meeting (PAM) have been satisfactorily addressed in the design. The deep soil zones can only be counted as deep soil where they do not have any structure below them. Some nominated deep soil zones do not penetrate the entire basement, only the first floor. These areas are excluded from any deep soil calculation.


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 suitable for the proposed development subject to the conditions in attachment 11.


12 Recommendation

- 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 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.
 - b The proposal will create a positive Precinct outcome, thus providing sufficient environmental planning grounds to satisfy the minor variations. The variations will foster development that is consistent with the zone objectives and is still in the public interest.
 - c The request is well founded and warrants support.
- 2 Approve Development Application SPP-17-00031 subject to the conditions listed in attachment 11 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.
- 3 Council officers notify the Applicant of the Panel's decision.



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