

Assessment report to Sydney Central City Planning Panel

Panel reference: 2017SWC152

Development Application

DA number	SPP-17-00042	Date of lodgement	29 November 2017
Applicant	Sino Australia Golden Rich		
Owner	L & J Rose Investments Pty Ltd		
Proposed development	Demolition of existing structures and construction of a 9 storey hotel and associated restaurant, offices, conference rooms and car parking		
Street address	Lot 141 DP 879706, 142 Sunnyholt Road, Blacktown		
Notification period	17 to 31 January 2018	Number of submissions	1 (following the withdrawal of a submission)

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 CIV of \$23.2 million).
Relevant section 4.15(1)(a) matters	<ul style="list-style-type: none"> Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55 – Remediation of Land Blacktown Local Environmental Plan 2015 Blacktown Development Control Plan 2015 Central City District Plan 2018 Clause 92 of Environmental Planning and Assessment Regulation 2000
Report prepared by	Holly Palmer, Senior Project Planner
Report date	29 November 2018
Recommendation	Approve, subject to conditions listed in attachment 10.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning and height of buildings map 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
- 8 Council's assessment of the Clause 4.6 request
- 9 Summary of issues raised by the public 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)? No

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 Applicant's Clause 4.6 request to exceed the maximum permitted building height for plant and equipment and rooftop recreational facilities
 - matters raised in the public submission which are considered in detail in Section 8 of this report. The objection is 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.
- 1.3 The application is therefore satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel support the use of Clause 4.6 to vary the development standard in this instance and approve the application subject to the recommended conditions listed in attachment 10.

2 Location

- 2.1 The site is located in Blacktown, in the north-eastern part of the Blacktown Business Park as identified by Blacktown Local Environmental Plan 2015.
- 2.2 The remainder of the Business Park, to the north, south and west of the site, consists of a mix of office, industrial and warehousing uses and a petrol station.
- 2.3 The site is approximately 2 km to the north of the Blacktown Railway Station and is located along Sunnyholt Road, which is a classified road under the control of Roads and Maritime Services (RMS). Bus transit lanes are provided along the eastern side of Sunnyholt Road.
- 2.4 The location of the site is shown in attachment 1.

3 Site description

- 3.1 The 2,457 m² site is irregular in shape and is currently registered as Lot 141 in DP 879706.
- 3.2 The site benefits from a 7.75 m wide private access driveway off Sunnyholt Road and 19 car parking spaces that are shared with the adjoining property to the west (occupied by 3M Australia at 140 Sunnyholt Road, Blacktown). The driveway and car parking spaces are available for the use of the Applicant by way of an existing right of carriageway and easement for parking, respectively. The street setback area is used as an informal car parking area.
- 3.3 The site slopes from the south-west to the north-east by approximately 3.4 m. The northern part of the site is burdened by a 1 m wide easement for electricity purposes. The southern part of the site is burdened by a 2 m wide easement for services. These services include current and future provision for Telstra, Optus, NBN, Jemena, Endeavour Energy and Sydney Water services for the adjoining property referred to in 3.2 above.
- 3.4 The site contains an existing commercial building, 2 metal portable buildings, and landscaping which is concentrated in the front and rear setback areas of the site.
- 3.5 An aerial image of the site is at attachment 2.

4 Background

- 4.1 The site is zoned B7 Business Park and has a permitted maximum building height of 32 m under Blacktown LEP 2015. Prior to this, the site was zoned 4(b) Light Industrial under Blacktown LEP 1988.
- 4.2 The zoning and height plan for the site and surrounds is at attachment 3.

5 The proposal

- 5.1 This DA for a hotel at 142 Sunnyholt Road, Blacktown has been lodged by Sino Australian Golden Rich.
- 5.2 The Applicant proposes to demolish the existing structures, remove all trees and construct a 9 storey hotel comprising 70 suites and ancillary restaurant, offices, conferencing rooms, basement parking, stormwater drainage works and landscaping.
- 5.3 The building height is up to 34.07 m (including the rooftop recreation features, the pool fencing, pergolas, roofline of the gymnasium and a roof feature). This exceeds the 32 m maximum building height permitted for this site under Blacktown LEP 2015.
- 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 DA against relevant section 4.15(1)(a) matters is provided at attachment 6.

7 Key issue

7.1 The Applicant has submitted a Clause 4.6 request to exceed the maximum permitted building height

- 7.1.1 The DA seeks approval for a 9 storey building with an overall height of 34.07 m. The maximum height of buildings permitted on this site is 32 m and the Applicant seeks to exceed this height limit by up to 2.07 m or 6.5%.
- 7.1.2 The height exceedance relates to the lift and stair overrun to provide access to the rooftop recreation features, the pool fencing, pergolas, roofline of the gymnasium and a roof feature.
- 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 proposal is consistent with the intent of the maximum height control and will provide an attractive building that addresses Sunnyholt Road and the existing right of way easement along the site's southern boundary.
 - The non-compliance is minor in nature, with the majority of the building being compliant and the lift/stairwell and gymnasium structure recessed. Its impact to the streetscape is negligible as it will be visually unnoticeable when viewed from the street level.
 - The proposal has been designed to ensure that the proposal will not obstruct existing significant view corridors.
 - The proposed development will permit the site to develop to its full zoning potential and will provide an attractive hotel building.

- 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 proposal promotes the social welfare of the community by providing suitable opportunities for hotel accommodation, conference facilities and a restaurant. The proposal also promotes good design and amenity of the built environment by providing a modern architectural layout and presentation, with flexible hotel arrangements in the form of dual key apartments which suits the varied needs of guests.
- 7.1.5 The Clause 4.6 variation request is considered reasonable and well founded in this particular circumstance and is recommended for support. It will allow flexibility in the application of the development standard and promote the proper construction and maintenance of the building, including the protection of the health and safety of occupants by providing safety barriers around the proposed rooftop pool as well as shading structures in the rooftop recreational space.

8 Issues raised by the public

- 8.1 The proposed development was notified to property owners and occupiers in the locality between 17 and 31 January 2018.
- 8.2 We received submissions from:
- 8.2.1 An industrial facility on Tattersall Road to the north of the subject site. Issues raised include land use conflict, visual outlook, conversion to apartments, outlook from the proposed hotel, adequacy of the Acoustic Report, setback, exceeding the maximum permitted building height and impact of traffic generation on Sunnyholt Road.
- 8.2.2 3M at 140 Sunnyholt Road, Blacktown, which shares a private driveway with the subject site. In response to further information and amendments provided by the Applicant, this submission was formally withdrawn.
- 8.3 A summary of each issue and our response is provided at attachment 9.
- 8.4 The issues raised in the remaining objection 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
Roads and Maritime Services	Acceptable, subject to conditions
Local Police	Acceptable, subject to conditions
NBN, Optus, Telstra, Jemena, Endeavour Energy and Sydney Water	<p>The Applicant has confirmed with these services that they do not object to the proposal, including any hardstand driveways/pathways and awnings proposed to be located over service easements.</p> <p>To ensure that service technicians can access the necessary infrastructure, the Applicant will relocate pits and services as required. This will be addressed by way of conditions of consent, that the Applicant makes satisfactory arrangements with each of these authorities.</p>

10 Internal referrals

- 10.1 The DA was referred to the internal sections of Council and is considered acceptable.
- 10.2 Our City Architect requested that the proposal retain existing mature trees and relocate accessible car parking spaces in close proximity to the lifts. In response, the Applicant demonstrated that the retention of the trees is not suitable given the required change in ground levels and the extent of the development's building footprint. It did, however, amend the Landscape Plan to comprise a range of species including trees that will grow to a substantial height. The Applicant also relocated the accessible car parking spaces to be closer to the lifts.
- 10.3 Our City Architect considers that the proposal now demonstrates a suitable mix of materials and is well proportioned and articulated with a 3 storey 'podium'. The 'flared' slab edges are a strong design feature and add to the visual appeal of the proposed building.
- 10.4 Our City Architect supports the proposal given the above amendments and suitable provision of landscaped zones/deep soil provided to the perimeter of the site.

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 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 Blacktown Local Environmental Plan 2015 as the proposal still meets the height objectives of the zone, provides a hotel development which is compatible with the desired future character of the Blacktown Business Park and includes height variances only to rooftop structures and equipment.
2. Approve Development Application SPP-17-00042 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 submitter of the Panel's decision.



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