

# Assessment report to Sydney Central City Planning Panel

Panel reference: 2018SWC039

## Development Application

<b>DA number</b>	SPP-18-00003	<b>Date of lodgement</b>	28 February 2018
<b>Applicant</b>	Yardhouse Pty Ltd		
<b>Owner</b>	Alexander Volfneuk and Elina Safro		
<b>Proposed development</b>	Demolition of the existing building and construction of an 8 storey shop top housing development comprising 7 ground level commercial tenancies, 131 apartments and 222 basement car parking spaces		
<b>Street address</b>	7 Luxford Road, Mount Druitt (Lot 2 DP 251863)		
<b>Notification period</b>	4 to 18 April 2018	<b>Number of submissions</b>	4

## Assessment

<b>Panel criteria</b> Schedule 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> <li>Capital investment value (CIV) over \$30 million (DA has a CIV of \$39.3 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>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River</li> <li>Blacktown Local Environmental Plan 2015</li> <li>Blacktown Development Control Plan 2015</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>	5 July 2019
<b>Recommendation</b>	Approve, subject to conditions listed in attachment 8.

## 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 Issues raised by the public
- 8 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? Not applicable

### 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**

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- 1.1 The key issues that need to be considered by the Panel in respect of this application are those raised in the public submissions. However, these issues are not considered sufficient to warrant refusal of the 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 approve the application subject to the recommended conditions listed in attachment 8 based on the reasons listed in the Recommendation at section 12 below.

## **2 Location**

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- 2.1 The site is located at 7 Luxford Road, Mount Druitt.
- 2.2 The site is within the Mount Druitt Town Centre. It is bordered by Mount Druitt Public Hospital to the east, McDonald's to the west and the Luxford Court Shopping Centre to the south. Mount Druitt Westfield is 500 m to the west and Yenu Allowah, an Aboriginal Child & Family Centre, is located at 1 Luxford Road (within the grounds of the hospital) to the east of the site.
- 2.3 The location of the site is shown at attachment 1.

## **3 Site description**

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- 3.1 The site's legal description is Lot 2 in DP 251863 and has an area of 4,046 m<sup>2</sup>.
- 3.2 The site is rectangular in shape, with a frontage to Luxford Road of 74.06 m and a depth of 54.66 m. The site falls approximately 2 m from its eastern to western boundaries.
- 3.3 An aerial image of the site and surrounding area is at attachment 2.
- 3.4 The site is zoned B4 Mixed Use. The zoning plan for the site and surrounds is at attachment 3.

## **4 Background**

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- 4.1 The site is currently occupied by an abandoned commercial building and at-grade parking area. It was previously occupied by a radiology practice that worked closely with Mount Druitt Public Hospital. The business relocated a few years ago and the building has been vacant ever since.
- 4.2 The building's condition has deteriorated since being vacated and has been vandalised and sprayed extensively with graffiti. The site is an eyesore and in dire need of urban renewal and revitalisation.
- 4.3 The original proposal was for a 9 storey building with a floor space ratio (FSR) of 3.78:1, which exceeded the development standard FSR of 3:1. We did not support this variation. Our City Architect also raised some concerns about the setbacks to the rear of the site needing to be fully compliant with the Apartment Design Guide (ADG) for both visual privacy and building separation purposes. There were also concerns about the amount of blank concrete facades facing onto neighbouring properties.

- 4.4 Amended plans were received on 28 May 2018 that removed the top residential level of the building and reconfigured the ground floor to achieve a FSR of 3:1. The amended plans also addressed the rear setback concerns and increased the side setbacks on Level 3 to 3 m, reducing the blank concrete facade facing neighbouring properties.
- 4.5 Our Traffic Section advised on 9 October 2018 that Council had resolved to investigate the possible installation of traffic signals at the intersection of Luxford Road and Hythe Street and a budget had been allocated for the construction of the intersection. This intersection would have been very close to the access to the proposed building and therefore a meeting was held with the Applicant to discuss alternate access arrangements, of which there were 3.
- 4.6 After discussions and testing of each alternative and a subsequent meeting in January 2019, it was agreed that the vehicular access to the basement carpark and loading dock area would be relocated from the eastern site boundary to the western site boundary. Amended plans were received on 26 February 2019 to reflect the agreed upon access arrangement.
- 4.7 Minor plans amendments were also submitted on 21 May 2019 in order to address waste collection issues.

## **5 The proposal**

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- 5.1 The Applicant proposes demolition of all existing improvements on the land and the amended proposal consists of the construction of an 8 storey shop top housing development comprising commercial premises on the ground floor with residential apartments above in a 4-storey podium. Two 4-storey residential towers are proposed above the podium.
- 5.2 The commercial component will consist of 7 retail units ranging in size from 67 m<sup>2</sup> to 240 m<sup>2</sup>.
- 5.3 The residential component will consist of 131 units. The unit mix will be: 25 x 1-bedroom units, 89 x 2-bedroom units and 17 x 3-bedroom units.
- 5.4 Off-street car parking is proposed in 2 basements that will provide a total of 222 car, 48 bicycle and 8 motorbike parking spaces. There will be 201 parking spaces provided for the residential component of the building including 16 disabled and 53 visitor parking spaces. There will be 21 commercial car parking spaces proposed for the commercial component including 2 disabled parking spaces.
- 5.5 Other details about the proposal are at attachment 4.
- 5.6 A copy of the latest amended 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 and planning controls is provided at attachment 6.

## **7 Key issues**

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- 7.1 The key issues in respect to this application relate to issues raised by the public, and are described in section 8 below.

## **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 4 and 18 April 2018. The Development Application was also advertised in the local newspapers and a sign was erected on the site.

- 8.2 We received 4 individual submissions, 3 of which came from the same property: the property owner, the letting agent of the property and a consultant on behalf of the property owner.
- 8.3 The issues raised relate to possible structural impacts that the construction of the building will have on neighbouring properties, traffic and parking impacts, treatment of windows and possible overshadowing of neighbouring buildings. A summary of each issue and our response is provided in attachment 7.
- 8.4 The objections are not assessed as warranting refusal of this Development Application.
- 8.5 The application was renotified to the immediate neighbours when amended plans were submitted, as the amendments reduced the scale of the proposal and addressed some of the objections received. No additional submissions were received.

## 9 External referrals

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

Authority	Comments
NSW Police	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
Heritage	Acceptable subject to conditions
Traffic	Acceptable subject to conditions
City Architect	The amended architectural plans have addressed all previous concerns
Engineering	Acceptable subject to conditions
Waste	Acceptable subject to conditions
Environmental Health	Acceptable subject to conditions
Building	Acceptable subject to conditions

## 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 Approve Development Application SPP-18-00003 for the reasons listed below and subject to the conditions at attachment 8:

- a This shop top housing development is considered suitable for the site, being in a B4 Mixed Use zone and is consistent with the objectives of the zone.
  - b The proposal will activate the Luxford Road street frontage and encourage a diversity of services and opportunities for employment in the area.
  - c The proposed building will revitalise the streetscape and key entry into the Mount Druitt CBD from Luxford Road by replacing the existing vacant, dilapidated and vandalised building on the site.
  - d The proposal will assist in delivering higher density housing options to the area by introducing a range of apartment dwellings. The shops proposed will be convenient in providing services directly to the increased population that will result from this development.
  - e The proposal is considered to be in the public interest.
- 2 Council officers notify the Applicant and submitters of the Panel's decision.

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