

Assessment report to **Sydney Central City Planning Panel**

Panel reference: 2019CCI034

Devel	lopment	t app	lication

DA number

6.1

SPP-19-00003

Date of lodgement

18 April 2019

Applicant

Ropes Crossing Village Pty Ltd

Owner

Ropes Crossing Village Pty Ltd

A Concept Plan approval under section 4.22 of the Environmental Planning and Assessment Act 1979 for the Ropes Crossing Village Centre and Stage 1

Development Application (DA).

Proposed development The Concept Plan approval is for the expansion of the existing shopping centre comprising the addition of 711 m² of supermarket floor space and 40 m² of specialty retail floor space. The proposal is also for building envelopes for 3 x 6 storey residential flat buildings, containing a total of 128 apartments being 65 x 1 bedroom and 63 x 2 bedroom units, 461 ground level and basement car parking spaces and site improvements including minor landscaping and public domain works.

Stage 1 DA approval is for the construction for lease of the 525 m² commercial tenancy above the existing commercial space.

Street address

8 Central Place, Ropes Crossing

Notification period

5 to 19 June 2019

Number of submissions

7

Assessment

Panel criteria

Section 7, SEPP (State and Regional Development) 2011

Capital investment value (CIV) over \$30 million (DA has CIV of \$69.76 million).

Relevant section 4.15(1)(a) matters

- Environmental Planning and Assessment Act 1979
- Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River
- Sydney Regional Environmental Plan No. 30 St Marys
- State Environmental Planning Policy (State and Regional Development) 2011
- State Environmental Planning Policy (Infrastructure) 2007
- State Environmental Planning Policy No. 55 Remediation of Land
- State Environmental Planning Policy (Building Sustainability Index) 2004
- State Environmental Planning Policy No. 65 Design Quality of Residential **Apartment Development**
- Precinct Plan and Development Control Strategy Eastern Precinct St
- Blacktown Development Control Plan 2015
- Central City District Plan 2018
- Blacktown Local Strategic Planning Statement 2020

Report prepared by Alan Middlemiss, Coordinator Planning Assessment

Report date

6 August 2020

Recommendation

Approve, subject to the conditions listed in attachment 11.



Yes

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material

Have draft conditions been provided to the applicant for comment?

- 5 Development Application plans
- 6 Assessment against planning controls
- 7 Photomontages and aerial views of the proposal
- 8 Applicant's letter considering relationship of the development to the existing child care centre
- 9 Issues raised by the Panel in briefing meeting and a summary of applicant's response to issues
- 10 Issues raised by the public
- 11 Draft conditions of consent

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Conditions

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)?	Not applicable



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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 6 storey buildings exceed the maximum permitted number of storeys outlined in the Eastern Precinct Development Control Strategy (DCS), being a 'deemed DCP', by 2 storeys. However, this is considered reasonable as it is to be centrally located in the heart of the Village Centre and will be amply buffered by setbacks and existing commercial uses.
 - The scale and massing of the Concept Plan for the residential buildings is suitable in the context of being in the middle of a Village Centre.
 - The proposed dwelling yield of 128 additional apartments is suitable for the site.
 - The concept proposal has design inconsistencies with some key controls in the Apartment Design Guide (ADG). These are capable of being resolved in the future Stage 2 detailed DAs, including the building separation of 18 m required for the 5th and 6th storeys to the surrounding residential buildings. This is reflected in conditions of consent for the Concept DA.
 - The applicant has entered into a Planning Agreement with regard to monetary contributions towards out-of-precinct infrastructure. No Contributions Plan applies to any land in Ropes Crossing.
- 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 assessed as 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 11.

2 Location

- 2.1 The site is located in the Eastern Precinct of the St Marys Precinct Plan and Development Control Strategy prepared under Sydney Regional Environmental Plan (SREP) No. 30 St Marys.
- 2.2 The boundaries of the site are unique as a result of previous subdivision and development on this site. The site is occupied by an existing retail development and associated car parking, and is bounded by a separate 2 storey commercial building at the north-western corner of the site and 4 storey shop top housing developments to the east, south and west. The buildings represent a higher density of development when compared to the Ropes Crossing locality, and contribute to reinforcing this block as the Ropes Crossing Village Centre.
- 2.3 There are existing dwellings further to the north and south of the site.
- 2.4 Several educational and community uses are located to the east of the site, including the Ropes Crossing Public School and Ropes Crossing Church.
- 2.5 Wianamatta Regional Park and Ropes Creek are to the west of Ropes Crossing Boulevard.
- 2.6 The location of the site is shown at attachment 1.



3 Site description

- 3.1 The site is irregular in shape with an area of 12,340 m² with a primary street frontage to Central Place.
- 3.2 The north-eastern portion of the site contains an existing supermarket accompanied by specialty stores and food and drinks premises, with the main entrance directed towards Central Place along its northern boundary. The rear part of the retail development (located at the centre of the overall site) has 2 storeys with retail premises at the ground level and a child care centre and commercial premises on the first level. The south-western part of the site consists of 209 at-grade car parking spaces which are accessed by 2 vehicular entry points via Ropes Crossing Boulevard to the north-west and Drummond Avenue to the south. The shopping centre is serviced by a loading dock, with ingress provided via Pulley Drive to the east, and egress provided via Drummond Avenue.
- 3.3 There are small trees and plants throughout the car parking area.
- 3.4 The north-western part of the site is identified as containing Shale/Gravel Transition Forest. There are no trees in this mapped area which are sought to be removed.
- 3.5 The south-western portion of the site is identified as Buffer 1 bushfire prone land.
- 3.6 An aerial image of the site and surrounding area is at attachment 2.

4 Background

- 4.1 The site is zoned 'Urban' under Sydney Regional Environmental Plan (SREP) No. 30 St Marys. The proposed development is categorised as 'multi-unit housing' and 'local retail or commercial premises' and is permissible with consent. The zoning plan for the site and surrounds is at attachment 3.
- 4.2 Building height is outlined in Section 3.4 of the Development Control Strategy for the Eastern Precinct and Section 15.6 of the Concept Plan (Amendment 1) adopted by Blacktown City Council and prepared by Lend Lease Development (23 November 2005) being a typical building height of 2 4 storeys. The Concept Plan document is more of a masterplan which provides the next level of specificity of detail relating to matters addressed in the Precinct Plan and DCS.
- 4.3 On 27 June 2019, the Sydney Central City Planning Panel was briefed on this proposal. The Panel's Record of Briefing (refer attachment 9) listed the key issues discussed and matters to be included in the Council Assessment Report, as follows:
 - exceedance of the maximum number of storeys
 - suitability of the use of the ground level for car parking
 - lack of pedestrian connections
 - new trees proposed but more details are required
 - apartment mix is inappropriate if it does not cater for affordable housing
 - contribution to infrastructure for the area. No variation to the Deed of Agreement (as variously modified) for the Eastern Precinct has been entered into (in lieu of a s7.11 contributions plan for the land)
 - lack of place making or focus points for the residents and shoppers to meet and gather
 - ground floor interface with the public realm is seriously lacking and the applicant needs to do more work to address this on the ground in an amended site plan
 - appearance at the streetscape level to be better addressed



- what appears to be a mezzanine level in the northern building needs clarification, including justification for the additional building height as a result (resulting in the appearance of a 7 storey building)
- more detail to be provided about the shift of retail from that area adjacent to Coles to the new area associated with the northern building. To what extent is Coles growing – this is not clear on the plans
- traffic impacts to be considered
- loading and unloading areas to be located with ease of access to existing and proposed retail spaces
- the plans are unclear relating to Stage 1. More detail is to be provided about existing and proposed commercial space and the impacts on the child care centre.

The applicant's detailed response to these issues is summarised in attachment 9.

4.4 On 13 December 2019, the applicant entered into a Planning Agreement with Council to make monetary contributions to support the additional of dwellings in this Precinct in a manner which is consistent with those paid by Lend Lease for the Ropes Crossing area since 2002. The Planning Agreement obligates the developer to pay monetary contributions on a per dwelling basis for the enhancement of off-site public facilities and infrastructure, being for public library purposes, indoor recreation purposes and active recreation purposes.

5 The proposal

- 5.1 The applicant seeks approval for a Concept DA submitted under section 4.22 of the Environmental Planning and Assessment Act 1979 for the redevelopment of part of the shopping centre and the existing at-grade carpark area. The proposal is for the retention and expansion of the existing shopping centre comprising 1,278 m² of additional supermarket, specialty retail and commercial floor space including 525 m² above the existing retail floor space and 40 m² of specialty retail floor space. The proposal is also for building envelopes for 3 x 6 storey residential flat buildings comprising 128 apartments and private communal open space areas provided at the podium level and on rooftops. 461 car parking spaces are to be provided at-grade and in the 2 basement levels. Site improvements include minor landscaping and public domain works.
- 5.2 The application also comprises a Stage 1 detailed DA for the construction and occupation of a new commercial tenancy for lease above the existing commercial space (depicted on the plans as 'East space' and West space'. The ultimate use of this space will be the subject of a future detailed DA.
- 5.3 The applicant states that separate DAs will be submitted seeking approval for the remainder of the works the subject of the concept application, including:
 - demolition, excavation and staged construction works
 - floor layouts, mix and number of units and allocation of car parking spaces
 - detailed design of building exteriors, including façade and roof treatment (excluding the detailed proposal for the Stage 1 works identified above).
- 5.4 Other details about the proposal are at attachment 4. A copy of the development plans is at attachment 5.

6 Assessment against planning controls

6.1 An assessment of the DA against the section 4.15 matters and relevant planning controls is at attachment 6.



7 Key issues

7.1 The proposed buildings exceed the maximum recommended number of storeys

- 7.1.1 The applicant seeks to vary the height control of 2 4 storeys under the adopted Development Control Strategy (DCS) to a maximum building height of 6 storeys. The typical building height for the Village Centre is 2 4 storeys with a maximum of 4 storeys. The proposed concept envelopes for the 3 RFBs are for 6 storeys. With the ground floor of the north building having a colonnade style ground floor and ceiling height of approximately 5.6 m, this effectively gives this building a 7 storey appearance. Refer to the analysis of the storeys and scale of the proposal at attachment 4.
- 7.1.2 The proposed number of storeys is supported in this instance as the proposed development is centrally located within the site and it provides a transition to the recently constructed 4 storey mixed use buildings to the east, south and west, and the 2 storey dwellings beyond. This is a suitable transition from the proposal relative to the existing surrounding buildings. These concept building envelopes generate a cohesive and functional development outcome for the Ropes Crossing Village Centre.
- 7.1.3 The height control contained in the DCS is not a development standard requiring a Clause 4.6 variation, as the DCS is not an environmental planning instrument. In essence, the DCS is a 'deemed DCP'.
- 7.1.4 The Development Control Strategy (DCS) sets out site-specific development guidelines and controls in much the same way as a Development Control Plan (DCP). Just like a DCP, the DCS is not an environmental planning instrument. The DCS was prepared to satisfy the requirements of Sydney Regional Environmental Plan No. 30 (SREP 30) and the St Marys Environmental Planning Strategy 2000 (EPS) for the St Marys Eastern Precinct. To ensure that an appropriate development control framework is established for the Precinct, the EPS requires precinct plans to incorporate a DCS that:
 - identifies DCP provisions which apply to land uses or activities permissible under the SREP
 - indicates relevant controls contained in DCPs
 - indicates and justifies any proposed departures from relevant development controls.

In this case, the relationship between the DCS and Council's planning controls is shown at Appendix A of the DCS where existing DCP controls are proposed to be varied by the control in the DCS, and justification is provided for this. This is usually to provide more site-specific development controls that have been identified through the precinct planning process.

- 7.1.5 The applicant was advised at the pre-lodgement meeting in December 2018 that any proposal to include development greater than 4 storeys would need to consider the likely impacts on adjoining sites. The applicant has responded to this by ensuring that those areas of non-compliance are more suitably located and sufficiently distant from neighbouring residential development, ensuring that privacy and solar access is not unreasonably compromised.
- 7.2 The scale and massing of the concept plan buildings is suitable in the context of being in the middle of a Village Centre
 - 7.2.1 The applicant's consideration of the design and massing of the concept envelopes is demonstrated on the plans at attachment 5.



- 7.2.2 The proposed development will be centrally located within the site and it will provide a transition to the recently constructed 4 storey mixed use buildings to the east, south and west, and the 2 storey dwellings beyond.
- 7.2.3 The proposed and surrounding apartments receive adequate access to sunlight, natural ventilation and amenity, and appropriate separation is either provided in the concept plan or is capable of being provided in future detailed DAs (as required by conditions of consent).
- 7.2.4 Although the proposal does not focus the built form along the street edge, in particular at the location of the existing Coles and other shops at the eastern end of Central Place as envisaged by the DCS, the proposal will create a lively pedestrian orientated urban environment which promotes casual social interaction.
- 7.2.5 Refer to attachment 4 which provides an analysis of the transition between the existing buildings and the proposal.
- 7.2.6 Photomontages of the proposed development are provided at attachment 7 and demonstrate the transition of the proposal relative to the existing surrounding buildings. These photomontages show that the concept building envelopes generate a cohesive and functional development outcome for the Ropes Crossing Village Centre.
- 7.2.7 The proposal seeks to expand the existing supermarket to provide a full line Coles supermarket and relocate some existing retail/commercial tenancies.
- 7.2.8 The proposed addition of the commercial tenancy above the child care centre and the addition of residential apartments in the centre of the block will be suitably placed to provide adequate building separation and access to sunlight to the surrounding existing apartments.
- 7.2.9 The applicant has demonstrated that the proposed scale and massing of the building envelopes are appropriate to enhance and improve the existing Village Centre.

7.3 The proposed dwelling yield of 128 additional apartments is suitable for the site

- 7.3.1 The applicant seeks to obtain concept approval for 128 apartments in 3 RFBs over the at-grade and basement carpark. The 128 apartments are intended to include 65 x 1 bedroom and 63 x 2 bedroom units. The applicant intends the residential component of the proposal to be provided over the central part of the block, as opposed to the north-east portion of the site, to reinforce the edge of the block to Central Place, because they are proposing an alternate development approach that enables the continued operation of the shopping centre with staged temporary closure. This approach will minimise impacts on services to the local community.
- 7.3.2 The applicant states that:

"It is undesirable to build any substantial building over the supermarket as this would create significant disruption to the supermarket's trade which would have a devastating impact to all retailers' trade over a significant period.

It is not feasible to redevelop the existing shopping centre to provide a development of 2 to 4 storeys.

The proposed scale of development does not introduce greater impacts or additional population above what would be achieved if 2 to 4 storey shop top housing was provided in the north-eastern portion of the site."

7.3.3 The application is supported by a Social Impact Statement (SIS) that states that the provision of 128 x 1 and 2 bedroom apartments should be supported because:



- it will provide greater housing choice and diversity than presently available in Ropes Crossing
- it will provide new housing in an accessible location that is integrated with Ropes Crossing's main retail and commercial hub, open space, social infrastructure and bus stops (providing bus connections to the centres of Penrith, St Marys and Mount Druitt).

This is evidenced by the gradual purchase and occupation of the retail / commercial tenancies and apartments in the Village Centre.

- 7.3.4 Council's Team Leader Social Planning has advised that they have reviewed the SIS and have no objection to the proposal and will comment further on the residential flat buildings at the detailed DA stage.
- 7.4 The concept proposal has design inconsistencies with the key controls in the ADG that are capable of being resolved in the future detailed DAs
 - 7.4.1 The applicant seeks approval for a Concept DA for the redevelopment of part of the shopping centre and building envelopes for 3 x 6 storey residential flat buildings comprising apartments and private communal open space areas provided at the podium level and rooftops. The applicant intends to submit separate DAs seeking approval for the remainder of the works, including floor layouts, mix and number of dwellings.
 - 7.4.2 Although the detailed design of the proposed apartments will be the subject of separate DAs, this component of the proposal has still been assessed against the numerical guidelines of the Apartment Design Guide (ADG) as part of this DA, to ascertain if any issues exist.
 - 7.4.3 Several components of the present concept application do not adequately demonstrate compliance with the ADG controls. Conditions of consent are included in the draft consent requiring the applicant for the future detailed DAs to demonstrate full compliance with the ADG controls with regard to the following concept features and providing:
 - at least 18 m building separation between the 5th and 6th storeys and the existing buildings to the south
 - legible entries to the residential areas these entries must be clearly defined and separate to the commercial/retail entries
 - at least 60% of the apartments that are naturally cross ventilated
 - internal corridors that are direct and avoid tight corners
 - habitable rooms and bedrooms in the vicinity of the podium level communal open space have appropriate measures to protect their acoustic privacy
 - an appropriate variety of apartment types.
 - 7.4.4 The concept application does not propose any deep soil areas. Part 3E of the ADG requires at least 7% of the site area as deep soil areas with minimum dimensions of 6 m in residential buildings, but it is not specifically mandated in Business or Urban zones for mixed use, shop top housing developments. The applicant states that the proposal will provide 24 trees with a minimum height of 3 4 m, as shown on the landscape plans. It is not clear how this will be achieved as the site currently consists of a shopping centre and hardstand car parking area with minimal landscaping.
 - 7.4.5 The concept plan proposes to provide landscaped elements throughout the site at ground level, podium level and rooftop (of the northern building). The landscaping



- is accompanied by a concept building design which intends to provide decorative architectural elements and modern materials and colours which will create a lively and welcoming village centre experience.
- 7.4.6 This is acceptable in this instance given the existing context of the site, being the internal part of a Village Centre and with the provision of landscaping at the ground level, podium and rooftop, where available.
- 7.4.7 There is a concern that the residential parking has to be separated and secured and directly positioned under the 3 corresponding RFBs, and so is not accessible to visitors to residents. Also, all commercial retail parking should be positioned closest to the existing shopping centre. This will be conditioned accordingly.

7.5 The applicant has entered into a Planning Agreement with regard to monetary contributions

- 7.5.1 As discussed above, following the lodgement of this DA the applicant entered into a Planning Agreement with Council to make monetary contributions to support the addition of dwellings in this Precinct in a manner which is consistent with those contributions paid by Lend Lease for the Ropes Crossing area since 2002. The Planning Agreement is considered to support the infrastructure for the area as a result of the additional dwellings sought in this application. This will include contributions to public library, public indoor recreation and active public recreation infrastructure.
- 7.5.2 The Planning Agreement (between Blacktown City Council and Ropes Crossing Village Pty Ltd as Trustee of the Ropes Crossing Village Unit Trust) was executed on 13 December 2019. However, its obligations will only be triggered if there are development consents granted and Construction Certificates issued for the development.

8 Issues raised by the public

- 8.1 The proposed development was notified to property owners and occupiers in the locality between 5 and 19 June 2019. The DA was also advertised in local newspapers and a sign was erected on the site.
- 8.2 We received 5 submissions objecting to the proposal. The issues raised relate to concerns that there are already a number of unoccupied apartments and shops, the school is at capacity, increased crime and reduced/low rents due to a number of unoccupied apartments, adverse impacts on the children in the child care centre, privacy impacts from a 6 storey unit complex overlooking residents' backyards and residents do not want this eyesore in their community.
- 8.3 Other issues raised also include excessive density, the design will spoil the aesthetics of the Central Precinct of Ropes Crossing and is contrary to the original Master Plan concept submitted for the suburb by Delfin Lend Lease.
- 8.4 We received 2 submissions in support of the proposal. The reason for support being that the proposal will provide more affordable homes in the west.
- 8.5 A summary of the issues raised and a planning response to each is detailed in attachment 10.
- 8.6 The objections are considered to not warrant refusal of the DA and some can be addressed by suitable conditions of consent.

9 External referrals

9.1 The DA was referred to the following external authorities for comment:



Authority	Comments	
Rural Fire Service	A small part of the western edge of the site is situated on bushfire prone land (buffer). RFS issued General Terms of Approval under Division 4.8 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority under Section 100B of the Rural Fires Act 1997, without any specific conditions.	
RMS	Acceptable subject to conditions	
NSW Police	Acceptable subject to conditions	
Sydney Water	Acceptable subject to conditions	

10 Internal referrals

10.1 The DA was referred to the following internal sections of Council for comment:

Section	Comments
Drainage Engineers	Acceptable subject to conditions
Development Engineers	Acceptable subject to conditions
Building	Acceptable subject to conditions
Environmental Health	Acceptable subject to conditions
Traffic	Acceptable subject to conditions
City Architect	Acceptable subject to conditions. Our City Architect identified some concerns during his initial evaluation. In response, the applicant submitted amended plans which included revising the layout of the proposed ground level tenancies to foster place making and ground plane circulation. Our City Architect is now satisfied that the proposal offers an improved and acceptable development, with final design details to be addressed in the Stage 2 detailed DAs.
Section 7.11 Contributions	Acceptable subject to conditions. Our Contributions section considered and endorsed the applicant's offer to enter into a Planning Agreement in order to support any additional dwellings in this Precinct. The contributions to be paid by the applicant are consistent with those paid by Lend Lease for the Ropes Crossing area. On 13 December 2019 the Planning Agreement was executed between Council and the applicant and commits the applicant to pay monetary contributions prior to the issue of the first Construction Certificate for residential works. The contributions are payable as follows: \$557 per dwelling for public library purposes \$1,975 per dwelling for public indoor recreation purposes. \$2,364 per dwelling for public outdoor recreation purposes.
Social Planning	Acceptable subject to conditions. Our Social Planning section reviewed the Social Impact Study and sought additional information from the applicant. Provided the concept plan issues



Section	Comments
	raised in this report are addressed in the detailed DAs for the 3 RFBs, Social Planning raises no objection to this concept plan or the detailed Stage 1 DA being approved.

11 Conclusion

11.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory subject to conditions. It is considered that the likely impacts of the development, with regard to the Concept DA and the Stage 1 detailed DA only, can be satisfactorily addressed by way of conditions 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-19-00003 for the reasons listed below and subject to the conditions listed in attachment 11:
 - a The proposal is in the public interest.
 - b The site is considered suitable for the proposed development.
 - The proposed development assists in realising an improved Local Centre outcome for the benefit of this locality.
- 2 Council officers notify the applicant and submitters of the Panel's decision.

Alan Middlemiss

Coordinator Planning Assessment

Glennys James PSM

Director Planning and Development

Judith Porteti `
Manager Development Assessment