

# Assessment report to Sydney Central City Planning Panel

PPSSCC-249

## Development application

<b>DA number</b>	MOD-21-00164	<b>Date of lodgement</b>	13 April 2021
<b>Applicant</b>	Urban Link Architects C/O- Mr Joseph El Khawaja		
<b>Owner</b>	SH3 Housing Pty Ltd		
<b>Proposed development</b>	Modification to approved Residential Flat Building (JRPP-16-03323) to increase the height of each floor level for the inclusion of essential fire safety measures within the building		
<b>Street address</b>	2-10 George Street, Seven Hill NSW 2147		
<b>Notification period</b>	6 to 20 May 2021	<b>Number of submissions</b>	0

## Assessment

<b>Panel criteria</b> Section 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> <li>Major modification lodged under section 4.55(2) of the Environmental Planning and Assessment Act 1979 for a modification application previously approved by the Panel</li> <li>Modification application will contravene the height of the building development standard by more than 10%</li> </ul>
<b>Relevant section 4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>Blacktown Local Environmental Plan 2015</li> <li>Central City District Plan 2018</li> <li>Blacktown Local Strategic Planning Statement 2020</li> </ul>
<b>Report prepared by</b>	Kelly Coyne
<b>Report date</b>	26 May 2021
<b>Recommendation</b>	Approve, subject to modified conditions listed in attachment 6.

## Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Modification application plans
- 5 Assessment against planning controls
- 6 Draft conditions of consent
- 7 Extract of report for original JRPP-16-03323

## 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 to a MOD

**Special Infrastructure Contributions**

Does the DA require Special Infrastructure Contributions conditions (section 7.24)?

Not applicable

**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 issue to be considered by the Panel in respect of this modification application is the proposed increase in the overall building height by a further 600 mm over the already approved height. This is the result of a 100 mm increase to each level (floor to floor) being requested by the applicant so they can meet recent Building Code of Australia (BCA) requirements for the installation of fire sprinklers. These fire safety measures are essential services and so in these circumstances this height variation should be supported to facilitate this work.
- 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 6.

## **2 Location**

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- 2.1 The site is located on the north-western side of George Street, between Olive Street and Best Road. It is within the Seven Hills Town Centre, which is identified as a town centre that will support the growth of the city's main commercial centre, Blacktown CBD.
- 2.2 The site is well serviced by public transport. Seven Hills Railway Station is approximately 400 m walking distance from the site. A bus interchange facility is provided in Boomerang Place near the train station. Additional bus stops are located within easy walking distance of the site.
- 2.3 The Seven Hills shopping plaza, which contains Woolworths, Coles, Aldi and smaller speciality stores, is approximately 300 m from the site. Smaller local shops are also located around the Seven Hills train station and in Best Road.
- 2.4 The land immediately to the north and west of the site is zoned R4 High Density Residential. A portion of the land to the east is zoned RE1 Public Recreation, whilst the remaining land to the east is zoned R4 High Density Residential. The R4 area has a building height limit of 20 m.
- 2.5 The location of the site is shown at attachment 1.

## **3 Site description**

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- 3.1 The development was approved on the land previously described as Lots 1 & 2, SP 49703, Lots 1 & 2, SP 52640, Lot 1, DP 845934 and Lots 48 - 50, DP 14294, 2 -10 George Street, Seven Hills. The land is now legally described as Lots 1 - 3, DP 845934 and Lots 48 - 50, DP 14294, also known as 2, 2A, 4A, 6, 8 and 10 George Street, Seven Hills.
- 3.2 The site is slightly irregular in shape with an area of 4,153.5 m<sup>2</sup> and a frontage of 77.8 m to George Street.
- 3.3 Demolition has already taken place and the site is currently under construction.
- 3.4 An aerial image of the site and surrounding area is at attachment 2.



## **4 Background**

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- 4.1 The subject site is zoned R4 High Density Residential under Blacktown Local Environmental Plan 2015 with a building height limit of 20 m. The zoning plan for the site and surrounds is at attachment 3.
- 4.2 On 25 July 2017, the Sydney West Central Planning Panel granted approval for JRPP-16-03323 for the demolition of existing dwellings and construction of a part 6 and part 7 storey Residential Flat Building containing 98 units and 2 levels of basement car parking for 146 cars.
- 4.3 The Panel approved the application with an increase in height of up to 3.17 m pursuant to Clause 4.6 to cater for lift overruns and similar structures as point encroachments only.
- 4.4 Extracts from the report supporting the original DA are at attachment 7 to this report.
- 4.5 The approved building is under construction with the basement already completed. The application is now awaiting determination of this modification application to facilitate a further modification application to the Building Construction Certificate so work on the building can continue.

## **5 The proposal**

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- 5.1 The modification application was lodged by Urban Link Architects C/O- Mr Joseph El Khawaja on 16 April 2021.
- 5.2 The applicant proposes to modify the height of each level by 100 mm, from 3.0 m to 3.1m (floor to floor), to facilitate the integration and provision of essential services within the building. The effect of this will be an overall height increase to the building of 600 mm.
- 5.3 A copy of the development plans is at attachment 4.

## **6 Assessment against planning controls**

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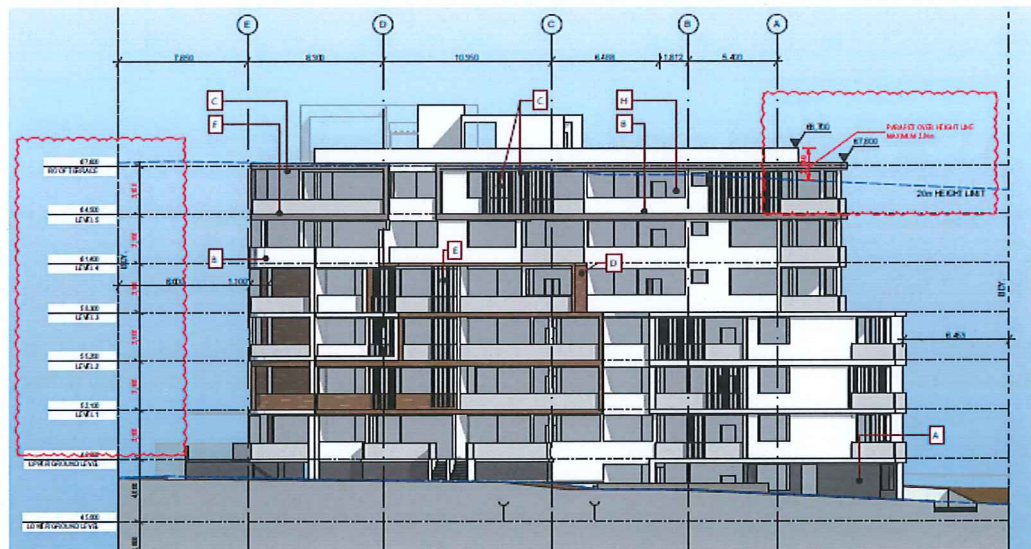
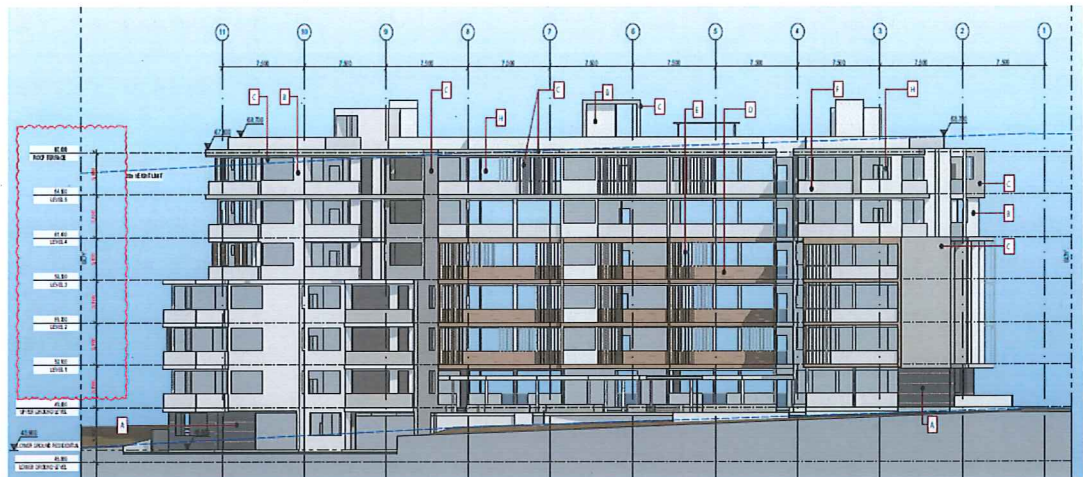
- 6.1 A full assessment of the modification application against relevant planning controls is provided at attachment 5.

## **7 Key issues**

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### **7.1 Proposed increase of the overall building height necessitating variation to the Blacktown Local Environmental Plan 2015 height requirement**

- 7.1.1 Under JRPP-16-03323, the Panel approved a building height of 23.17 m, which exceeded the development standard by up to 3.17 m. The height was approved to cater for rooftop elements including 3 lift overruns and fire stairs as well as small portions of the roof parapet. This was supported with a Clause 4.6 variation submission made by the applicant and supported by Council.
- 7.1.2 This proposal seeks to further increase the maximum height of the building from 23.17 m to 23.77 m. The maximum building height under the Blacktown Local Environmental Plan is still 20 m. Therefore, the building height will be further varied by 600 mm up to a total of 3.77 m, representing an increase in the variation from 15.85% to 18.85%, an additional 3% variation.



- 7.1.3 The proposed increase in the height of the building is only due to the applicant wanting to integrate and provide essential services including sprinklers to all residential floors within the building to enable compliance with the latest Building Code of Australia (BCA) 2019 Amendment 1.
- 7.1.4 Whilst the development has an approved construction certificate under BCA 2016, the applicant would like to ensure the building is compliant with the latest BCA standards. As a result of the new BCA requirements, the installation of a fire sprinkler system increases the amount of ceiling space needed to install the service and so will impact on the minimum 2.7 m finished floor to finished ceiling level required for habitable rooms.
- 7.1.5 The increase in height of each floor by 100 mm to cater for these essential fire measures will also result in the upper part of the habitable space for the proposed north-east and north-west units L5.01 & 5.02 encroaching above the 20 m height plane as shown in the red clouded area on the elevation plan above. This encroachment will have no adverse shadow impact on neighbouring properties and will not result in any additional residential density than was already approved in the original DA. On this basis this minor height variation should be supported.



## 8 Issues raised by the public

- 8.1 The proposed development was notified to property owners and occupiers in the locality between 6 to 20 May 2021. The modification application was also advertised on Council's website. The 2 submitters from the original application were also notified.
- 8.2 We received no submissions.

## 9 Internal referrals

- 9.1 The modification application was referred to the following internal sections of Council for comment:

Section	Comments
Building	Acceptable subject to conditions.
City Architect	No objection

## 10 Conclusion

- 10.1 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 this proposed modified development subject to conditions.

## 11 Recommendation

- 1 Approve modification application MOD-21-00164 subject to the conditions listed in attachment 6.
- 2 Council officers notify the applicant of the Panel's decision.

  
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