

Assessment report to Sydney Central City Planning Panel

Panel reference: PPSSCC-29

Development application

DA number	SPP-19-00008	Date of lodgement	26 July 2019
Applicant	Good Luck Plaza		
Owner	Good Luck Plaza (Blacktown) Pty Ltd and Good Luck Blacktown Centre Pty Ltd		
Proposed development	Integrated Development Application for staged construction of a part 15/part 16 storey shop top housing development being 56 m high, comprising 227 residential apartments, 7 basement parking levels, a supermarket, 13 retail tenancies, a child care facility, landscaping and public domain treatments		
Street address	5-19 George Street, Blacktown		
Notification period	11 September to 11 October 2019	Number of submissions	2

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	Capital investment value (CIV) over \$30 million (DA has a CIV of \$124.9 million).
Relevant section 4.15(1)(a) matters	- 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 (Educational Establishments and Child Care Facilities) 2017 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - State Environmental Planning Policy No. 55 – Remediation of Land - State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development - Blacktown Local Environmental Plan 2015 - Blacktown Development Control Plan 2015 - Central City District Plan 2018 - Blacktown Local Strategic Planning Statement 2020
Report prepared by	Luma Araim, Assistant Team Leader
Report date	19 October 2020
Recommendation	Approve, as a deferred commencement consent, subject to the conditions listed in attachment 8.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning and height of buildings map

- 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
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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
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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
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)?	No
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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 building separation associated with the proposed podium and tower design is acceptable in this CBD context
 - The proposal does not provide any deep soil zones for tree and landscape planting, which is unavoidable and acceptable in the commercial core of the CBD.
 - The lack of solar access to south facing apartments is compensated for as these apartments benefit from an open outlook to the south given its unique location.
 - Natural cross ventilation is achieved by relying on rooftop ventilation skylights and supports a variety of living unit design options.
 - The podium is a scale of 4 storeys which exceeds the podium height of 1-2 storeys under the DCP, but as this is a landmark site the design should be supported.
 - Potential risk due to the nearby Caltex Hunter Pipeline, but the development can meet Caltex's requirements listed in the approved Stage 1 DA for the site works as a condition of this consent.
- 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 DA comprises the dewatering of the site to enable the excavation and shoring works equivalent to 7 basement levels. As the proposal requires approval for a controlled activity approval under the Water Management Act 2000, concurrence is required from WaterNSW as the proposed development is classified as 'Integrated Development' under section 4.46 of the Environmental Planning and Assessment Act 1979.
- 1.4 Concurrent approval was also required from Sydney Trains as the proposed development is classified as 'Integrated Development' under Clause 45 'Development likely to affect an electricity transmission or distribution network' and Clause 86 'Excavation in, above, below or adjacent to rail corridors' of State Environmental Planning Policy (Infrastructure) 2007.
- 1.5 The application is satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.6 This report recommends that the Panel approve the application subject to recommended deferred commencement conditions listed in attachment 8.

2 Location

- 2.1 The site is in the Blacktown Central Business District on the northern side of the railway line.
- 2.2 The location of the site is shown in attachment 1. The site and land immediately to the north and west of the site is zoned B4 Mixed Use with a building height limit of 80 m. The railway line is located to the south of the site. Land to the east, on the opposite side of Sunnyholt Road, is zoned R4 High Density Residential with a building height limit of 20 m. The T-way bus connection is also located on the eastern side of Sunnyholt Road.
- 2.3 The site is located approximately 300 m east of Blacktown Railway Station.

3 Site description

- 3.1 The overall site comprises 9 lots and is legally described as Lots 19 - 25 DP 11157 and Lots 26 and 27 DP 137472. The site is known as 5 - 19 George Street, Blacktown. The

site has an area of 4,617 m² and is generally rectangular in shape with a fall of approximately 4.9 m from the south-eastern corner to the north-western corner.

- 3.2 The site has a frontage of 96 m to George Street to the south. George Street accommodates a shared pathway for pedestrians and bicycles, a single lane road and the North West Transitway for bus services (which travels from the public transport interchange to the west, past the subject site and north along Sunnyholt Road).
- 3.3 The site also has a frontage of 43 m to Sunnyholt Road to the east and a frontage of 99 m to Humphries Lane to the north.
- 3.4 The site is vacant with site works having now commenced in accordance with the Stage 1 approved DA.
- 3.5 Sydney Trains is the electrical supply authority for a 33kV high voltage aerial transmission line immediately adjacent to the southern boundary of the site.
- 3.6 An aerial image of the site and surrounding area is at attachment 2.

4 Background

- 4.1 The site is currently zoned B4 Mixed Use with the maximum permitted height of buildings on the site now being 80 m under Blacktown Local Environmental Plan 2015, as amended in August 2020 from 56 m.
- 4.2 By way of background, on 6 July 2016 Council resolved to prepare a Planning Proposal (referred to as the CBD Planning Proposal) seeking to amend the Blacktown Local Environmental Plan 2015 with regard to the Blacktown and Mount Druitt Central Business Districts (CBDs) as follows:
 - remove the floor space controls
 - increase the building heights
 - introduce incentive heights for key sites and gateway sites.
- 4.3 The CBD Planning Proposal received Gateway Determination from the NSW Department of Planning, Industry and Environment (DPIE), underwent exhibition and was gazetted on 14 August 2020.
- 4.4 On 2 December 2019, DA-19-01719 was lodged. It relates to the subject site and applied for the demolition of existing structures and bulk earthworks, including excavation and shoring works. These are early works associated with the subject DA. DA-19-01719 was approved by Council on 29 July 2020 and the site works have now commenced.

5 The proposal

- 5.1 This DA has been lodged by Good Luck Plaza for the following:
 - 2 podium levels of retail and commercial space on the ground and first floor and 2 podiums of residential on the 2nd and 3rd floors in the eastern building
 - staged construction and occupation of a part 15/part 16 storey shop top housing development comprising 227 residential apartments, 7 basement parking levels, a supermarket, 13 retail tenancies and a child care centre catering for 85 children
 - associated landscaping, stormwater drainage works and public domain treatments
 - the maximum height of the proposal is 56 m, well below the new 80 m height limit, consistent with the height limits prior to the gazettal of the CBD Planning Proposal.
- 5.2 Refer to attachment 4 for further details of the proposal with regard to staging, design, building separation and setbacks, solar access, access and parking, waste servicing,

traffic generation, noise and vibration impacts, relationship with the Sydney Trains aerial transmission line and Hunter Pipeline.

- 5.3 Refer to attachment 5 for a copy of the development plans.

6 Assessment against planning controls

- 6.1 A full assessment of the DA against relevant section 4.15(1)(a) matters is provided at attachment 6.

7 Key issues

7.1 The building separation associated with the proposed podium and tower design is suitable in this CBD context

- 7.1.1 The west tower features building separation to the northern and western boundaries of at least 6 m, with the exception of minor window elements that encroach 0.5 m into the 6 m setback to the western boundary on the 3rd floor and above. This setback is maintained for all levels of the west tower. This building separation is increased to about 12 m from the 3rd storey and above to the northern boundary.
- 7.1.2 The building separation of the tower forms do not increase at the upper storeys, as required by Part 2F of the Apartment Design Guide, being 9 m for building separation above 5 storeys. The applicant's justification for this variation is as follows:

"It requires either 24 m between habitable rooms in 2 buildings or 12 m between non-habitable rooms in 2 buildings. In this case we have proposed blank walls to the habitable rooms for all floors on the western elevation near the common boundary to the western neighbour. So when the western neighbour develops they can either do the same and have a 6 m setback or if they do habitable rooms with openings then they will have to maintain a 12 m setback.

The additional shadow diagrams note that the 6 m setback proposed does not result in any major changes to the proposed development's ability to achieve solar access.

Therefore, this proposed reduction of 12 m to 6 m is acceptable in this case as it is consistent with the objectives of Part 2F of the ADG."

- 7.1.3 The applicant's justification is not considered to appropriately apply the Apartment Design Guide in the context of this corner site (for example with regard to building separation, building dimensions and appropriate floorplan layouts to achieve access to sunlight and cross ventilation, etc.). However, the siting of the proposed tower forms is appropriate, in particular as the scale and footprints of each of the towers is unique and creates a hierarchy that focuses the built form to the east tower to create a landmark address to the street corner at Sunnyholt Road and George Street. The proposal creates the opportunity for the block as a whole to deliver a built form that is cohesive with a high level of amenity for future residents.
- 7.1.4 No building separation is necessary where building types incorporate angled windows to achieve a blank party wall effect. Rather than zero separation or increasing separation, the applicant proposes an alternative solution that achieves the same results but is visually more appropriate.
- 7.1.5 On this basis the building separation as proposed is supported.

7.2 The building setback to Humphries Lane is varied but acceptable

- 7.2.1 The east tower will feature a building separation to the centreline of Humphries Lane to the north of at least 6 m for the 3rd and 4th storeys.

7.3 The proposal does not provide any deep soil zones for tree and landscape planting

7.3.1 No deep soil area is proposed and this is acceptable in this instance as the site is in a CBD location that is built to the street edge and will accommodate only non-residential uses at the ground level. There will be podium landscaping which will improve the residential amenity of the development, and this is supported. Objective 3E-1 of the ADG acknowledges that there may be no opportunity to provide deep soil on CBD sites and in high density areas.

7.4 The lack of solar access to south facing apartments is compensated for as these apartments benefit from an open outlook to the south

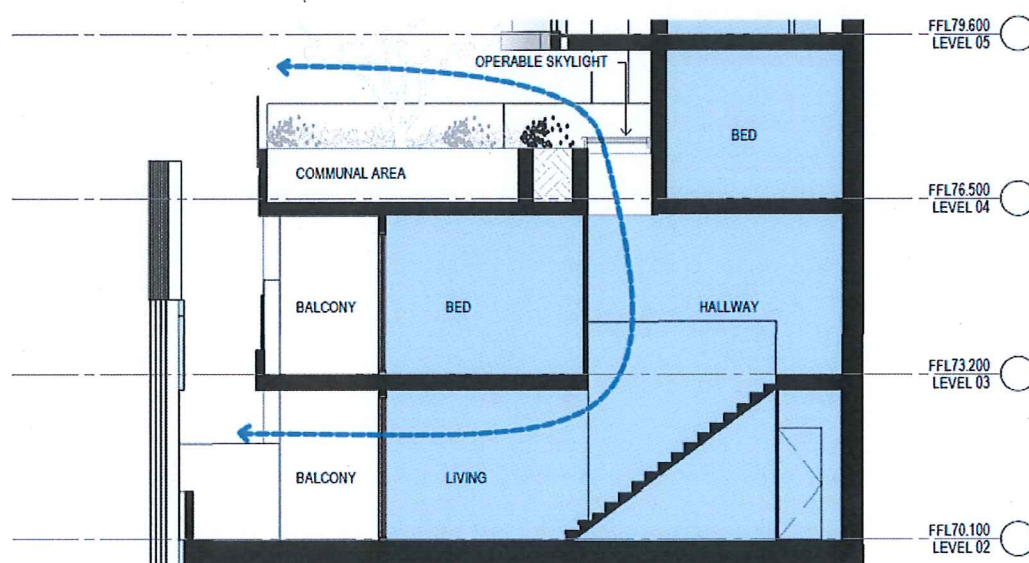
7.4.1 The ADG states that the maximum number of apartments with no sunlight access is to be 15%. 19% of the proposed apartments will receive no direct sunlight in mid-winter.

7.4.2 The applicant justifies this shortfall of 4% (9) apartments by stating that they compensate for this by providing a design that maximises the number of north facing apartments per floor and locates larger apartments at the corners of the building.

7.4.3 The apartments which are orientated to the south benefit from an open outlook across George Street and the rail corridor. Whilst they do not get maximum solar access, these units will likely enjoy uninterrupted city views and no immediate development abutting due to the railway corridor. Therefore the increased percentage of south facing apartments is acceptable in this instance due to the unique circumstances of the site.

7.5 Natural cross ventilation is achieved by relying on rooftop ventilation skylights

7.5.1 To achieve natural cross ventilation to at least 60% of apartments in the first 9 storeys, as required by Part 4B Natural Ventilation of the ADG, the applicant seeks to provide roof vents to 4 double storey apartments in the eastern tower, being apartments 2B-12, 2B-13, 2B-14 on the 3rd storey and 1 single storey apartment on the 5th storey, 2B-24. The roof vents for the 2 storey units work because these are units on the outer wall that are stepped out and the vent opens to the floor that has no direct unit above it in the communal area. See cross-section below.



5 DUPLEX SECTION - CROSS VENT
1:100

7.5.2 With regard to Unit 2B-24, it has a side height window to an open corridor which catches the western breeze and circulates it through the unit onto the north-west window of the unit.

7.5.3 To support this alternative technique for natural cross ventilation, the applicant submitted a Natural Ventilation Assessment report prepared by JHA Consulting. The applicant's justification is as follows:

"The report reveals the proposed apartment types should have sufficient airflow capable of effectively ventilating the habitable spaces. They show the proposed apartment types have the highest average volume flow rates compared to both single and dual aspect apartment types.

As such, the report determines the proposed design of the subject apartments is capable of producing natural ventilation performance that meets ADG requirements."

7.5.4 The overall development is considered to achieve a suitable level of amenity through natural cross ventilation, subject to this alternate technique. The provision of units with mezzanine floors and skylights is recognised by the ADG as an acceptable solution and alternative under Objective 4B-2 'stack-effect ventilation'. This proposal provides variety in unit living options which is supported.

7.6 The podium is a scale of 3 storeys which exceeds the podium height of 1-2 storeys permitted under the DCP

7.6.1 The scale of the podium generally satisfies the maximum permitted podium height under the DCP, being 1-2 storeys, with the exception of an additional 2 podium levels, being the 3rd and 4th storey residential units, that have some balconies to the boundary at the eastern side of the development.

7.6.2 The applicant's justification for this variation is as follows:

"The site is situated at a prominent corner location along the edge of the Blacktown CBD. The podium format is 2 storeys in height, with the exception of Level 2 – 3 residential levels on the eastern tower, that match the setback alignment of the podium.

Residential apartments on Levels 2 – 3 are provided with larger terraces as the podium peels back and steps down along George Street and Humphries Lane to the west.

The height of the podium is increased at the corner of George Street and Sunnyholt Road to define this key location and create a marker, which signifies the entrance to the northern side of Blacktown CBD.

Due to its corner location and distance to adjoining residential properties separated by Sunnyholt Road, there are no foreseeable privacy or built form impacts associated with the increased podium at this location."

7.6.3 We support the proposed 4 storey scale of the podium as it will create a landmark gateway address to the street corner at Sunnyholt Road and George Street. The City Architect also considers this to be a suitable design outcome for this site.

7.7 Potential risk due to the Hunter Pipeline addressed in separate excavation DA

7.7.1 The site is in the vicinity of the high-pressure Hunter Pipeline which is operated by Caltex.

7.7.2 As mentioned earlier, the Stage 1 DA-19-01719 has already addressed this issue in the conditions of consent. Caltex advised that it doesn't object to this proposal subject to conditions which were also included in the Stage 1 consent.

7.7.3 As detailed in attachment 4, a condition of consent is included requiring the applicant to complete all the works required by Caltex in DA-19-01719 prior to the issue of any building Construction Certificate for this development, to ensure that

the application adheres to the Safety Management Study (SMS) and Concept Fire Strategy as approved by Caltex.

8 Issues raised by the public

- 8.1 The proposed development was notified to property owners and occupiers in the locality between 11 September and 11 October 2019. The application was also advertised in the local newspapers and a sign was erected on the site.
- 8.2 We received 2 submissions.
- 8.3 The issues raised by the submitters relate to the development failing to comply with the Apartment Design Guide with regard to building separation, solar access and cross ventilation. The issues raised also include the impact on an existing tree on the adjoining site, the suitability of the quantum of floor space proposed, suitability of the zoning of the site and the suitability of providing a child care facility on the site.
- 8.4 A summary of each issue and our response is at attachment 7.
- 8.5 The objections are considered to not 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
Sydney Trains	Acceptable subject to operational conditions
WaterNSW	Acceptable subject to the imposition of General Terms of Approval
Caltex as the operator of the Hunter Pipeline	Acceptable subject to the imposition of General Terms of Approval
Roads and Maritime Services	Acceptable subject to conditions
NSW Police	Acceptable subject to conditions
Sydney Water	Acceptable subject to conditions
Civil Aviation Safety Authority	Acceptable
Historical Societies	Acceptable

10 Internal referrals

- 10.1 The Development Application was referred to the following internal sections of Council for comment:

Section	Comments
Building	Acceptable subject to conditions
Traffic	Acceptable
Waste	Acceptable subject to conditions

Section	Comments
Environmental Health	Acceptable subject to conditions
Heritage	Acceptable
Social Planning	Acceptable
City Architect	Acceptable
Property	Acceptable
Open Space	Acceptable subject to conditions
Section 7.11	Acceptable subject to conditions
Engineering	Acceptable subject to deferred commencement 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 deferred commencement conditions.

12 Recommendation

- 1 Approve SPP-19-00008 for the reasons listed below and subject to the conditions listed in attachment 8:
 - a The development is in the public interest.
 - b The site is considered suitable for the proposed development.
 - c The proposed development will assist in realising a high quality, CBD outcome that is beneficial for this locality.
 - d The development represents the potential to deliver a well designed outcome suitable for the site and its context.
 - e The development will not unreasonably compromise the amenity of the surrounding area.
- 2 The applicant and objectors be notified of the Planning Panel's decision.


Luma Araim
Assistant Team Leader


Judith Portelli
Manager Development Assessment


Glennys James PSM
Director Planning and Development