

Report to Sydney Central City Planning Panel

Panel reference	2017SWC029
DA number	JRPP-16-04457
Proposed development	Construction of a six storey residential flat building development containing 85 apartments.
Street address	Lots 163 to 166 DP 12443, 55-61 Newton Road, Blacktown
Applicant/owner	Bureau of Urban Architecture (applicant) JLL Development Pty Ltd (owner)
Date of DA lodgement	15 th November 2016
Number of submissions	Nil
Regional development criteria (Schedule 4A of the EP&A Act)	Capital investment value (CIV) over \$20 million (DA has CIV of \$21,438,854)
All relevant s79C(1)(a) matters	<ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No.65 (Design Quality of Residential Flat Development) and Apartment Design Guide. • State Environmental Planning Policy No. 55 – Remediation of Land. • State Environmental Planning Policy (Infrastructure) 2007. • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004. • Blacktown Local Environmental Plan (BLEP) 2015 • Blacktown Development Control Plan 2015. • Section 94 Contributions Plan No 19 Blacktown Growth Precinct
Report prepared by	John Brunton/Aimee Lee
Report date	Electronic determination
Recommendation	Approval subject to conditions

Summary of s79C matters

Have all recommendations in relation to relevant s79C 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 (s94EF)?

No

Conditions

Have draft conditions been provided to the applicant for comment?

Yes

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ATTACHMENTS

- Attachment 1 – Location map
 - Attachment 2 – Aerial image
 - Attachment 3 – Zoning extract from Blacktown Local Environmental Plan 2015
 - Attachment 4 – Detailed information about proposal and DA submission material
 - Attachment 5 – Development application plans
 - Attachment 6 – Assessment against planning controls
 - Attachment 7 – Draft conditions of consent
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1 Executive summary

- 1.1 This report considers a proposal for:
 - The demolition of the existing buildings on site
 - The construction of a residential flat building containing 85 residential apartments over 6 storeys, with basement car parking for 112 vehicles
 - Associated works, including stormwater works, tree removal and site landscaping.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has 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 79C of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel approve the application subject to the recommended conditions.

2 Key issues list

- 2.1 The key issue that needs to be considered by the Panel in respect of this application is:
- a. Building Height, Clause 4.6 variation

3 Location

- 3.1 The site is located within close proximity to the Blacktown Central Business District (CBD) and bus/rail transport interchange. The site is on the north-eastern corner of the intersection of Carinya Street and Newton Road, located to the south-west of the CBD area. The site is within walking distance of bus stops, the main western railway line train service, retail, commercial and community services and facilities of the Blacktown CBD, which is a Strategic Centre in the Draft Central City District Plan.
- 3.2 The location of the site is shown in **Attachment 1** and illustrated in the aerial photograph at **Attachment 2**. Newton Road is a Regional Road and major collector, providing a southern by-pass road around the Blacktown CBD. It provides good access to the east and west, as well as linking to Balmoral Street that provides access to the north and the M7 Motorway across the railway line and to the south to the Great Western Highway and M4 Motorway.
- 3.3 The site is at the interface between 2 housing areas. It is located on the northern side of Newton Road, which is the southern boundary of a high density housing redevelopment area zoned R4 High Density Residential with a height limit of 20 metres. Immediately to the south of Newton Road is a low density housing area, zoned R2 Low Density Residential with a height limit of 7.5 metres. Consequently, the subject site forms part of the transition from the higher to the lower density housing area.
- 3.4 A mixture of predominantly dwelling houses of varying architectural styles and two storey multi dwelling housing developments characterises the immediate locality.
- 3.5 There are no heritage items in close vicinity to the site that will be impacted by the proposed development.

4 Site description

- 4.1 The site is identified as Lots 163 to 166 DP 12443, and known as 55-61 Newton Road, Blacktown. The combined site is a slightly irregular rectangle shape, with a total area of 2,816 sqm. The southern frontage to Newton Road is 60.96 m, with the rear northern boundary 60.45 m, the western boundary to Carinya Street 50.29 m and an eastern boundary of 40.61 m.
- 4.2 The topography is characterised by a slight slope falling 2 metres across the site from the south-east corner at Newton Road to the north-west corner at Carinya Street. There are several easements on the title associated with drainage and the transmission line.
- 4.3 At present the site contains 4 dwellings, one on each of the lots making up the development parcel. There are 3 existing trees on site that are not considered to be significant. These trees are proposed to be removed for the proposed building and basement parking area.
- 4.4 The site is zoned R4 High Density Residential, with a 20 m maximum height of building development standard under the Blacktown Local Environmental Plan (BLEP) 2015. There is no floor space ratio or site cover control for the site.
- 4.5 An aerial image of the site and surrounding area is at **Attachment 2**. An extract of the zoning plan for the site and surrounds is at **Attachment 3**.

5 Background

- 5.1 A Pre Application Meeting was held with the applicant, project architect and consultant planners on 6 September 2016, at which a number of issues relating to the proposal were discussed.
- 5.2 The DA was received on 15 November 2016. Elements of the proposal (within the same building footprint) were redesigned in response to Council officer's recommendations for deferred commencement in order to achieve compliance with deep soil zone, solar access and cross ventilation, and concerns regarding stormwater management. Final revised plans were submitted on 1 August 2017.
- 5.3 The amendments include reduction of basement footprint, reduction of car parking from 125 spaces to 112 spaces, deletion of deep soil from the northern side boundary and increased deep soil provision on the southern setback, amendments to unit layout to improve solar access and ventilation, provision of skylights to Units 509 and 510 on Level 5, relocation of waste storage/collection room from Newton Road to Carinya Street, consolidation of 2 entries to 1 and amendment to balcony corners from curved to angled.

6 The proposal

- 6.1 The Development Application (DA) has been lodged by Design Cubicle Pty Ltd. and seeks approval for:
 - Demolition of all existing structures on the site
 - Removal of all of the trees on the site
 - Construction of a residential flat building containing 85 residential apartments over 6 storeys, with basement car parking for 112 vehicles
 - Associated works, including internal driveways, stormwater works and site landscaping, communal and private open space and perimeter fencing.
- 6.2 The residential apartments comprise 39 x 1 bedroom units and 46 x 2 bedroom units. All dwellings have private open space on balconies or ground level courtyards. A single ground floor residential lobby is provided from Newton Road where the letterboxes are located. From the lobby, 2 lifts and stairwells will provide access to the units on the levels above and the 2 basement parking levels.
- 6.3 Landscaped common open space areas are provided for the apartments on the ground level on the northern and southern sides of the building and on the rooftop. Ground level facilities include a passive recreation area with bench seating to the north and a clothes drying area to the north-east. The rooftop has a centrally located pergola, community garden, tables and chairs, benches/sun lounges and table tennis tables. The rooftop is accessible to all the occupants of the building via lifts and stairs. Landscaping of shrubs around the rooftop edges will assist to maintain the privacy of the residents and the neighbouring properties from one another.
- 6.4 Construction of the new building and basement carpark necessitates the removal of the 3 existing trees on site. Appropriate tree planting and landscaping of the ground level common open space areas will provide privacy to the development and street trees will assist to soften the visual impact of the 6 storey proposal on the low density residential area opposite in Newton Road.

- 6.5 The 112 basement car parking spaces, including 17 visitor spaces and 95 residential spaces (including 9 accessible spaces) are in excess of the ADG requirement for the proposal. The basement also contains 2 motorcycle spaces, 18 bicycle parking spaces, garbage rooms, bulky waste room, plant rooms and a storage space for each unit (in addition to storage space provided within each unit).
- 6.6 Vehicle access for cars to the basement level parking areas is provided at the northern end of Carinya Street, where a separate pedestrian access is also available from the basement in Newton Road and Carinya Street. A 5 m x 5 m splay corner is provided (as requested by Council officers at the Pre-Application meeting), at the corner of Newton Road and Carinya Street. A separate Medium Rigid Vehicle loading and turning area is provided off Carinya Street to the north-west corner of the site, adjacent to the ground level bin storage/collection room located within the building. A waste chute system on each level, accessible to all units, is proposed
- 6.7 The development does not comply with the maximum building height of 20 m prescribed by BLEP 2015. The maximum roof slab height is 19.25 m. However, the lift overrun, stairs, pergola and fencing exceed the height limit, with the highest level being the lift overrun at 22.65 m. A Clause 4.6 submission, to vary the maximum height of buildings development standard in BLEP 2015, has been submitted by the applicant and is discussed in Section 8 below.
- 6.8 A variety of building elements and materials are used, with a lighter colour scheme, and together with the building articulation and modulation will minimise the visual bulk of the proposal.
- 6.9 The proposed materials include glass, aluminium sliding glazed doors and glazing system, paint cement rendered walls and wall cladding with timber look. Street trees will be required to reduce the impact of the high building facades on the streetscape and the neighbouring low density housing area.
- 6.10 Other details about the proposal, including traffic, parking and acoustic matters are detailed at **Attachment 4**. A copy of the application plans (version E), elevations and landscape plans are at **Attachment 5**.

7 Assessment against planning controls

- 7.1 A full assessment of the development application against relevant planning controls is provided in **Attachment 6**, including:
- a. Environmental Planning and Assessment Act 1979
 - b. State Environmental Planning Policy (State and Regional Development) 2011
 - c. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and Apartment Design Guide
 - d. State Environmental Planning Policy (Infrastructure) 2007
 - e. State Environmental Planning Policy No. 55 – Remediation of Land
 - f. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
 - g. Blacktown Local Environmental Plan 2015
 - h. Blacktown Development Control Plan 2015
 - i. Section 94 Contributions Plan No 19 - Blacktown Growth Precinct
 - j. Draft Central City District Plan.

8 Key planning issues assessment

8.1 Building height Clause 4.6 variation

Under BLEP 2015 Clause 4.6, the site is subject to a maximum height of buildings development standard limiting buildings to a height of 20 metres. The proposal has a height of 22.65 metres at the highest point above existing ground level. The rooftop lift, stairs and open space features exceed the height limit by up to 2.65 metres. The maximum height of the concrete roof slab is 19.25 metres. These communal facilities are provided on the roof because there is insufficient area for them at ground level.

A written submission in accordance with the requirements of Clause 4.6, requesting a variation to the height of buildings development standard for the proposal, has been received from the applicant. The submission requests that an exception to this development standard be granted to permit a maximum height of 21.8 m to the top of the architectural roof feature (pergola) over the rooftop communal open space, and a maximum height of 22.65 m for the lift overruns of the proposed building.

The elements that are above the height limit are concentrated in the centre of the building and therefore have little potential impact in terms of visual intrusion on the streetscape or overshadowing. The pergola element and rooftop vegetation assist to ameliorate the otherwise unpleasant lift overrun and provide privacy for both the residents of the proposal and of any future neighbouring developments. The residents of the proposed development will benefit from access to and use of the rooftop open space area and its facilities.

The submission addresses the requirements of subclauses 4.6(3) and (4) and is considered satisfactory to allow the variation to the height of building development standard to 22.65 metres in this circumstance.

9 Issues raised by the public

- 9.1 The proposed development was publicly exhibited between 13 December 2016 and 3 January 2017. It was notified to property owners and occupiers within the locality, advertised in the local newspapers and a sign was erected on site. Council received no submissions.
- 9.2 The amended proposal was re-notified from 4 August 2017 to 18 August 2017. Council did not receive any submissions.

10 External referrals

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

Section	Comments
Roads and Maritime Services	No objections subject to conditions
NSW Police	No objections subject to conditions

11 Internal referrals

- 11.1 The DA was referred to the internal sections of Council and no objections were made subject to conditions.

12 Conclusion

- 12.1 The proposal is consistent with the objectives of the R4 High Density Residential zone under BLEP 2015 and is permissible in the zone with consent. The proposal has been considered under the requirements of BLEP 2015 and is considered satisfactory. Subject to proposed conditions, the proposal complies with the provisions set out in State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide.
- 12.2 The proposal meets the requirements of Blacktown City Development Control Plan 2015 (other than where the ADG provisions prevail), with some minor variations to the provision of common open space and clothes drying facilities. It is considered satisfactory with regard to relevant matters such as siting, bulk and scale, traffic impacts, parking, stormwater drainage, noise, site contamination and landscaping, subject to the imposition of suitable conditions of consent to satisfactorily control the development.
- 12.3 The proposed variation to the development standard for the maximum building height to 22.65 metres, under Clause 4.6 of BLEP 2015, is considered acceptable for the circumstances of this site.
- 12.4 It is considered that the likely impacts of the development can be satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.

13 Recommendation

- 13.1 The request from the applicant contained in the submission dated 31 October 2016 and 27 July 2017 under Clause 4.6 of Blacktown Local Environmental Plan 2105 for a variation to the height of buildings development standard is supported, and the development standard is modified to allow a maximum building height of 22.65 metres.
- 13.2 The Development Application be approved by the Sydney Central City Planning Panel subject to the conditions held at **Attachment 7**.



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