

# Assessment report to Sydney Central City Planning Panel

Panel reference: PPSSCC-53

## Development application

|                             |                                                                                                                                                                |                              |                 |
|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------|
| <b>DA number</b>            | SPP-19-00011                                                                                                                                                   | <b>Date of lodgement</b>     | 18 October 2019 |
| <b>Applicant</b>            | Cyan Stone Clydesdale Holdings Pty Limited                                                                                                                     |                              |                 |
| <b>Owner</b>                | Cyan Stone Clydesdale Holdings Pty Limited                                                                                                                     |                              |                 |
| <b>Proposed development</b> | Integrated Development Application for 2 x 4 storey residential flat buildings on proposed Lot 1 for 202 apartments, basement car parking and associated works |                              |                 |
| <b>Street address</b>       | 1270 Richmond Road, Marsden Park (proposed Lot 1 in a subdivision of Lot 2 DP 1257829)                                                                         |                              |                 |
| <b>Notification period</b>  | 5 February to 4 March 2020                                                                                                                                     | <b>Number of submissions</b> | 2               |

## Assessment

|                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <b>Panel criteria</b><br>Section 7, SEPP<br>(State and Regional<br>Development) 2011 | <ul style="list-style-type: none"> <li>Capital investment value (CIV) over \$30 million (DA has a CIV of \$45.8 million)</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Relevant section</b><br><b>4.15(1)(a) matters</b>                                 | <ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River</li> <li>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</li> <li>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>Blacktown City Council Growth Centre Precincts Development Control Plan 2010</li> <li>Central City District Plan 2018</li> <li>Blacktown Local Strategic Planning Statement 2020</li> </ul> |
| <b>Report prepared by</b>                                                            | Jared Spies                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Report date</b>                                                                   | 24 November 2020                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Recommendation</b>                                                                | Approve, subject to the conditions listed in attachment 10.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

## 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 Applicant's Clause 4.6 request
- 9 Council's assessment of Clause 4.6 request
- 10 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? | Yes |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|

### Special Infrastructure Contributions

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

### 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:
- The development will occur on land subject to a State heritage item listing. Restoration and maintenance of this heritage item, Clydesdale House and its outbuildings, is currently underway. The restoration works to Clydesdale House and the development of the land surrounding it are the subject of a Council executed Voluntary Planning Agreement. The applicant has milestones to meet and these will be reinforced in conditions of this consent. This satisfactorily addresses this key heritage issue.
  - The 14 m maximum height limit of the buildings is proposed to be exceeded by up to 1.9 m. This is considered acceptable because the minor point encroachments of the rooftop access stairs and plant and equipment are all centrally located in very limited locations, which will minimise the visual impact from the public realm. A Clause 4.6 variation request has been lodged and it is supported for this reason.
  - Compliance with the concept building envelopes approved under SPP-16-04469. The proposed setbacks and building heights are consistent with the approved building envelopes.
  - Corridor lengths exceed the 12 m maximum prescribed by the Apartment Design Guide, however it is considered that sufficient articulation is provided in these corridors to address this non-compliance.
- 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 at attachment 10 based on the grounds listed in the Recommendation at section 12 below.

## **2 Location**

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- 2.1 The site is located at 1270 Richmond Road within the suburb of Marsden Park.
- 2.2 This DA relates to proposed Lot 1 in Precinct 2 of Clydesdale Estate and is located in the south-western portion of the precinct.
- 2.3 The location of the site is shown at attachment 1.

## **3 Site description**

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- 3.1 The subject site is proposed lot 1 in a subdivision of Lot 2 DP 1257829. It has an area of 1.364 hectares and is physically bound by proposed lots 2, 5, 7 and 8 of Precinct 2 of Clydesdale Estate to the north and east, Precinct 1 of Clydesdale Estate to the west, and a school site in Stockland's Elara estate to the south.
- 3.2 The surrounding land in Marsden Park is characterised by a mix of residential development:
- to the east (on the opposite side of Richmond Road) is Marsden Park North, a new precinct planned for Sydney's North West Growth Area
  - Stockland's Elara estate is located immediately to the south and Winten's residential estate is to the south-west. Further south is the Sydney Business Park

- to the north and west of Clydesdale Estate is low density rural-residential development.
- 3.3 The character of the wider locality is in transition due to rezoning by the NSW Government to release land for residential, employment and other urban development, with much of the rural land being subdivided for small lot residential development.
  - 3.4 The site is currently the subject of bulk earthworks that were approved under DA-16-04611. These earthworks will prepare the land to ensure that it is suitable for the proposed development.
  - 3.5 Clydesdale House (which is a State significant heritage item) is located approximately 1 kilometre west of the site and comprises the original Clydesdale homestead, stables, workers cottages, graveyard and established landscaping with farm access provided from Richmond Road.
  - 3.6 An aerial image of the site and surrounding area is at attachment 2. The zoning plan for the site and surrounds is at attachment 3.

## **4 Background**

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- 4.1 The land is zoned part R2 Low Density Residential and part R3 Medium Density Residential.
- 4.2 This DA relates to proposed Lot 1 in Lot 2 DP 1257829 approved under DA-19-00926.
- 4.3 There are 3 DAs related to this proposal which are briefly described below.
  - DA-16-04611: Bulk earthworks
  - DA-19-00926: Integrated Development for subdivision of Lot 2 DP1257829 into 11 superlots and 2 residue lots, including construction of new roads and stormwater drainage works
  - SPP-16-04469: Integrated Development for concept design for future staged development of 22 residential flat buildings containing 1,421 units on 8 superlots created under DA-19-00926 in Precinct 2 of Clydesdale Estate.
- 4.4 Subdivision DA-19-00926 was approved on 29 October 2020. DA-19-00926 set the boundaries for proposed Lot 1 and approved the construction of the public road network that will ultimately provide public road access to the proposed development. It will be necessary for this subdivision to be constructed and registered with Land Registry Services prior to any Building Construction Certificate for this DA being issued.
- 4.5 This current application was originally proposed over 2 lots in the subdivision with each building located on a separate lot. However, since the basement was proposed across both lots, the lots were required to be consolidated into 1 lot under DA-19-00926. The plans for this DA were therefore amended to reflect this change to only 1 lot. This change had no impact on the design of the buildings.
- 4.6 The proposed development is classified as Integrated Development under section 4.46 of the Environment Planning and Assessment Act 1979 because it requires activity approval under the National Parks and Wildlife Act 1974 because a known Aboriginal object will be impacted by the proposed development according to the Statement of Environmental Effects and Aboriginal Cultural Heritage Assessment Report submitted with the application. The applicant has, however, already obtained an Aboriginal Heritage Impact Permit (AHIP) as required under previously approved bulk earthworks DA-16-04611. The Department of Planning, Industry and Environment has confirmed this and therefore provided its General Terms of Approval for this development to accord with the existing AHIP.

- 4.7 The DA relates to development on the site of a State-listed heritage item, Clydesdale House. The subject land, however, falls outside of the State heritage curtilage. As such, concurrence is not required from Heritage Council NSW. The site does, however, have a State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (GC SEPP) heritage listing and is of local significance. Therefore, Council has jurisdiction to assess and condition the application under Clause 5.10 of the GC SEPP.
- 4.8 The applicant has prepared a Conservation Management Plan to manage Clydesdale House's transition to development as part of the Growth Area, while still conserving the significant heritage features of the site. Conservation of key site elements is being undertaken now in stages, each governed by a Schedule of conservation works, ensuring that Clydesdale House is restored and reused with access to the general public and community by the end of the development phase on the adjacent land.
- 4.9 The applicant has entered into a Voluntary Planning Agreement with Council that commits it to undertake the works mentioned above. Execution of the Voluntary Planning Agreement between Council and the developer occurred in December 2018, and will ensure that scheduled conservation works (SCW) from the Conservation Management Plan are carried out on the site by the developer at significant milestones in the development of the land.
- 4.10 The Schedule of Conservation Works (SCW) as listed in the Conservation Management Plan includes:
- SCW 1 to deal with temporary protective works – dealt with in the bulk earthworks under DA-16-04611.
  - SCW 2 to complete essential works.
  - SCW 3 will implement the final adaptive reuse stage of the restoration works.
- 4.11 Under the Schedule of Conservation Works (SCW3), the concept for the adaptive reuse of Clydesdale House will have to be approved by Heritage Council of NSW prior to the issue of the Occupation Certificate for the residential flat buildings proposed under this DA. These works will be undertaken as per the requirements of the Voluntary Planning Agreement executed with the 'mother' DA for this overall development, DA-16-04366.

## **5 The proposal**

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- 5.1 The Development Application has been lodged by Cyan Stone Clydesdale Holdings Pty Limited and seeks approval for:
- 2 x 4-storey U shaped residential flat buildings with 18,880 m<sup>2</sup> of gross floor area with an overall height for each building of 15.9 m
  - 202 apartments in a mix of 1, 2 and 3 bedrooms
  - basement car parking spaces for 255 resident and visitor vehicles including 23 accessible parking spaces
  - private open space in courtyards for ground floor apartments and in balconies for the apartments above ground level
  - communal open space areas at ground level and central to the 'u' shape of each building
  - on-site loading and waste collection facilities in the shared basement of the buildings
  - vehicle access from the new local road approved under DA-19-00926
  - associated landscaping and on-site resident facilities.

- 5.2 This DA is the first stage of residential flat buildings to be submitted in Clydesdale Precinct 2 under the concept building envelope plan proposed under SPP-16-04469.
- 5.3 A publicly accessible pedestrian through site link is proposed between the 2 buildings and another adjacent to the drainage reserve to the west of the site.
- 5.4 Other details about the proposal are at attachment 4 and a copy of the 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 relevant planning controls is provided at attachment 6.

## **7 Key issues**

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### **7.1 The development site includes a State-listed heritage item**

- 7.1.1 This DA relates to development on part of the site of a State-listed heritage item, Clydesdale House. The site, however, falls outside of the State Heritage register curtilage and, as such, concurrence is not required from Heritage Council of NSW.
- 7.1.2 The site also has a State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (GC SEPP) heritage listing under the Environmental Planning and Assessment Act 1979 and is of local significance. Therefore, Council has jurisdiction to assess and condition the application under Clause 5.10 of the GC SEPP.
- 7.1.3 Under SCW 3, the concept for the adaptive reuse of Clydesdale House will have to be approved by the Heritage Council of NSW prior to the issue of the Occupation Certificate for the residential flat buildings proposed under this DA. The applicant is aware of its obligations under the Voluntary Planning Agreement and this will be reinforced in the conditions of consent.
- 7.1.4 Our Heritage Planner therefore considers the proposal to be satisfactory subject to a condition that requires the submission to and approval by Heritage NSW of a detailed design and costing of an adaptive re-use project for implementation in Clydesdale House.

### **7.2 The maximum building height limit is expected to be exceeded**

- 7.2.1 The 14 m maximum height limit is proposed to be exceeded by the rooftop maintenance access stairs, the lift overruns and some clerestory windows in very limited locations. These encroachments are coloured in white in Figure 1 below, while the remaining portions of the buildings will be within the designated height plane. The applicant has submitted a Clause 4.6 variation request to address the encroachment into the designated height plane and this is examined in detail at attachment 9 and the applicant's submission is at attachment 8.
- 7.2.2 The extent of encroachment into the designated height plane will be no more than 1.9 m to the top of the rooftop maintenance access stairs or a 14% variation when measured from the finished ground level as illustrated in Figure 2 below. The maximum overall height of the buildings is therefore 15.9 m.
- 7.2.3 No part of any residential apartments will exceed the 14 m maximum building height limit. The point encroachments of the rooftop plant and equipment into the height plane are all centrally located with a limited footprint of only 97 m<sup>2</sup> on Building 1 and 157 m<sup>2</sup> on Building 2, which will minimise the visual impact from the public realm.

- 7.2.4 The City Architect has also provided comments stating that the encroachments to the height plane are relatively minor and consist of localised rooftop structures such as stair and lift overruns and the like. Further, the proposal consists of 4 levels of apartments. This is consistent with what is expected for a 14 m building height limit, and therefore the breach in height plane is not an attempt to obtain additional floors or apartment yield, which is acceptable.
- 7.2.5 The maximum expected breach of the designated height plane on each building is considered to be minor and the Clause 4.6 variation should therefore be supported.

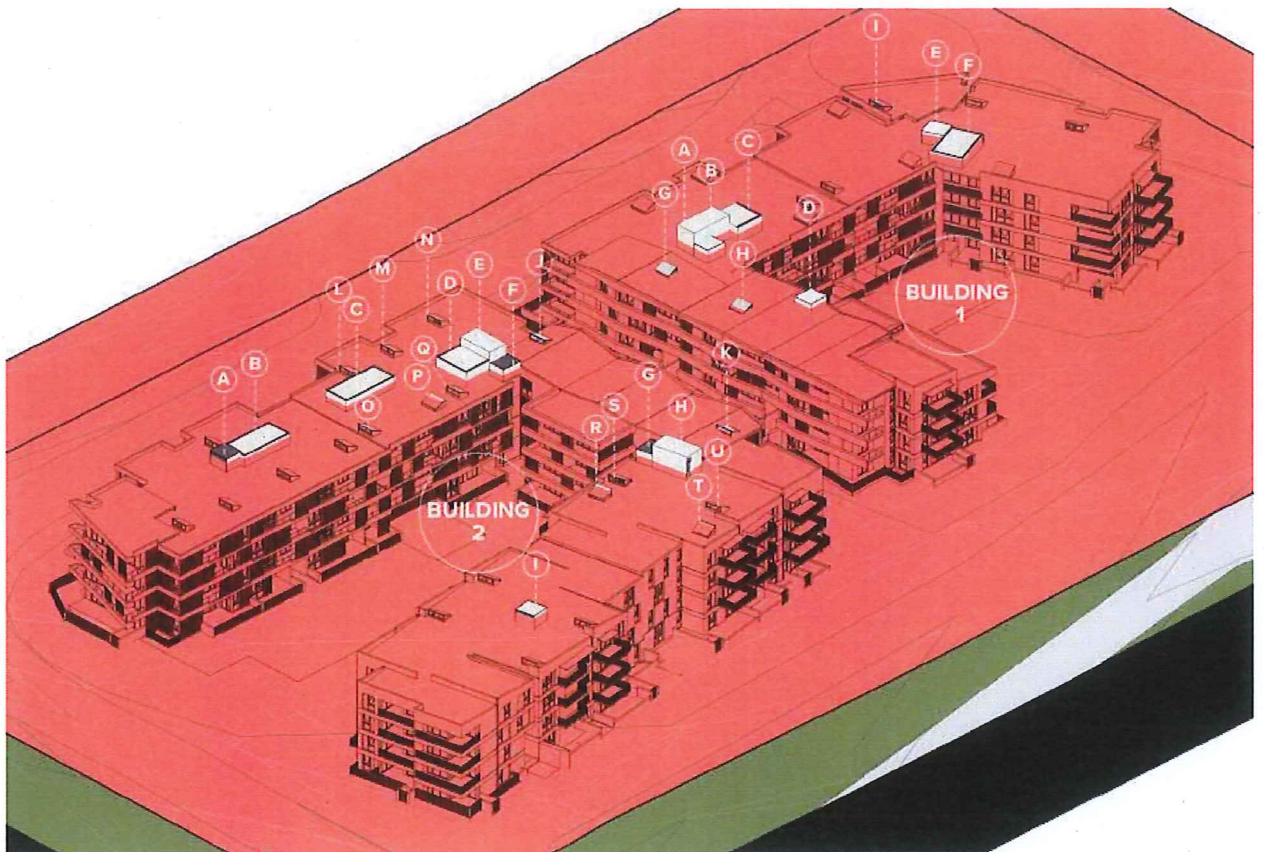


Figure 1



Figure 2

### 7.3 Compliance with the building envelope approved under SPP-16-04469

- 7.3.1 The proposed residential flat buildings' bulk, scale, size, building separation, setbacks to proposed property boundaries and streets, gross floor area and common open space provision are consistent with the building envelopes recommended for approval under Concept Application SPP-16-04469.
- 7.3.2 The proposed 1.9 m height exceedance for plant and equipment only above the 14 m maximum building height limit is also less than the maximum height exceedance for this purpose recommended to be permitted under SPP-16-04469 which is 2.2 m.

### 7.4 Corridor lengths exceed the 12 m maximum prescribed by the Apartment Design Guide

- 7.4.1 Several corridor lengths exceed the 12 m maximum length prescribed by the Apartment Design Guide.
- 7.4.2 Where any identified corridor exceeds 12 m from a lift core, a recess at apartment entries is proposed to create articulation. The recess at the apartment entry has a 200 mm depth and 1,200 mm minimum width, with 1,550 mm minimum width at accessible apartments.
- 7.4.3 All corridors have a minimum ceiling height of 2,450 mm. At the area of corridor directly in front of a window, the ceiling height is increased to 2,700 mm to provide further articulation.
- 7.4.4 All corridors in the current proposal have a minimum width of 1,850 mm, exceeding the minimum requirements for common circulation. Each corridor has a window providing access to natural light, ventilation and views outside.
- 7.4.5 The City Architect has provided comments stating that all corridors have appropriate levels of amenity through the provision of natural daylight, ventilation, views through windows, seating, lobby areas, increased and varying corridor widths, and increased and varying ceiling heights.

## 8 Issues raised by the public

- 8.1 The proposed development was notified to property owners and occupiers in the locality between 5 February and 4 March 2020. The Development Application was also advertised in the local newspapers and a sign was erected on the site.

- 8.2 We received 2 submissions, both objecting to the proposal. One objection was from the Blacktown and District Historical Society and the other from the Blacktown and District Environment Group.
- 8.3 The issues raised relate to objection to any residential development of Clydesdale, being a State-listed heritage item.
- 8.4 The member of the Blacktown Historical Society who wrote the objection raised the same concerns in previous DAs for Clydesdale. The member previously had an opportunity to raise the same concerns in the objection at the Blacktown Local Planning Panel meeting of 19 November 2018 when DA-16-04366 was presented for determination. The Panel considered the concerns raised at that time and still made the unanimous decision to approve the DA based on the restoration works to be done to Clydesdale House and curtilage as per the Voluntary Planning Agreement and Conservation Management Plan, which would never be undertaken if development of the site was not approved. The applicant has already undertaken significant amounts of restoration works to Clydesdale House and curtilage as per the Voluntary Planning Agreement requirements.
- 8.5 The issues raised in both objections have therefore already been considered and addressed previously and are not considered to warrant refusal of the Development Application. The restoration of Clydesdale House and curtilage will continue to be managed through the executed Voluntary Planning Agreement process.

## 9 External referrals

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

| Authority                                         | Comments                         |
|---------------------------------------------------|----------------------------------|
| Department Planning, Industry and Environment     | Acceptable subject to conditions |
| NSW Police Force: Mount Druitt Local Area Command | 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                                                                                                                                                                                                                                                                                            |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Building       | Acceptable subject to conditions                                                                                                                                                                                                                                                                    |
| Heritage       | Acceptable subject to conditions                                                                                                                                                                                                                                                                    |
| Waste          | Acceptable subject to conditions                                                                                                                                                                                                                                                                    |
| Engineering    | Acceptable subject to conditions                                                                                                                                                                                                                                                                    |
| Traffic        | Acceptable subject to conditions                                                                                                                                                                                                                                                                    |
| City Architect | Overall, the plans are generally consistent with the concept DA and the buildings are well designed.<br>Building mass and length has been moderated well by dividing mass segments through building recesses. This has resulted in a pleasant streetscape appearance that ensures no single segment |

| Section              | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      | <p>of the building façade exceeds 60 m in length or is overbearing. This is generally consistent with the concept masterplan.</p> <p>The application of different building façade and roofing typologies will also create diversity in the streetscape presentation through changes in materiality and articulation.</p> <p>Corner articulation has been achieved through changes in the building façade line at key corners of the site, as well as variation in materiality to enhance the corner articulation.</p> <p>Adequate deep soil zones will be provided and meet the ADG requirements.</p> <p>Changes in form, material choices and articulation will result in a good interface with and presentation to the streetscape.</p> |
| Open Space           | Acceptable subject to conditions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Environmental Health | 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 Uphold the variation to the height of buildings development standard in Clause 4.3 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 using Clause 4.6 for the following reasons:
  - a The request is well founded and warrants support given the maximum building height, massing and density on the site.
  - b The proposal provides a consistent built form scale of 4 storeys as viewed from the public domain, which is consistent with the scale anticipated by the Precinct Plan and accommodates rooftop plant and equipment to properly service the development.
  - c Adherence to the height standard is unnecessary in this instance as no adverse impacts will result from the minor variations to the building height map.
  - d The proposal will create a positive precinct outcome thus providing sufficient environmental planning grounds to satisfy the minor variations. The variations will foster development that is consistent with the zone objectives and is still in the public interest.
- 2 Approve SPP-19-00011 for the reasons listed below, and subject to the conditions listed in attachment 10:
  - a The proposal is in the public interest under the provisions of section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 as it will assist to deliver higher density housing options to the area by introducing a range of apartment dwellings.
  - b The site is considered suitable for the proposed development under the provisions of section 4.15(1)(c) of the Environmental Planning and Assessment Act 1979.

- c The Clause 4.6 variation is considered acceptable under Clause 4.6 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and under the provisions of section 4.15(1)(a) of the Environmental Planning and Assessment Act 1979.
- 3 Council officers notify the applicant and submitters of the Panel's decision.

  
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Jared Spies  
Senior Development Assessment Planner  
\_\_\_\_\_  
Judith Portelli  
Manager Development Assessment  
\_\_\_\_\_  
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