

Supplementary report to the Sydney Central City Planning Panel

Panel reference: PPSSCC-54

Development application

DA number	SPP-19-00010	Date of lodgement	26 September 2019
Applicant	Landcom		
Owner	Blacktown City Council		
Proposed development	Staged subdivision into 88 Torrens title residential lots and 1 residue lot, construction of 24 abutting dwellings, new public roads, associated landscaping and civil works.		
Street address	Lot 1 DP 1243995 108 Burdekin Road, Schofields		
Notification period	29 January to 12 February 2020	Number of submissions	4

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	Council owned land with Capital investment value (CIV) over \$5 Million (DA has CIV of \$17,440,910)
Relevant section 4.15(1)(a) matters	- Environmental Planning and Assessment Act 1979 - State Environmental Planning Policy (State and Regional Development) 2011 - State Environmental Planning Policy (Infrastructure) 2007 - State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 - State Environmental Planning Policy No. 55 – Remediation of Land - Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River - State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - Blacktown City Council Growth Centre Precincts Development Control Plan 2010 - Central City District Plan 2018 - Blacktown Local Strategic Planning Statement 2020
Original report date	12 May 2020
Panel meeting date and deferral	The Panel held an online public meeting on 28 May 2020 and considered the application on 3 June 2020. The Panel deferred the determination of the application on 3 June 2020 for an independent urban design review and further consultation with Council's waste management team in relation to the following matters to be further resolved: A. Urban design - Housing typologies - Streetscape - Address and amenity - Design guidelines - Architecture

	B. Servicing and Subdivision
	C. Site Specific DCP provisions
This report date	8 October 2020
Report prepared by	Sami Ahangari
Recommendation	Approve, subject to the conditions listed in attachment 8.

Attachments

1. The Panel's decision (Record of deferral)
2. Record of Briefing to the Panel by Council's officer
3. Final Independent Urban Design Review Report (UDR)
4. Landcom's response (to Council's recommendations, the Panel's deferred decision and UDR)
5. Summary table outlining the matters raised by the Panel with corresponding Urban Design Review Report's recommendations, Council's recommendations and Landcom's response
6. Additional draft conditions of consent
7. Original Council report
8. Final conditions of consent
9. Development plans

Checklist

Summary of section 4.15 matters

Have 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)? Yes

Conditions

Have draft conditions been provided to the applicant for comment? Yes

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1 Executive summary

- 1.1 This supplementary report is the second report on this proposal. This report considers the findings of the independent Urban Design Review Report in response to the Panel's deferral of the Development Application on 3 June 2020.
- 1.2 The key issues that need to be considered by the Panel relate to the matters raised in its deferral and these are covered in Section 3 of this report.
- 1.3 Assessment of the amended plans and documentation 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.
- 1.4 The application is therefore assessed as satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.5 This report recommends that the Panel approve the application subject to the recommended conditions listed in attachment 8, which includes additional special conditions arising from this report.

2 Previous Panel consideration of DA and background

- 2.1 The Sydney Central City Planning Panel held an online public meeting on 28 May 2020 to consider this Development Application and it made the following decision on 3 June 2020:

"The Panel determined to defer the development application for independent urban design review and further consultation with Council's waste servicing division pursuant to section 4.16 of the Environmental Planning and Assessment Act 1979.

The majority of the Panel requires the following matters in particular to be further resolved:

A. Urban design

- *Housing typologies*
- *Streetscape*
- *Address and amenity*
- *Design guidelines*
- *Architecture*

B. Servicing and Subdivision

C. Site Specific DCP."

- 2.2 A copy of the record of deferral (the Panel's decision) and the original Council assessment report are at attachments 1 and 7 respectively.
- 2.3 The Panel requested a progress briefing within 2 weeks of the publication of the abovementioned decision, and a revised submission within 8 weeks to avoid delaying the project. Subsequently, a briefing meeting was held on 16 June 2020 with the Panel to discuss the 2-week progress of commissioning of the Urban Design Review Report. A copy of the briefing record is at attachment 2.
- 2.4 We submitted a summary of our proposed recommendations, arising from the draft Urban Design Review Report, to the Panel on 13 August 2020. The Panel requested Landcom also be provided with a copy of the final Urban Design Review Report together with Council's proposed recommendations, so as to seek Landcom's feedback on these.

- 2.5 Landcom has reviewed the Urban Design Review Report and our proposed recommendations. It provided its detailed response on 1 September 2020 (refer to attachment 4).
- 2.6 We have carefully considered the matters raised in the virtual meeting with Landcom and reviewed Landcom's response. On this basis we finalised our assessment and recommendations.
- 2.7 The final summary table of the matters raised by the Panel is at attachment 5. It outlines the matters raised by the Panel, together with the corresponding Urban Design Review Report recommendations, Landcom's response and Council's recommendations.

3 Assessment of requested additional information

3.1 Urban design and site specific DCP review

3.1.1 Independent urban design review

The independent urban design review has compared the proposed 'demonstration project' to other successful low-rise medium density housing projects both locally and overseas. The analysis indicated that a laneway option could provide a more successful outcome in relation to housing yield/density, private open space/soft landscaping, amenity and street address.

The report has also reviewed the positive and negative aspects of the proposed design and provides recommendations for design guidelines and about the Site Specific DCP controls that would maintain the positive aspects and address some of the potentially negative aspects of the design. The key findings of the report to address each of the matters raised by the Panel are summarised below. For further detailed discussion of each key finding, please refer to the comparative summary table at attachment 5.

- Housing Typology (missing middle)

The highest density should be ideally located on the 20 allotments fronting the 'Green Street'.

- Streetscape

Road No. 2 (the western half-road in this DA) should also be designed with a deep verge and canopy trees on the other (western) half of the road to create a greener and more liveable street, should the adjoining land to the west be developed by Landcom.

- Address and amenity

The maximum height for the battleaxe lots should be 1 storey.

- Design guidelines

The design guidelines are required to be included with the DA.

The building plans are essential for the battleaxe lots to secure the outcomes Landcom is promoting. This is not considered as a level of detail post-DA, but integral to evaluating the subdivision pattern.

- Architecture

Conditions of consent are recommended to be imposed requiring greater design variety in the abutting dwellings to Grima Street and Road No.2 West to create a more diverse and visually interesting streetscape.

- Site Specific DCP
 - Height

Include a height in storeys map to secure desired outcomes, with 1 storey to the battleaxe lots and a transition from northern development through 3 storeys to the balance of the Burdekin Road site which is 2 storeys.
 - Building separation

Introduce standard controls (used for residential flat buildings) to support visual privacy and reduce overlooking for low rise medium density housing. (e.g. 8 m distance separation for living room, dining room, bedroom and study).
 - Battleaxe lots

Amend the battleaxe lot specific controls to include a minimum 4 m rear setback, unless the building separation requirements are met by way of building plans for the battleaxe and the adjacent lots, in which case a minimum setback of 2 m may be applied.
 - Side loaded lots

Introduce additional controls where the Blacktown City Council Growth Centre Precincts DCP requires a lesser amenity standard. This includes an increase in the area of Principal Private Open Space (PPOS) from 16 m² to 20 m² and the primary living spaces are to open directly onto and overlook the PPOS.

3.1.2 Council comments

We note the outcome of the urban design review in relation to the laneway design being a more successful outcome, however it does present challenges with waste servicing at the rear of lots. We recommend proceeding with the Demonstration DA based on the battleaxe concept as this is informed by the Site Specific DCP provisions, as battleaxe lots are not uncommon in the North West Growth Area (NWGA). However, if this scheme doesn't function well following delivery, then it will not be supported further by Council on other sites in the NWGA.

We have reviewed the recommendations of the report in relation to the Design Guide and generally support the report's recommendations to secure the outcome on the battleaxe lots and amendments to the site specific DCP controls. However, it is important to consider how we can apply these restrictions to these lots.

Whilst we support the recommendations of the report for higher density on the lots fronting the 'green street', we recommend limiting the lots fronting the increased verge to a single housing product. This is to address the key issue raised by Council's Waste Section that the increased vegetated verge precludes normal bin collection directly in front of each property, and the massing of bins at designated collection points will only cater for 4 bins (2 recycling and 2 waste bins), being 2 bins for each property only (i.e. the battle axe lot at the rear and the front lot).

Furthermore, we also note that Landcom has previously managed to successfully deliver several projects within the Blacktown LGA. We support Landcom's proposed delivery strategy on these lots through the Landcom Design Review Panel (Landcom DRP) and selected builder/s (for further details please refer to the Landcom submission at attachment 4).

Therefore, whilst we support the recommendations of the report to provide the Building Envelope Plans (BEP) for the battleaxe lots, we also propose an alternative recommendation to secure the desired outcome on these lots by

imposing a restriction (Section 88B instrument) for a single storey single house product and that the future built form plans be approved by Landcom's Design Review Panel (DRP), with product delivery of finished products by preferred builders who will be required to enter joint land and building contracts with purchasers based on agreed products.

Limiting single storey products on these battleaxe lots will minimise any amenity impacts in terms of solar access, outlook and privacy, and will negate the need for Building Envelope Plans to be reviewed and design guidelines to be included with the DA. On this basis Council's recommendations to address the abovementioned matters are summarised below:

- i. That the products on the front lots on the side of the wide green verge must be limited to a single house product, however the height of the products are allowed to be 2 storeys. This matter will be enforced by a Section 88B restriction on title, including an approval by the Landcom DRP for the future built form plans, to secure the quality of outcome required.
- ii. All battleaxe lots in the subdivision must be limited to a single storey single house product with either a BEP submitted for Council approval prior to issue of a Subdivision Certificate, or alternatively a Section 88B restriction on title including an approval by the Landcom DRP for the future built form plans to secure the quality of outcome required.
- iii. The Principal Private Open Space for side loaded lots (adjacent to the battleaxe lots) is to be 20 m² as recommended in the independent Urban Design Review Report. However, the 20 m² allowance should include the dwellings' undercover alfresco areas and open space area. This matter is to be reflected in modified BEPs (plans already submitted with the DA) for such lots as a condition of consent.
- iv. The rear setback of single storey house products on the battleaxe lots is to be a minimum of 4 m to ensure the required Private Open Space (POS) is achieved, with a minimum dimension of 4 m. A rear setback of 2 m is acceptable only where the dwelling is provided with a POS area having a minimum dimension of 4 m.
- v. A condition be imposed on the consent requiring the Applicant to submit amended plans for the proposed abutting dwellings to Grima Street and Road No.2 West, including varying front setbacks, roof lines, eave overhangs, treatments and features, landscaping and a wider range of colours.
- vi. We note the recommendations to amend the DCP. These may be considered by Council as a possible future amendment to the Site Specific DCP if deemed necessary in the future.

3.2 Servicing and subdivision

3.2.1 The Panel's decision

The Panel noted the concerns of Council's Waste Section regarding how the area is to be serviced, and the potential for waste servicing requirements to disrupt the proposed streetscape. The Panel requested further consultation with Council in order to resolve these matters.

3.2.2 Council's comments

Council's Waste Section has reviewed the independent Urban Design Review Report. In its view, the recommended minimum front and rear setbacks would assist in rectifying their concerns in relation to further subdivision of the battleaxe lots. It would be difficult to fit additional dwellings on the battleaxe lots and comply

with the minimum front and rear setbacks. This will alleviate the previous concerns for future intensification of the site where there would be insufficient frontage for the safe collection of waste.

The previously recommended condition relating to bin massing across the site, as a notification to relevant owners on title, remains as this issue is still relevant.

4 Conclusion

- 4.1 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 as amended by conditions is in the public interest. The site is considered suitable for the proposed development subject to conditions.

5 Recommendation

- 1 Approve Development Application SPP-19-00010 for the reasons listed below and subject to the conditions listed in attachment 8.
 - a All the matters raised in the reasons for deferral of the determination by the Panel on 3 June 2020 have been satisfactorily addressed, subject to the Panel adopting the additional special conditions at attachment 6 of this report and recommending one of the alternative conditions numbered 12.13.2.21 at attachment 6.
 - b The proposal is consistent with State Environmental Planning Policy (Sydney Growth Centres) 2006 and the Blacktown City Council Growth Centre Precinct Development Control Plan 2010 subject to the conditions listed in attachment 8.
- 2 Council officers notify the applicant and submitters of the Panel's decision.



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