



Clause 4.6 Variation – Height of Buildings

Proposed Mixed Use Development

34-46 Flushcombe Road, Blacktown

Prepared by Willowtree Planning Pty Ltd on behalf of Eastview (Aust) Pty Ltd

September 2021

Clause 4.6 Variation

Proposed Mixed Use Development
34-46 Flushcombe Road, Blacktown

Document Control Table

Document Reference:	WTJ20-207_Clause 4.6 Variation		
Date	Version	Author	Checked By
19 February 2021	FINAL	R. Streeter	A. Cowan
17 August 2021	Revised	R. Streeter	A. Cowan

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PART A PRELIMINARY

1.1 INTRODUCTION

This Clause 4.6 Variation Request has been prepared by Willowtree Planning Pty Ltd on behalf of Eastview (Aust) Pty Ltd, and is submitted to Blacktown City Council to support a Development Application (DA) for the proposed mixed use development at 34-46 Flushcombe Road, Blacktown (Lot 1 DP 505151, Lots 2 & 3 DP 207431, Lots 1 & 2 DP 502489, Lot 7 DP 219417 and Lot 8 DP 591040).

The mixed use development is proposed to incorporate a ground level pub with dining and gaming areas, function rooms on level 1, upper level residential apartments, a rooftop communal area (for residents), and basement car parking.

The proposal exhibits a technical non-compliance with Clause 4.3 Height of Buildings under *Blacktown Local Environmental Plan 2015* (BLEP2015).

This Variation Request has been prepared in accordance with the requirements of Clause 4.6 of BLEP2015, which includes the following objectives:

- (1) to provide an appropriate degree of flexibility in applying certain development standards to particular development;
- (2) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

1.2 PROPOSED NON-COMPLIANCE

Under the provisions of Clause 4.3 in BLEP2015, the site is subject to a maximum permissible building height of 50m.

The proposed built form has been architecturally-designed to create a highly-articulated tower that generally reflects the scale and intensity of development promoted for the site and city centre through the recently gazetted Planning Proposal for Blacktown Central Business District (CBD) (PP_2020_BLACK_002_00). Whilst some projections above the 50m height plane are proposed, these are limited to roof terrace, architectural roof feature and plant and equipment only. This breach of the height plane is clearly shown in the Elevations and Sections (Drawings DA3.01-3.04 and DA4.01-4.02) within the Architectural Drawings at **Appendix 5** of the Statement of Environmental Effects (SEE).

The proposed non-compliance is summarised in **Table 1** below.

Table 1. Variation Summary			
BLEP2015 Clause	BLEP2015 Development Standard	Proposed Maximum Building Height	Proposed Variation
Clause 4.3 – Height of Buildings	Maximum Building Height of 50m	54.870m	4.87m (9.74%)

1.3 PLANNING JUSTIFICATION

Under an alternative building height-compliant scenario, the built form potential of the site would be under-realised. It is furthermore submitted that a hypothetical building height-compliant scheme at the site would:

- Not achieve an improved design outcome compared to that proposed;
- Not result in an improved streetscape or amenity outcome compared to that proposed;
- Not reduce any perceived environmental impacts compared to that proposed;
- Not appropriately serve the needs of the local community;

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- Result in an outcome which would not satisfy the objectives of the site's zoning to the same extent as that proposed in relation to encouraging a mixture of compatible uses in accessible locations; and
- Result in an outcome which does not respond as effectively to the objectives and vision for Blacktown city centre as established in the recently-gazetted CBD Planning Proposal.

This Clause 4.6 Variation Request has been prepared in accordance with the aims and objectives contained within Clause 4.6 and the relevant development standards under BLEP2015. It considers the various planning controls, strategic planning objectives and existing characteristics of the site, and concludes that the proposed building height non-compliance is the best means of achieving the objective of encouraging orderly and economic use and development of land under Section 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Further, this Clause 4.6 Variation Request has demonstrated that there are sufficient environmental planning grounds for the contravention of the building height development standard in accordance with Clause 4.6(3)(b) of BLEP2015. In this respect, this Clause 4.6 Variation Request has provided the following:

- Identified the specific aspect or feature of the development that contravenes the relevant development standard;
- Justified why the contravention of the development standard is acceptable, rather than simply promoting the benefits of carrying out the development as a whole; and
- Explained on what basis there are sufficient environmental planning grounds to justify contravening the development standard.

In justifying the proposed contravention and demonstrating sufficient environmental planning grounds, this Request is considered to have demonstrated how the proposed contravention itself satisfies Section 1.3 of the EP&A Act. This is discussed further in **Section 4.4** of this Request.

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PART B THRESHOLDS THAT MUST BE MET

2.1 CLAUSE 4.6 OF BLEP2015

In accordance with Clause 4.6 of BLEP2015, Council is required to consider the following subclauses:

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—*
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) Development consent must not be granted for development that contravenes a development standard unless—*
 - (a) the consent authority is satisfied that—*
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) the concurrence of the Planning Secretary has been obtained.*
- (5) In deciding whether to grant concurrence, the Planning Secretary must consider—*
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) the public benefit of maintaining the development standard, and*
 - (c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.*

These matters are responded to in **Part D** of this Clause 4.6 Variation.

2.2 CASE LAW

Relevant case law on the application of the Standard Local Environmental Plan (LEP) Clause 4.6 provisions has established the following principles:

- *Four2Five Pty Ltd v Ashfield Council* [2015] NSWLEC 90, which emphasised that the proponent must address the following:
 - Compliance with the development standard is unreasonable and unnecessary in the circumstances;
 - There are sufficient environmental planning grounds to justify contravening the development standard;
 - The development is in the public interest;
 - The development is consistent with the objectives of the particular standard; and
 - The development is consistent with the objectives for development within the zone.
- *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7, which held that the degree of satisfaction required under Subclause 4.6(4) is a matter of discretion for the consent authority.
- *Wehbe v Pittwater Council* [2007] NSWLEC 827, which emphasized the need to demonstrate that the objectives of the relevant development standard are nevertheless achieved, despite the

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numerical standard being exceeded. Justification is then to be provided on environmental planning grounds. Wehbe sets out five ways in which numerical compliance with a development standard might be considered unreasonable or unnecessary as follows:

- The objectives of the standard are achieved notwithstanding the non-compliance with the standard;
- The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
- The underlying objective or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
- The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable; or
- The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

These matters are responded to in **Part D** of this Clause 4.6 Variation.

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PART C STANDARD BEING OBJECTED TO

3.1 CLAUSE 4.3 HEIGHT OF BUILDING OF BLEP2015

Under the provisions of Clause 4.3 in BLEP2015, the site is subject to a maximum permissible building height of 50m.

The proposed building exhibits a maximum height of 56.3m (measured to the top of the architectural roof feature). The proposed non-compliance is further set out in **Table 2** below.

Table 2. Variation Summary			
BLEP2015 Clause	BLEP2015 Development Standard	Proposed Maximum Building Height	Proposed Variation
Clause 4.3 – Height of Buildings	Maximum Building Height of 50m	54.87m	4.87m (9.74%)

The additional building height (4.87m, equating to a 9.74% variation), is limited to the roof terrace, architectural roof feature, plant and equipment. The rooftop space and structures above the 50m height plane contribute to the provision of amenable communal open space for future residents, as well as to essential building services/plant, roof feature and the lift overrun.

The proposed additional building height would have no adverse visual or amenity impacts. Given it would relate to the roof terrace, roof feature and plant and equipment only, the variation would not unacceptably increase the bulk or scale of the development, and would not cause any additional overshadowing or other amenity impacts for neighbouring properties.

Rather, the proposed built form has been architecturally-designed to create a highly-articulated tower that generally reflects the scale and intensity of development promoted for the site and city centre through the recently gazetted Planning Proposal for Blacktown CBD (PP_2020_BLACK_002_00).

This breach of the height plane is clearly shown in the Elevations and Sections (Drawings DA3.01-3.04 and DA4.01-4.02) within the Architectural Drawings at **Appendix 5** of the SEE. Extracts demonstrating the extent of the variation from the 50m height plane, are shown in **Figures 1-2** below.

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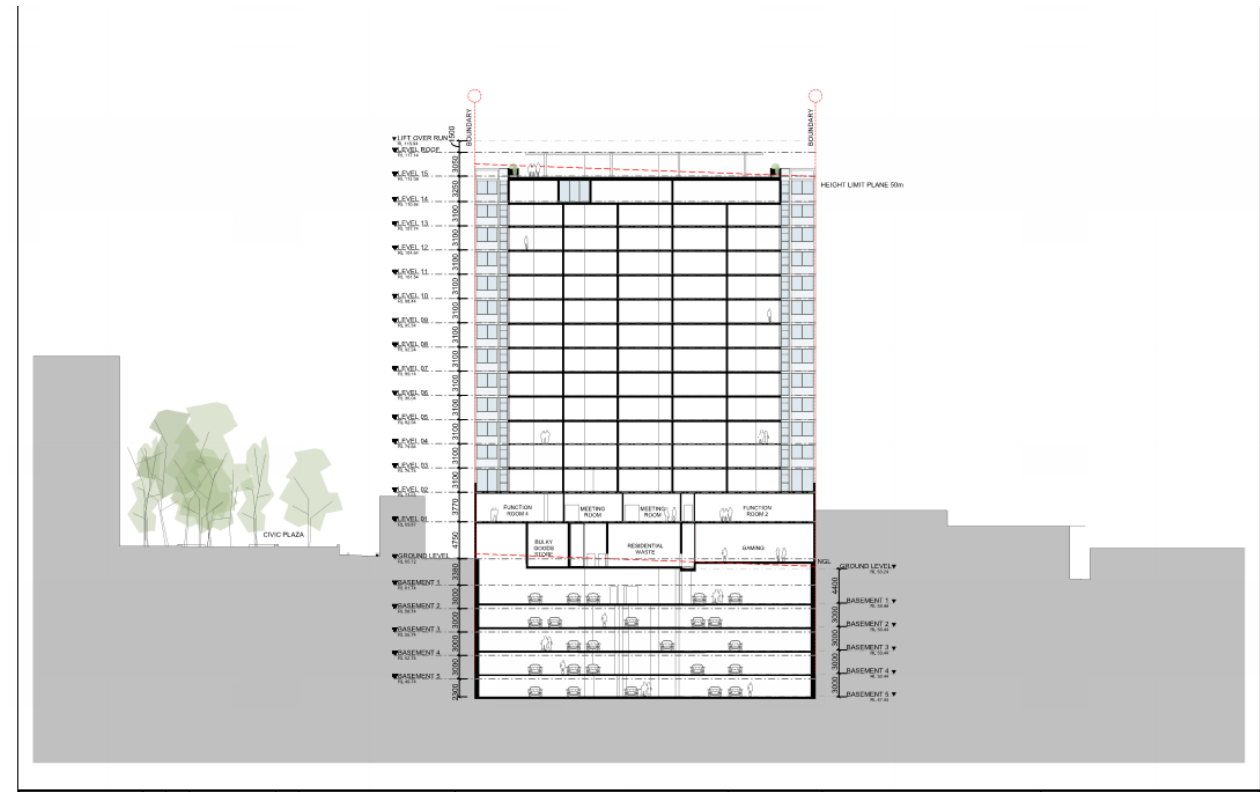


Figure 1. Section A-A (Marchese Partners 2021)

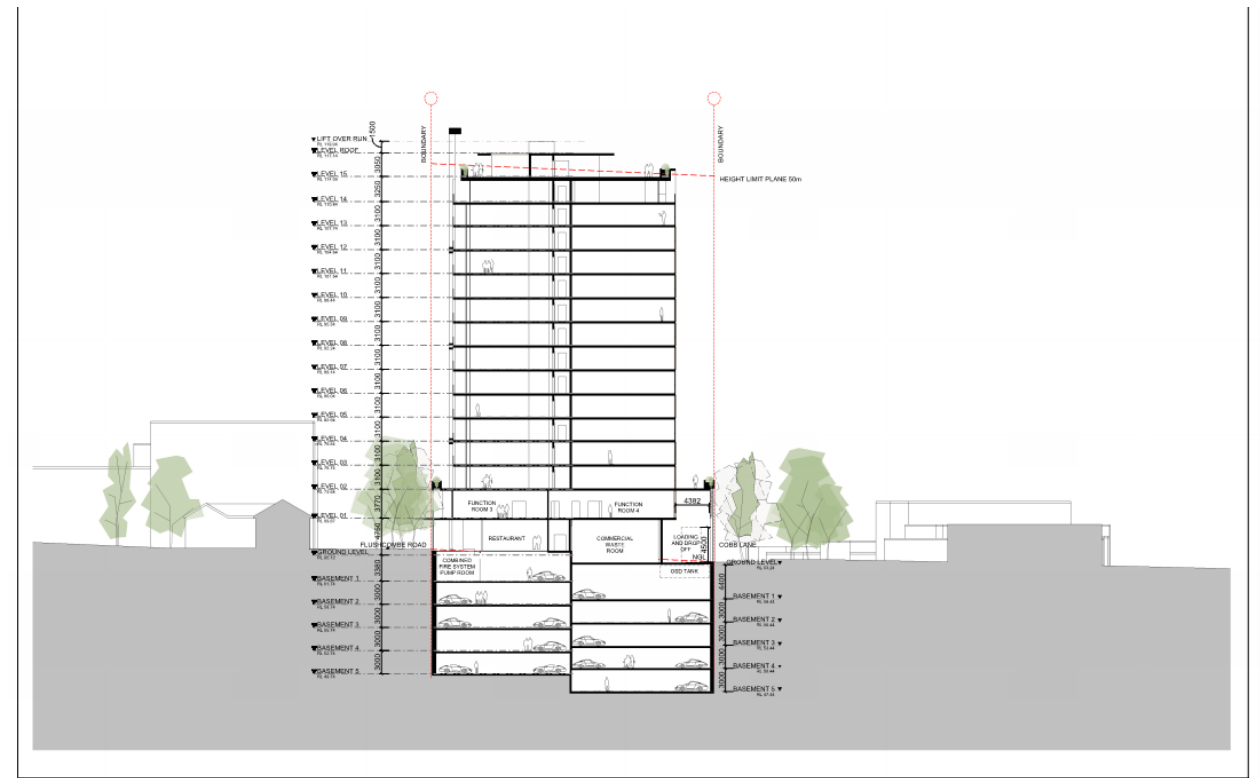


Figure 2. Section B-B(Marchese Partners 2021)

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PART D PROPOSED VARIATION TO CLAUSE 4.3 HEIGHT OF BUILDINGS

4.1 OBJECTIVES OF CLAUSE 4.3 HEIGHT OF BUILDINGS UNDER BLEP2015

A key determination of the appropriateness of a Clause 4.6 Variation to a development standard, is the proposed development's compliance with the underlying objectives and purpose of that development standard. Indeed, *Wehbe v Pittwater Council* recognised this as one of the ways in which a variation to development standards might be justified (refer to **Section 2.2**). In *Four2Five Pty Ltd v Ashfield Council*, it was found that the proponent must demonstrate compliance with these objectives (refer to **Section 2.2**).

Therefore, while the Site is subject to relevant numerical standards for height of buildings, the objectives and underlying purpose behind the development standard, are basic issues for consideration in the development assessment process.

The proposed development is consistent with the relevant objectives of the standard for the reasons outlined in **Table 3**.

Table 3. Consistency of the Proposed Development with the Building Height Objectives	
Objective	Comment
a) <i>to minimise the visual impact, loss of privacy and loss of solar access to surrounding development and the adjoining public domain from buildings,</i>	<p>The proposal would provide a positive visual outcome and exhibit design excellence, through an architecturally-designed, highly-articulated tower form. The proposal would therefore provide a positive contribution and set a precedent for new development within a revitalized Blacktown CBD.</p> <p>The proposed additional building height would have no adverse visual impacts. Given it would relate to the roof terrace, roof feature and plant and equipment, the height variation would not unacceptably increase the bulk or scale of the development.</p> <p>The site is situated opposite Civic Plaza (being a mapped sun protection area for the purpose of BLEP2015) and also in the vicinity of multiple other public open spaces. As demonstrated in the Shadow Diagrams within Appendix 5, the proposal would have no unacceptable overshadowing impact for the Civic Plaza or other public open spaces.</p> <p>The site is substantially separated from any residential areas, and therefore would have no impact on residential amenity. For this same reason, the proposal would have no unacceptable privacy impacts.</p> <p>Accordingly, the proposed height variation would achieve the objective of encouraging a positive visual outcome and respecting privacy and solar access for surrounding development and the public domain.</p>
b) <i>to ensure that buildings are compatible with the height, bulk and scale of the surrounding residential localities and commercial centres within the City of Blacktown,</i>	<p>The proposed built form generally reflects the scale and intensity of development promoted for the site and city centre through the Planning Proposal for Blacktown CBD (PP_2020_BLACK_002_00).</p> <p>Whilst <i>existing</i> development on surrounding sites and throughout the CBD is currently generally low-scale, a transition to higher densities may be anticipated in accordance with the newly-gazetted development standards. Accordingly, the proposal would reflect the</p>

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Table 3. Consistency of the Proposed Development with the Building Height Objectives	
Objective	Comment
	<p>desired <i>future</i> character and serve as a catalyst for the revitalization of Blacktown CBD.</p> <p>Accordingly, the proposed height variation would achieve the objective of ensuring compatibility with the height, bulk and scale of the surrounding areas.</p>
<i>c) to define focal points for denser development in locations that are well serviced by public transport, retail and commercial activities,</i>	<p>Being centrally-located within Blacktown CBD, the site is strategically positioned to provide a focal point for denser development. This focal position is further enhanced by the site being within short walking distance (300m) of Blacktown train station and bus interchange.</p> <p>Accordingly, the proposed height variation would achieve the objective of creating a focal point for denser development in a highly accessible location.</p>
<i>d) to ensure that sufficient space is available for development for retail, commercial and residential uses,</i>	<p>The proposed development would accommodate a suitable quantum of space for the proposed mix of complementary uses, including the pub (with dining, bar and gaming areas), function rooms, residential accommodation, and all back-of-house/service areas.</p> <p>The additional height is, however, required in order to support the delivery of communal open space to achieve a high level of amenity for future residents, as well as to provide for plant and lift overruns which are essential to servicing the building.</p> <p>Accordingly, the proposed height variation would achieve the objective of delivering sufficient space for a range of commercial and residential uses.</p>
<i>e) to establish an appropriate interface between centres, adjoining lower density residential zones and public spaces.</i>	<p>The site is substantially separated from any residential areas, and therefore would have no impact on residential amenity.</p> <p>The proposal would respect the amenity of nearby public open spaces and heritage items, including with respect to solar access, wind environment, reflectivity and view corridors.</p> <p>A positive interface with the adjoining public domain and surrounding area would further be created through active ground floor uses, façade articulation, a pedestrian-scale podium and street tree planting.</p> <p>Accordingly, the proposed height variation would achieve the objective of establishing an appropriate interface with adjoining sites and the surrounding area.</p>

4.2 OBJECTIVES OF THE ZONE

The site is zoned B4 Mixed Use pursuant to BLEP2015 and the proposed mix of uses is permissible with consent. The proposed development is consistent with all B4 zone objectives, as follows.

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Table 4. Consistency of the Proposed Development with the B4 Zone Objectives	
Objective	Comment
<ul style="list-style-type: none">To provide a mixture of compatible land uses.	The proposal would co-locate a mix of uses within a built form that, coupled with effective operational management, would ensure compatibility, operational efficiencies, amenity, accessibility and convenience.
<ul style="list-style-type: none">To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.	The proposed mixed use development would integrate a pub (being a type of retail premises), function centre and residential accommodation, in a highly accessible location on a site that forms part of Blacktown CBD and is in within short walking distance (300m) of Blacktown train station. The proposed mix of uses in this location within the city centre would promote multi-purpose visitation and reduce the need to travel, with associated environmental, productivity and lifestyle benefits.

4.3 ESTABLISHING IF THE DEVELOPMENT STANDARD IS UNREASONABLE OR UNNECESSARY

In *Wehbe v Pittwater Council [2007] NSWLEC 827*, Preston CJ set out the five ways of establishing that compliance with a development standard is unreasonable or unnecessary in support of justifying a variation:

1. Establish that compliance with the development standard is **unreasonable or unnecessary** because **the objectives of the development standard are achieved notwithstanding non-compliance with the standard**.
2. Establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.
3. Establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.
4. Establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable.
5. Establish that "the zoning of particular land" was "unreasonable or inappropriate" so that "a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land" and that "compliance with the standard in that case would also be unreasonable or unnecessary".

In applying the tests of *Wehbe v Pittwater Council [2007] NSWLEC 827*, only one of the above rationales is required to be established. Notwithstanding the proposed variation, the development is consistent with the underlying objectives of the standard for Building Height and the relevant Zoning prescribed under BLEP2015.

In view of the particular circumstances of this case, strict compliance with Clause 4.3 of BLEP2015 is considered to be both unnecessary and unreasonable. The proposed development does not conflict with the intent of Clause 4.3 as demonstrated above and satisfies the objectives, notwithstanding the proposed numeric variation.

The proposed development is justified on the basis of the following environmental outcomes:

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- It represents logical and coordinated development of the site for mixed use development comprising a compatible mix of commercial and residential floor space;
- The architectural design provides a superior built form outcome for the site and is functional for the proposed outcomes;
- Development will be compatible with the desired future character of Blacktown CBD;
- The proposal provides an appropriate scale and density of development, given its focal position within Blacktown city centre;
- The proposed variation to the building height will not give rise to any unacceptable environmental or amenity impacts to surrounding properties or the public domain in relation to views, overshadowing, solar access, noise and visual privacy;
- Compliance may be achieved by reducing the scale of the development, but this would undermine both the visual quality and functionality of the design, and would reduce the benefits associated with the employment-supporting floor space and housing supply that the current design would enable; and
- Reducing the building height to achieve a compliant building height would not deliver any measurable environmental or amenity benefits.

A reduced-scale development would have resulted in a less efficient use of the site. Use of a different site would have meant that suitably zoned land in need of renewal within Blacktown CBD, would remain underutilised and therefore not developed to its full planning potential.

In light of the above, the abovementioned justifications are considered valid and, in this instance, the proposed Clause 4.6 Variation is considered to be acceptable. The proposed development represents a more efficient use of the site when compared to a compliant building height scenario. The objectives of Clause 4.3 as well as the B4 Mixed Use zone would be upheld as a result of the proposed development. Therefore, in light of the above, the application of the building height standard is unreasonable and unnecessary in response to the proposed development.

4.4 SUFFICIENT ENVIRONMENTAL PLANNING GROUNDS TO JUSTIFY CONTRAVENING THE DEVELOPMENT STANDARD

The justification for the proposed variation to the development standard for Height of Buildings is considered to be well-founded and this Report demonstrates sufficient environmental planning grounds for support as, notwithstanding the proposed departure from the development standard, the feature of the development that contravenes the development standard (height of building):

- Does not give rise to any unreasonable visual impacts from the public domain. As illustrated in the figures in **Part C** of this Report, the communal roof terrace, plant and lift overrun, have been setback from the boundary line to ensure they are not prominent features from surrounding sites or the public domain. In this respect, the building elements exceeding the maximum building height, would not dominate the streetscape or skyline. Accordingly, the proposal is considered to represent a development outcome which is compatible with the desired future character of Blacktown CBD.
- Does not result in unacceptable environmental or amenity impacts to the surrounding properties or the public domain. In this respect, the proposal, including the building height encroachment, is commensurate to the context of the site and would suitably respect solar access, wind environment, reflectivity and view corridors.
- The building height encroachment will not result in habitable Gross Floor Area (GFA) being located above the maximum building height line, as it relates to the roof terrace and plant. Primarily, the additional height will provide the opportunity to improve amenity for residents through the communal open space and associated weather-protection structures.

The variation to the development standard for Height of Buildings is considered well-founded because, notwithstanding the proposed non-compliance with the standard:

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- The proposed development is consistent with the underlying objectives or purposes of the standard, as demonstrated in **Section 4.1**;
- The proposed development is consistent with the underlying objectives or purposes of the B4 Mixed Use zone, as demonstrated in **Section 4.2**;
- The scale of the proposal is appropriate for the site and the proposed mix of uses;
- The proposal provides a design outcome that responds to the site constraints and considers the context as well as the existing and anticipated built form;
- The visual impact of the height variation from the public domain has been minimised through the inclusion of a two (2) storey podium to create a human-scale streetscape, upper storey setbacks, and façade articulation to reduce the bulk and scale of the built form;
- The proposed development will not give rise any unreasonable amenity impacts to adjoining properties or the public domain;
- Strict compliance with the building controls would unreasonably restrict the potential to develop the site to its full potential;
- The proposed development is consistent with the desired future character of the site and Blacktown CBD;
- The proposed development would not result in unreasonable environmental or amenity impacts; and
- Reducing the building height to achieve a compliant building height would not deliver any measurable environmental or amenity benefits.

4.5 PUBLIC INTEREST

As outlined in **Section 2.2**, *Four2Five Pty Ltd v Ashfield Council* emphasised that it is for the proponent to demonstrate that the proposed non-compliance with the development standard is in the public interest. Subclause 4.6(4)(a)(ii) requires the proposed development be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out.

Sections 4.1 and **4.2** have already demonstrated how the proposed development is consistent with the objectives of Clause 4.3 as well as the objectives of the B4 Mixed Use zone under BLEP2015.

In *Lane Cove Council v Orca Partners Management Pty Ltd (No 2)* [2015] NSWLEC 52, Sheahan J referred to the question of public interest with respect to planning matters as a consideration of whether the public advantages of the proposed development outweigh the public disadvantages of the proposed development.

The public advantages of the proposed development are as follows:

- The proposal would support the urban renewal of the site and catalyse the wider rejuvenation of Blacktown CBD;
- The proposed built form would exhibit design excellence, providing a positive precedent for new development within a revitalized Blacktown CBD;
- The proposed development would activate the site and adjoining public domain, creating an amenable pedestrian environment and injecting energy into the city streets;
- The proposal would support the night-time economy of Blacktown CBD and enhance the vibrancy of the city centre on a 24/7 basis;
- The proposed development would promote multi-purpose visitation, a reduced need to travel overall, the use of public transport, and walking/cycling for short trips within the CBD;
- The proposal would provide significant new housing supply and contribute to improved housing choice and affordability;
- The proposal would generate employment and retain a local workforce within Blacktown CBD;
- The proposal would respect the amenity of surrounding properties, public spaces and heritage items; and
- Ultimately, the proposal would provide a development outcome that is compatible with the transition and desired future character and role of Blacktown CBD, that is a permissible land use, and that is consistent with the land use zone objectives.

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There are no significant public disadvantages which would result from the proposed development. Accordingly, the public advantages of the proposed development are considered to far outweigh the public disadvantages. The proposed development is therefore considered to be justified on public interest grounds.

4.6 MATTERS OF STATE AND REGIONAL SIGNIFICANCE

The proposed non-compliance with Clause 4.3 would not raise any matters of significance for State or Regional environmental planning. It would also not conflict with any State Environmental Planning Policies (SEPPs) or Ministerial Directives under Section 117 of the EP&A Act.

Planning Circular PS 08-014, issued by the NSW Department of Planning, requires that all DAs including a variation to a standard of more than 10% be considered by Council rather than under delegation. The proposed development would result in exceedance of the development standard by 9.64%. As the non-compliance is less than 10% specified by the Circular, it is acknowledged that the DA would be considered under delegation.

4.7 PUBLIC BENEFIT IN MAINTAINING THE STANDARD

Strict compliance with Clause 4.3 would result in:

- Reduced opportunity for new development and rejuvenation in Blacktown CBD;
- Reduced provision of employment-generating activities in Blacktown city centre;
- Reduced provision of residential accommodation in a highly accessible location;
- Complications in servicing and supporting the functional operation of future development on the site; and
- Not result in any measurable environmental or amenity benefits to surrounding properties or the public domain.

Further to the above, in the event the development standard was maintained, the resulting benefits to the adjoining properties and wider public would be nominal.

As such, there is no genuine public benefit in maintaining the strict building height control for the site.

4.8 SUMMARY

For the reasons outlined above, it is considered that the objections to Clause 4.3 of BLEP2015 are well-founded in this instance and the granting of a Clause 4.6 Variation to this development standard is appropriate in the circumstances. Furthermore, the objection is considered to be well founded for the following reasons as outlined in Clause 4.6 of BLEP2015, *Four2Five Pty Ltd v Ashfield Council* and *Wehbe v Pittwater Council*:

- Compliance with the development standard is unreasonable and unnecessary in the circumstances;
- There are sufficient environmental planning grounds to justify contravening the development standard;
- The development is in the public interest;
- The development is consistent with the objectives for development within the zone;
- The objectives of the standard are achieved notwithstanding the non-compliance with the standard;
- The development does not negatively impact on any matters of State or regional significance; and
- The public benefit in maintaining strict compliance with the development standard would be negligible.

It is furthermore submitted that:

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- Strict compliance with the standard would not result in a better planning outcome for the land as it may prevent the development of a well-considered proposal;
- The proposed development is consistent with the desired future character of the surrounding locality; and
- No unreasonable impacts are associated with the proposed development.

Overall, it is considered that the proposed Clause 4.6 Variation to the Building Height control is entirely appropriate and can be clearly justified having regard to the matters listed within Clause 4.6 of BLEP2015.

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PART E CONCLUSION

For the reasons outlined in this Clause 4.6 Variation Request, it is requested that Blacktown City Council exercise its discretion and find that this Clause 4.6 Variation Request adequately addresses the relevant heads of consideration under Subclause 4.6(3) of BLEP2015.

This is particularly the case given the relatively minor nature of the proposed exceedance, the proposal being otherwise compliant with BLEP2015, satisfaction of the objectives of BLEP2015 for the standard and zone, and the strategic suitability of the proposed development at both Local and State Government levels.