

Report to Sydney Central City Planning Panel

Panel reference	2016SWC007 DA
DA number	JRPP-16-04459
Proposed development	Construction of a 22 storey mixed use development comprising retail and commercial space, 90 residential units, 103 car parking spaces within 5 basement levels, drainage works and associated landscaping
Street address	26 Second Avenue, Blacktown
Applicant	Merhis Blacktown Pty Ltd
Owner	Better Buildings Pty Ltd
Date of DA lodgement	22 November 2016
Number of submissions	1
Regional development criteria (s9.1 EP&A Act)	Capital investment value (CIV) over \$20 million (DA has CIV of \$23.6 million)
All relevant s4.15 matters	<ul style="list-style-type: none"> • Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • Blacktown Local Environmental Plan (BLEP) 2015 • Blacktown Development Control Plan (BDCP) 2015 • Central City District Plan 2018
Report prepared by	Blacktown City Council
Report date	10 May 2018
Recommendation	Approval subject to deferred commencement conditions

Summary of s4.15 matters

Have all recommendations in relation to relevant s4.15 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 (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
- Attachment 4 – Detailed information about proposal and DA submission material
- Attachment 5 – Development Application plans
- Attachment 6 – Assessment against planning controls
- Attachment 7 – Applicant’s clause 4.6 request
- Attachment 8 – Council assessment of clause 4.6 request
- Attachment 9 – Consideration of the issues raised in the submission
- Attachment 10 – Draft conditions of consent

1 Executive summary

- 1.1 This report considers a Development Application (DA) for the construction of a 22 storey mixed use development comprising 55 squares metres of retail space, 98 squares metres of commercial space, 90 residential units, 103 car parking spaces within 5 basement levels, drainage works and associated landscaping at 26 Second Avenue, Blacktown.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by Council’s technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent, including deferred commencement conditions.
- 1.3 The Applicant’s request to vary the Blacktown Local Environmental Plan 2015 development standard for height of buildings has been assessed, being a variation of up to 4 metres above the permissible height limit of 72 metres relating to rooftop plant and equipment elements. We consider the proposed tower development to be consistent with the scale of development envisaged and planned for in the Blacktown Central Business District.

- 1.4 Assessment of the application has been undertaken in accordance with clause 7 of *State Environmental Planning Policy No. 55 (Remediation of Land)* and we are satisfied that the site is suitable for the proposed commercial premises and shop top housing development.
- 1.5 The application is satisfactory when evaluated against section 4.15 of the *Environmental Planning and Assessment Act 1979*.
- 1.6 This report recommends that the Panel approve the application subject to the recommended conditions, including deferred commencement conditions.

2 Key issues list

- 2.1 The key issues that need to be considered by the Panel in respect of this application are:
 - a. **Building height variation** (Section 7.1)

The Applicant seeks a building height variation of 5.6%. This comprises 350 mm for a minor portion of the roofline, and for rooftop plant and equipment up to 4 m above the permissible height limit. The variation has been assessed and is considered acceptable on its merits.
 - b. **Building separation** (Section 7.2)

The Applicant seeks a reduced building separation to a minimum 6 metres between the buildings, which is non-compliant with the numerical building separation under the Apartment Design Guide which requires up to 24 metres building separation for buildings of this height. However, the Apartment Design Guide also allows for reduced building separation. The proposed building separation does meet the daylight access, urban form context and acoustic and visual privacy objectives of the control. Further, the allowance for a reduced building separation is consistent with other approved developments within the Blacktown CBD. The reduced building separation predominantly relates to the portion of the development which has minimal windows fronting the adjoining mixed use development currently under construction at 28 Second Avenue, and is considered to protect their amenity, visual and acoustic privacy. We recommend amendments to the western elevation of the development, which primarily comprises the relocation of the lift core to the north by a distance of 6 metres. Subject to these amendments, the departure from this guideline is considered satisfactory on its merits.
 - c. **Natural ventilation** (Section 7.3)

The proposal achieves natural cross ventilation to 50% of the apartments in the first 9 storeys of the building, which is a shortfall of 3 apartments as required by Part 4B of the ADG. This is satisfactory as all apartments benefit from large sized windows and doors which open to their balconies, and are afforded a comfortable indoor environment for residents.
 - d. **Side setbacks** (Section 7.4)

The Applicant seeks a reduced building setback to the eastern and western side boundaries. The DCP requires a minimum setback of 6 metres. The proposal provides a varied setback of zero to 4.5 metres to its eastern boundary, and zero to 4.7 metres to its western boundary. The Applicant has demonstrated that the proposed setback provides for adequate solar access and privacy for the future residents of the neighbouring high rise building. Given the constraints of this narrow site, the reduced setback is considered satisfactory on its merits.

e. **Site width** (Section 7.5)

The DCP states that the minimum site width at the street shall be 30 metres for sites within sub-regional centres and that development must have regard to existing, adjacent sites which could become isolated as a consequence of that development. The site has a width of 18.29 metres, being a shortfall of 11.71 metres. However, the redevelopment of this site does not constrain the redevelopment of any surrounding sites. Effectively, this site is isolated as the site to the west is separately under development and the site to the east is existing housing owned by NSW Land and Housing Corporation, which is not easily capable of purchase, being subject to the tender process of a State Government agency. Therefore we support the redevelopment of this narrow and somewhat isolated site.

f. **Issues raised by the submitter** (Section 8)

The submission was received from the adjoining property owner to the west, whose site is currently under construction for a 24 storey mixed use development. The submission objected to the reduced setbacks and building separation and resulting impacts on the future residents at 28 Second Avenue with regard to amenity, ventilation and solar access, inadequacy of the DA submission material, failure to satisfy clause 7.7 Design Excellence of BLEP 2015, construction methods for the nil setback portion of the proposal, non-compliance with the site width requirements of BDCP 2015 and cross ventilation. Issues raised in the submission have been assessed and we believe they do not warrant the refusal of this DA.

3 Location

- 3.1 The site is located within the Blacktown Central Business District (CBD) on the northern side of the railway line.
- 3.2 The location of the site is shown in **attachment 1**. The land immediately to the north, south, west and east of the site is zoned B4 Mixed Use. The land immediately to the east, west and south has a building height limit of 72 metres and the land immediately to the north has a building height limit of 56 metres.
- 3.3 The site is located approximately 200 metres north-east of Blacktown Station on the western rail line.

4 Site description

- 4.1 The 992.7 square metres site is rectangular in shape with a narrow road frontage of 18.29 metres to Second Avenue.
- 4.2 The real property description of the land is Lot 80 DP 11157. The site is vacant and is temporarily being used as a construction staging area for the adjoining site to the west.
- 4.3 An aerial image of the site and surrounding area is at **attachment 2**.
- 4.4 The site is zoned B4 Mixed Use under Blacktown Local Environmental Plan 2015 and has a height limit of 72 metres. A copy of the zoning map is at **attachment 3**.
- 4.5 The site benefits from an existing approval for a 9 storey mixed use development approved on 17 September 2014 under DA-13-01143.

5 The proposal

- 5.1 The Development Application has been lodged by Merhis Blacktown Pty Ltd for the construction of a mixed use development at 26 Second Avenue, Blacktown.

- 5.2 The Applicant proposes to construct a 22 storey mixed use development comprising 55 square metres retail space, 98 square metres commercial space, 90 residential units and communal open space areas. Vehicular access is via Second Avenue, with arrangements for waste storage and collection provided at-grade within the building. The proposal includes 103 car parking spaces within 5 basement levels. The proposal also includes stormwater drainage works and landscaping.
- 5.3 The application includes a clause 4.6 variation request to vary the building height by up to 4 metres above the permissible height limit of 72 metres. The height exceedance relates to the rooftop plant and equipment to provide access to the rooftop communal open space area.
- 5.4 Refer to **attachment 4** for further details of the proposal with regard to floor space ratio, building height, setbacks, dwelling mix, communal and private open space, landscaping, design verification, traffic, parking, noise impacts, stormwater and the pipeline infrastructure under Second Avenue.
- 5.5 Refer to **attachment 5** for a copy of the development plans.

6 Assessment against planning controls

- 6.1 A full assessment of the DA against relevant planning controls is provided in **attachment 6**, including:
- a. Environmental Planning and Assessment Act 1979
 - b. Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River
 - c. State Environmental Planning Policy (State and Regional Development) 2011
 - d. State Environmental Planning Policy (Infrastructure) 2007
 - e. State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
 - f. State Environmental Planning Policy No. 55 – Remediation of Land
 - g. State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development
 - h. Blacktown Local Environmental Plan 2015
 - i. Blacktown Development Control Plan 2015
 - j. Central City District Plan 2018

7 Key planning issues assessment

- 7.1 **Building height variation to the Blacktown LEP 2015 development standard**
- a. The proposal seeks to vary the building height by up to 4 metres above the permissible height limit of 72 metres, being a variation of 5.6%.
 - b. The height exceedance relates to the lift overrun and roof structures to provide access to the rooftop common open space.

- c. The Applicant has submitted a written clause 4.6 request (see **attachment 7**) to justify that compliance with the height development standard is unreasonable and unnecessary in this instance. The Applicant’s justification for supporting the variation is that it results in planning benefits as it facilitates the delivery of additional and improved access to the communal open space located on the roof of the building.
- d. **Attachment 8** identifies our assessment of the relevant Land and Environment Court matters for a consent authority to take into consideration when deciding whether to grant concurrence to the variation to a development standard.
- e. In our view there are sufficient environmental planning grounds to justify varying the development standard and we consider that the variation will not have unreasonable impacts on the neighbouring properties or the character of the area. Also, the variation to the height limit will result in a better planning outcome for the future residents as:
 - The portions of the rooftop structures which exceed the height limit are not dominant and will not result in an adverse visual impact. They do not result in adverse shadow and amenity impacts on surrounding properties.
 - Given that the additional height does not result in any commercial gain for the developer (in terms of yield or number of storeys) and will result in a better designed building by providing access to rooftop common open space, it is considered that the proposed variation to the height standard should be supported in this instance. Similar variations have been approved within the northern precinct of the CBD, including the development at 28 Second Avenue and 2 - 10 First Avenue, Blacktown.
 - The proposed 22 storey building is considered to be consistent with the 72 metre height limit permitted on the site.
 - The proposal is consistent with the objectives of the development standard and the R3 Medium Density Residential zone.

7.2 Building separation

SEPP 65 requires that, when assessing an application, consideration must be given to the requirements of the Apartment Design Guide (ADG). Council’s assessing officer’s assessment against the relevant design concepts and numerical guidelines of the ADG is held at **attachment 6**. The development complies with the ADG with the exception of the proposed building separation as discussed below.

(a) Building separation

- i Under the ADG the building separation controls increase as the height of the development increases, as follows:
 - *Up to 4 storeys/12 metres*
 - 12 metres between habitable rooms/balconies
 - 9 metres between habitable rooms/balconies and non-habitable rooms
 - 6 metres between non-habitable rooms.
 - *5 to 8 storeys/up to 25 metres*
 - 18 metres between habitable rooms/balconies
 - 13 metres between habitable rooms/balconies and non-habitable rooms
 - 9 metres between non-habitable rooms.

- 9 storeys and above/over 25 metres
 - 24 metres between habitable rooms/balconies
 - 18 metres between habitable rooms/balconies and non-habitable rooms
 - 12 metres between non-habitable rooms.

- ii The proposal provides a 4 storey 'podium' form which has a nil setback to the western boundary and gradually tapers away from the eastern boundary. Above this podium form, the proposed development provides:
 - Setbacks to the western (side) boundary
 - Nil setback to the centrally located services core
 - 3 metres setback to the access corridor (blank wall with the exception of 2 windows) and a small apartment wall south of lift core (blank wall with the exception of 1 window)
 - 4.7 metres to the blank apartment wall at the northern and southern corners.
 - A 4.5 metres setback from the balconies to the eastern (side) boundary
 - A 6 metres setback to the southern (rear) boundary.

- iii The proposed development does not satisfy the above building separation requirements. Due to the narrow width of this site (18.29 metres), the strict application of these guidelines would result in a building footprint with a width of 290 mm for the lower tower portion of the development, however for the 9th storey and above the building separation requirements mean that no development can occur on this site. Therefore, it is suitable to consider a reduced building setback for all tower levels of the development, as is the case in the adjoining approved development at 28 Second Avenue, which has a setback of 6 metres to habitable rooms and 2.8 metres to the services core for the 5th to top storeys inclusive.

- iv In this respect, the non-compliances from the western boundary include:
 - The nil setback for the services core, where 3 metres is required under the ADG.
 - The 3 metres setback to part of the wall of the rear apartments, where 4.5 metres is required.
 - The 4.7 metres setback to part of the wall of the rear apartments where 6 metres is required. However, this part of the wall has no window openings and has a 'blank wall' effect, and therefore a distance of 4.5 metres is satisfactory and is achieved.

- v The non-compliance from the eastern boundary is:
 - A 4.5 metres setback to balconies, where 6 metres is required under the ADG.

- vi The ADG, however, is a guide only and allows building separation controls to be varied in response to site and context constraints. Where a proposed development intends to provide less than the recommended distance separation, it must demonstrate that daylight access, urban form and visual and acoustic privacy has been satisfactorily achieved.

As this proposal does seek to vary the building separation, these key parameters are each considered below for compliance.

Daylight access

The proposed development provides solar access to 100% of the apartments, which complies with the minimum requirement for 70% of apartments to receive at least 2 hours of direct sunlight between 9 am and 3 pm in midwinter. Given the north-south orientation of the site, adjoining properties are not overshadowed by the development for at least 2 hours a day. With regard to the adjoining development at 28 Second Avenue, the apartments on its eastern elevation will be overshadowed by this proposal. However, a review of the solar analysis plans submitted for that development (JRPP-14-02593) identified that the eastern elevation of the neighbouring development does not achieve at least 2 hours solar access for the purpose of the ADG. Therefore, this proposal does not diminish the provision of solar access for 28 Second Avenue in accordance with the ADG. The building separation is therefore considered satisfactory as the proposal and adjoining sites will receive (or maintain) adequate solar access.

Urban form

In considering the existing urban form, consideration should be given to other DAs approved in the Northern Precinct of the CBD, which similarly have side and rear reduced setbacks. The table below compares the subject development with other approvals in the area.

Address	Development	Side Setbacks (above podium)	Determination
20 Second Avenue	DA-02-5551 11 storeys mixed use	1 - 5.7 metres (average 3.3 metres)	Approved 24/10/2004
29-31 Second Avenue	JRPP-09-1574 20 storeys mixed use	6 metres – 16 metres (point encroachments to 5 metres)	Approved 26/08/2010
26 Second Avenue (subject site)	DA-13-1143 9 storeys mixed use	6 metres (point encroachments to 3.5 metres)	Approved 15/09/2014
28 Second Avenue (site to west)	JRPP-14-2593 24 storeys mixed use	6 metres (point encroachments to 4 metres)	Approved 23/06/2015
2-10 First Avenue	JRPP-15-2087 18 storeys mixed use	Minimum 6 metres with no point encroachments	Approved 26/07/2016
16 Third Avenue	DA-15-00467 18 storeys mixed-use	3 - 8 metres	Approved 04/11/2016
16 Second Avenue	JRPP-15-02533 19 storeys mixed use	Minimum 6 metres with no point encroachments	Approved 04/04/2017

It can be seen from the table that the proposed development is consistent with the setbacks established by previous approvals in the area. Further, the quality and character of the development is consistent with the objectives of the B4 Mixed Use zone, being *'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 design of the development encourages an active street frontage and achieves a very high design quality, with suitable bulk and scale that considers the restrictions of the site.

Part D of BDCP 2015 establishes the development controls which shape the urban form for the Blacktown CBD. The BDCP establishes setback requirements, enabling a building within the CBD to have a setback of 6 metres, with balcony encroachments to be considered on their merits. The plans demonstrate a 6 metres setback from the eastern boundary with balcony encroachments to 4.5 metres. The future development of the adjoining site to the east, at 22 Second Avenue, will be expected to provide a setback of 6 metres to provide an overall building separation distance of 12.5 metres to the apartments and 10.5 metres to the balconies of this proposed application. Although this is a minor shortfall, suitable measures are capable of being integrated into the design of the future development at 22 Second Avenue to protect the amenity and privacy of both developments. Therefore, the departure from the 6 metres building separation/setback is considered to be satisfactory on merit in this instance.

The proposed nil setback to the western boundary for the services core has not yet been approved in the CBD. This is a unique design approach which creates a 'blank wall' effect as viewed from the adjoining property. As viewed from the public domain, the access corridor and services core will be recessive in appearance, due to being setback behind the primary façade of the building and being treated with contrasting colours and materials.

However, given the strong concerns raised by the submitter and in consultation with our City Architects, we consider it appropriate to impose further amendments to the proposal by deferred commencement conditions to address the following:

Required amendment	Reason for amendment
Increasing the setback of the core from nil to 100 mm to the western boundary Decorating the western elevation of the core with a pattern panelling system	To provide space for construction access to enable the patterned finish of the western elevation of the core
Relocating the core approximately 6 metres to the north	To open up the outlook looking south-east for the apartments in 28 Second Avenue which have a single outlook towards this development
Incorporating additional fire rated glass blocks along the western elevation of the fire stair	To break up the appearance of the building's core
Treating all west facing windows to be tinted and translucent	To ensure these windows allow for light to pass through, but not detailed shapes
Deletion of the planter boxes on all levels along the building's core	To reduce the length of the core by approximately 4 metres

Therefore, based on the urban form established by previous approvals in the area, as well as carefully considered recessive design for the corridor and services core of the building, and subject to the above amendments to the proposal, the development is considered to be compatible with the surrounding and future urban form.

Visual and acoustic privacy

All of the proposed balconies are oriented towards the east. The proposed design is to create an open effect and therefore the majority of the elevation and the entirety of its balcony balustrades are glazed. Although these balconies have a setback of only 4.5 metres (being a shortfall of 1.5 metres), the habitable rooms have a 6.5 metres setback, being an additional 0.5 metres. This creates a balance which will assist with protecting the privacy of the future development of the adjoining site at 22 Second Avenue.

The proposal orientates the development away from the west and creates a 'blank wall' effect, with the exception of 3 windows which will not permit direct viewing as they will be bronze glazed and translucent. The absence of windows and balconies to this western elevation ensures that no visual and acoustic privacy impacts will result.

Based on the above assessment of solar access, urban form and visual and acoustic privacy, the proposed building separation of the development is considered satisfactory, and therefore a variation to the suggested building separation requirement is considered reasonable in this circumstance. It is also noted that the numerical standards in the ADG are guidelines only and that variations should not warrant refusal of the application. This development is considered to offer architectural merit through its carefully considered distinct and contemporary design.

7.3 Natural ventilation

The proposal achieves natural cross ventilation to 50% of the apartments in the first 9 storeys of the building, which is a shortfall of 3 apartments as required by Part 4B of the ADG. This is satisfactory as all apartments benefit from large sized windows and doors which open to their balconies, and are afforded a comfortable indoor environment for residents.

7.4 Side setbacks

The DCP requires a minimum setback of 6 metres. The proposal comprises a reduced building setback to both of the side boundaries. As discussed at Section 7.1 above, the proposed design of the building is unique in response to the narrow width of this site. The proposed setbacks enable a narrow tower building form to be constructed on this site, which is sited to the western side of the site (similar to the adjoining development at 28 Second Avenue). The Applicant has demonstrated that the proposed setback provides for adequate solar access and privacy for the future residents of the CBD. Given the constraints of this narrow site, the reduced setback is therefore considered satisfactory on its merits.

7.5 Site width

The DCP states that the minimum site width at the street shall be 30 metres for sites within sub-regional centres and that development must have regard to existing, adjacent sites which could become isolated as a consequence of that development. The site has a width of 18.29 metres being a shortfall of 11.71 metres. However, the redevelopment of this site does not constrain the redevelopment of any surrounding sites. In particular, the similar narrow site to the west on the corner of Second and Boys Avenue, which is currently under construction for a 24 storey mixed use development as approved in JRPP-14-02593.

This site is not isolated by tower developments on both sides, however given the adjoining site to the west at 22 Second Avenue is an existing housing owned by NSW Land and Housing Corporation, it virtually isolates this site. This is due to the potential sale of 22 Second Avenue being highly dependent on an Expression of Interest or tender process, the Applicant being successful in winning the tender and incorporating 22 Second Avenue into this development site. This approach is very difficult given the government's lengthy land sale process.

Therefore we support this proposed standalone redevelopment of this narrow site.

8 Issues raised by the public

- 8.1 The proposed development was notified to property owners and occupiers within the locality between 19 July and 2 August 2017. The DA was also advertised in the local newspapers, including the Blacktown Advocate, and a sign was erected on the site.
- 8.2 During the notification period, one submission was received from the adjoining property owner to the west, which has a building currently under construction for a 24 storey mixed use development. The submission objected to the reduced setbacks and building separation and resulting impacts on the future residents at 28 Second Avenue with regard to amenity, ventilation and solar access, inadequacy of the DA submission material, failure to satisfy clause 7.7 Design Excellence of BLEP 2015, construction methods for the nil setback portion of the proposal, non-compliance with the site width requirements of BDCP 2015 and cross ventilation.
- 8.3 Refer to **attachment 9** for a detailed description of the issues raised, a detailed response to each item provided by the Applicant, and our consideration and response to the public submission.
- 8.4 We consider the concerns raised in the public submission to be resolved through the careful design of this proposal, which exhibits significant architectural merit, and to be capable of being managed by conditions of consent. Therefore the concerns raised in the public submissions are not considered sufficient to warrant the refusal of this application.

9 External referrals

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

Section	Comments
Roads and Maritime Services	Acceptable, subject to conditions.
TfNSW	Acceptable, subject to conditions.
NSW Police	Acceptable, subject to conditions.
Caltex Australia Petroleum Pty Ltd	Acceptable, subject to conditions.

10 Internal referrals

- 10.1 The DA was referred to the internal sections of Council and is considered acceptable subject to conditions.
- 10.2 Our City Architect has carefully evaluated this application and advises that, subject to the abovementioned recommended design changes, the proposed design provides a site specific solution that exhibits design excellence through careful consideration of all major design issues including streetscape, amenity for residents, impact on neighbours and the resolution of structural and construction issues. The design maximises the opportunity for street activation by providing a retail tenancy with a direct connection to the public domain.
- 10.3 The streetscape presentation to 26 Second Avenue is complimentary to the adjoining development at 28 Second Avenue. Both designs incorporate triangular shapes into their external façade features to derive a sense of both variety and singularity to their buildings. The proposal exhibits architectural design merit and is a favourable outcome for this site and the CBD.

11 Conclusion

- 11.1 The proposed development has been assessed against all matters for consideration and is considered to be satisfactory. The likely impacts of the development have been satisfactorily addressed and we conclude that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.
- 11.2 The issues raised in the public submission have been addressed by the Applicant, ameliorated through proposed amendments to the plans, or are capable of being managed by us through conditions of consent. Therefore the issues raised do not warrant the refusal of the application.

12 Recommendation

- 12.1 Uphold the variation to the height of buildings development standard in clause 4.3 of the Blacktown Local Environmental Plan 2015 using clause 4.6 for the following reasons:
- a. The request is well founded and warrants approval.
 - b. Adherence to the height standard is unnecessary in this instance as no adverse impacts will result from the height breach.
 - c. The breach will enable access to rooftop communal open space, thus providing sufficient environmental planning grounds to justify the variation. The breach will enable development that is consistent with relevant zone objectives and thus is in the public interest.
 - d. We consider that the request is satisfactory and we support the variation.
- 12.2 Approve Development Application JRPP-16-04459 for the reasons listed below, and subject to the deferred commencement conditions listed at attachment 10.
- a. The proposal is in the public interest.
 - b. The site is considered suitable for the proposed development.
 - c. The requested clause 4.6 variation is acceptable.

12.3 The submitter be notified of the Planning Panel's decision.



Holly Palmer
Senior Project Planner



Judith Portelli
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Glennys James
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