

4 April, 2018

The General Manager
Blacktown City Council
P.O. Box 63
BLACKTOWN NSW 2148



Dear Sir/Madam,

**10-14 Third Avenue, Blacktown
Development Application JRPP-16-03334**

We write on instruction from CIR Construction to provide additional information in response to an issue raised by the JRPP in its assessment of the subject application. The relevant issue is building separation and the concern, as expressed by the JRPP is:

Whilst the McDonalds site to the east is possibly of sufficient size to compensate for reduced setbacks on that side, the same can't be said for the adjoining site to the west. Indeed, arguably that site may be isolated by this proposal due to its comparatively narrow width. Similarly, the non-compliant rear setback to the south must have some shadowing and possibly privacy impacts on the future development of those adjoining sites. Whilst the report refers to precedents for setback variations in this locality, the exact relationship to existing or approved developments on adjoining properties is not clear to the Panel.

The issue of building separation was addressed at Section 4.2 (pages 30-32) of the Statement of Environmental Effects prepared by Haskew Planning (the former practise of the author). The matter has also been extensively analysed at Section 2.1 (pages 10-11) of the Urban Design Statement accompanying the application, prepared by Villa and Villa Architects. We draw to Council's attention the totality of those sections and offer the following by way of summary.

Strict application of the ADG building separation requirements, if distributed evenly with adjoining sites, would require side boundary setbacks in the order of 6m to 24m. This

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compares to the side boundary setbacks prescribed under DCP 2006, Part D, Section 5. Page 24 requires setbacks (above podium) to be assessed on merit, with an absolute minimum of 6m.

The application of building setbacks and building separation in the Blacktown context has been clarified in recent years by reports to the Joint Regional Planning Panel and development application approvals. It is noted that the building separation requirements of the ADG have not been strictly applied. Blacktown Council's report to the JRPP for this application tabulates recent approvals in close proximity to the site that have not complied with minimum building separation requirements. The report justifies the non-compliance as *'the proposed development is consistent with the setbacks established by previous approvals in the area'* (page 7, report dated 14 March 2018).

Given the extent of nearby non-compliant approvals it is obvious that the locality is undergoing an evolution to its urban context and it is for this reason that the relationship between the proposed development and the precedent set by non-compliant setback developments has been raised. The new building will blend and be consistent with this evolving urban context.

Side and southern (rear) setback justification

The proposed development provides side boundary setbacks above the podium of 6m to the western side boundary and 6.05m to the eastern side boundary. Relevantly, window openings to bedrooms are small and the balconies are screened with vertical screen mesh minimizing overlooking, improving privacy and also adding to the visual detailing of the building (see Figures 1-3 below).

With regard to the rear (southern setback), above the podium, the setback proposed is 9.505m – 10.500m. The setback comes close to meeting the requirements of the ADG building separation requirements. Additionally, as the land to the south of the proposal fronts Second Avenue, the rear of this proposal will be adjacent to the rear of the future development to the south meaning that a generous building setback will most likely remain.

The proposed development will result in unavoidable overshadowing of the southern adjoining development site. Nevertheless, the extent of overshadowing is relatively narrow compared with the width of the southern adjoining development parcel. Accordingly, good solar access will be available to the majority of the southern adjoining site during all times of the day in midwinter. It is also noted that overshadowing to the southern site would still occur if the prescribed setback was implemented. It is an unavoidable circumstance that overshadowing from a multilevel building to its southern boundary will occur.

It is relevant to note also, that the eastern adjoining site (currently occupied by McDonalds) is subject to a 64m height limit and a 7.5:1 FSR. The proposed development is

not only of a lower height but also of a lesser bulk due to the lower FSR proposed for the subject site as compared to the permissible FSR for the eastern adjoining allotment. The proposed building will not dominate any future development on the prominent corner location of Third Avenue and Sunnyholt Road.

16 Third Avenue (DA-15-00467)

Potential impacts on the site to the west of the proposal (16 Third Avenue) were raised in the JRPP comments. It is noted that this site (16 Third Avenue) was approved for an 18 storey mixed-use development on 4 November 2016. The approval permitted non-complying side and rear setbacks of between 4 and 6 metres.

Significantly, it is noted that the eastern elevation of the approved development - along the common boundary of No 16 and 10-14, does not contain any windows. Building articulation is achieved by provision of an external 'breezeway' or access walkway at each level of the building.

With regard to building mass and scale, it is acknowledged that the ADG states building separation is measured between building envelopes, including balcony edges. Despite this requirement, the actual building-wall to building-wall separation will be over 12 metres. This is significant when considering the simple matter of visual building bulk and mass. The lighter elements of the breezeway/walkway and associated balustrade do not contribute to the building's mass or site coverage therefore from a visual perspective, the two buildings are substantially separated.

Figure 1 below shows the typical floor plan, with no windows present along the eastern elevation. Figure 2 shows the eastern elevation of the approved building. The doors along the 'breezeway' provide access into the internal stairway.

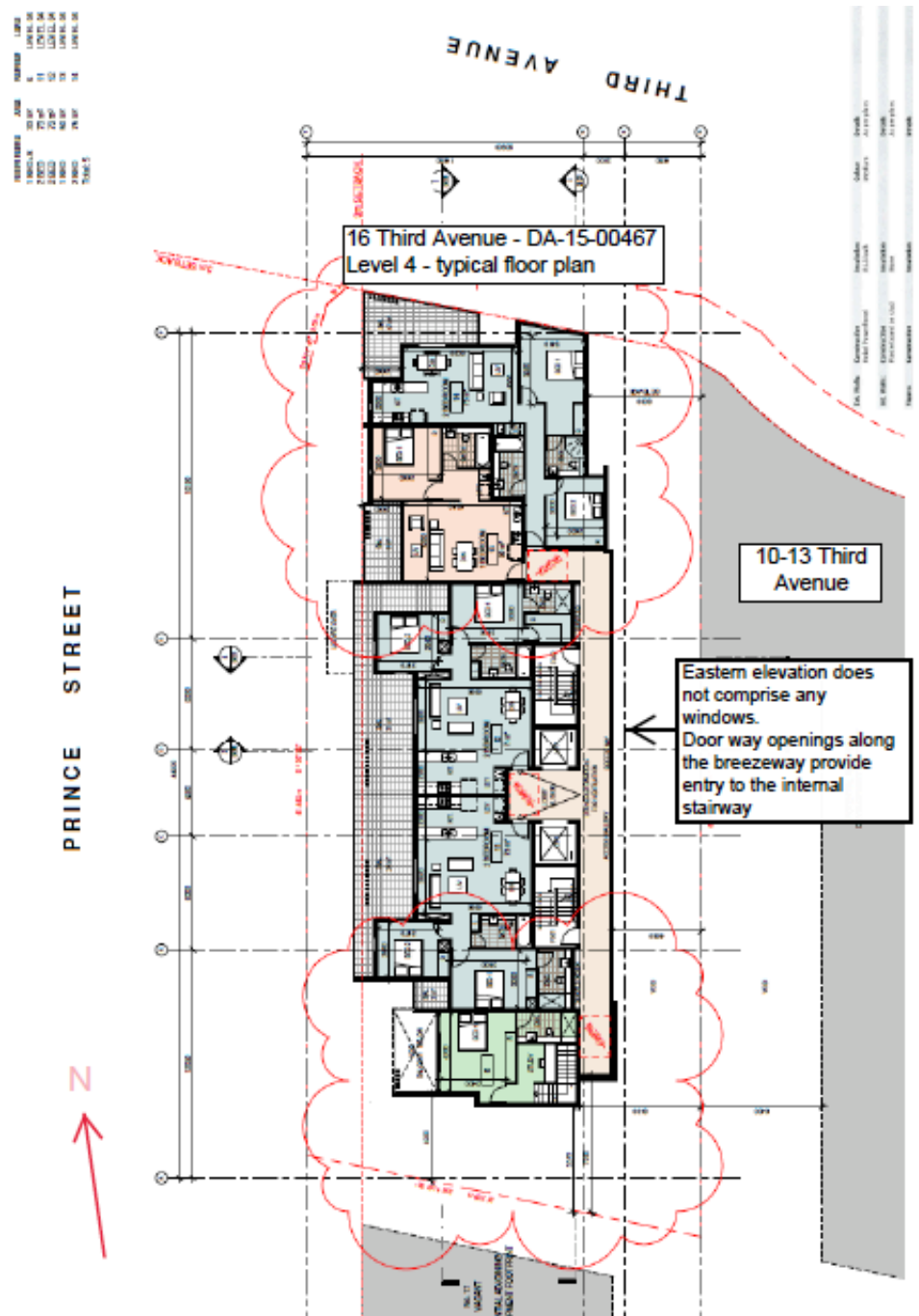


Figure 1 – Typical floor plan (Level 4 shown)

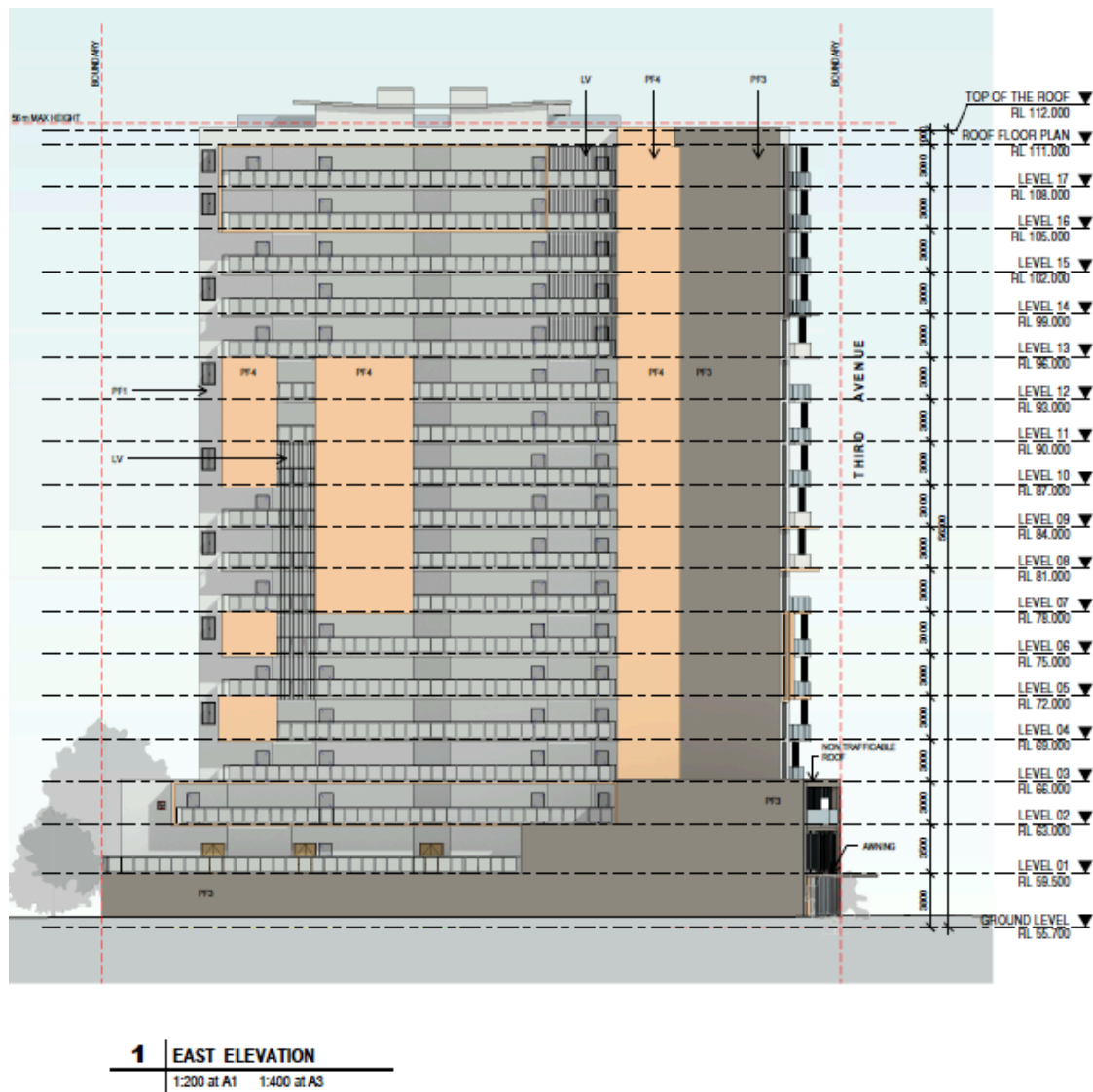


Figure 2 - East elevation of 16 Third Avenue, no windows are located along this elevation (Approved 4 November 2016 - DA-15-00467)

Figure 3 below, shows the typical floor plan of the proposed development. The western elevation comprises windows to habitable rooms however it could be argued that they are of a reduced sized to minimise overlooking and improve privacy. Figure 4 shows the western elevation of the proposed building. The balconies are proposed to be screened with bronze screen mesh, which will minimise overlooking and add to building articulation and detailing.

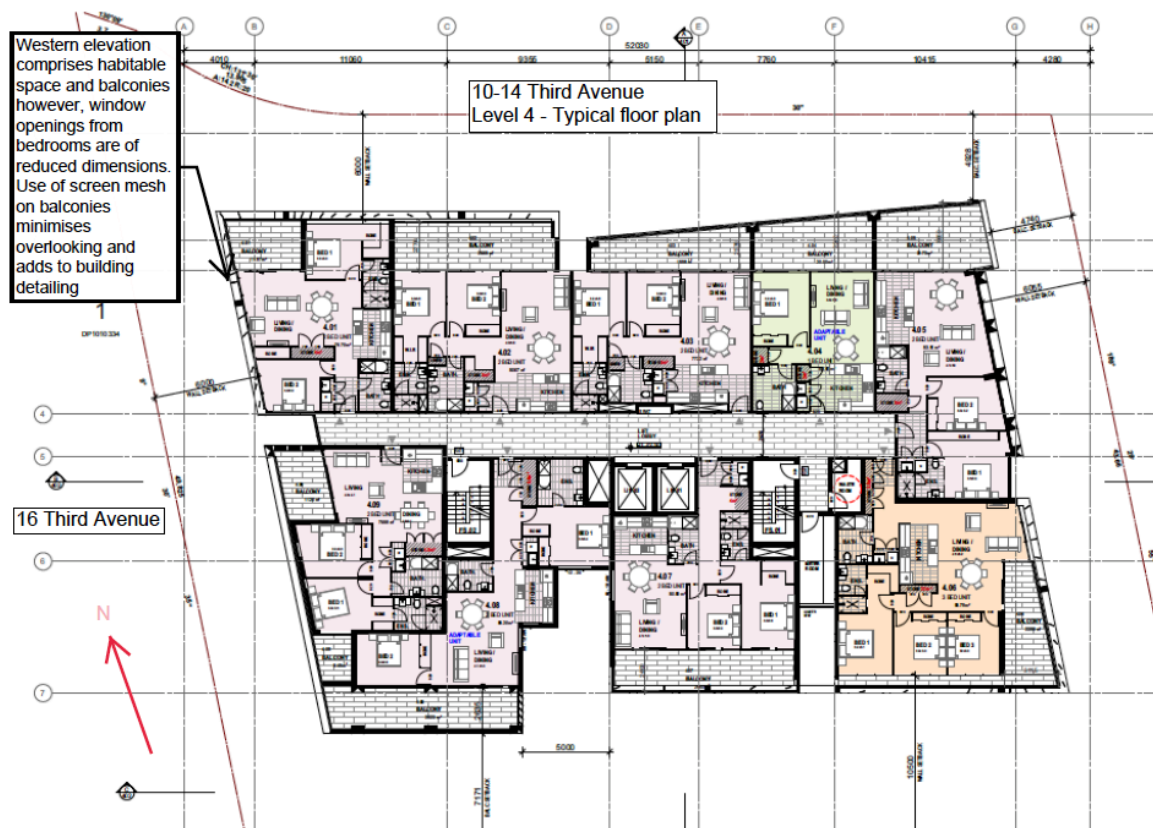


Figure 3 – Typical floor plan of proposed building (Level 4 shown)

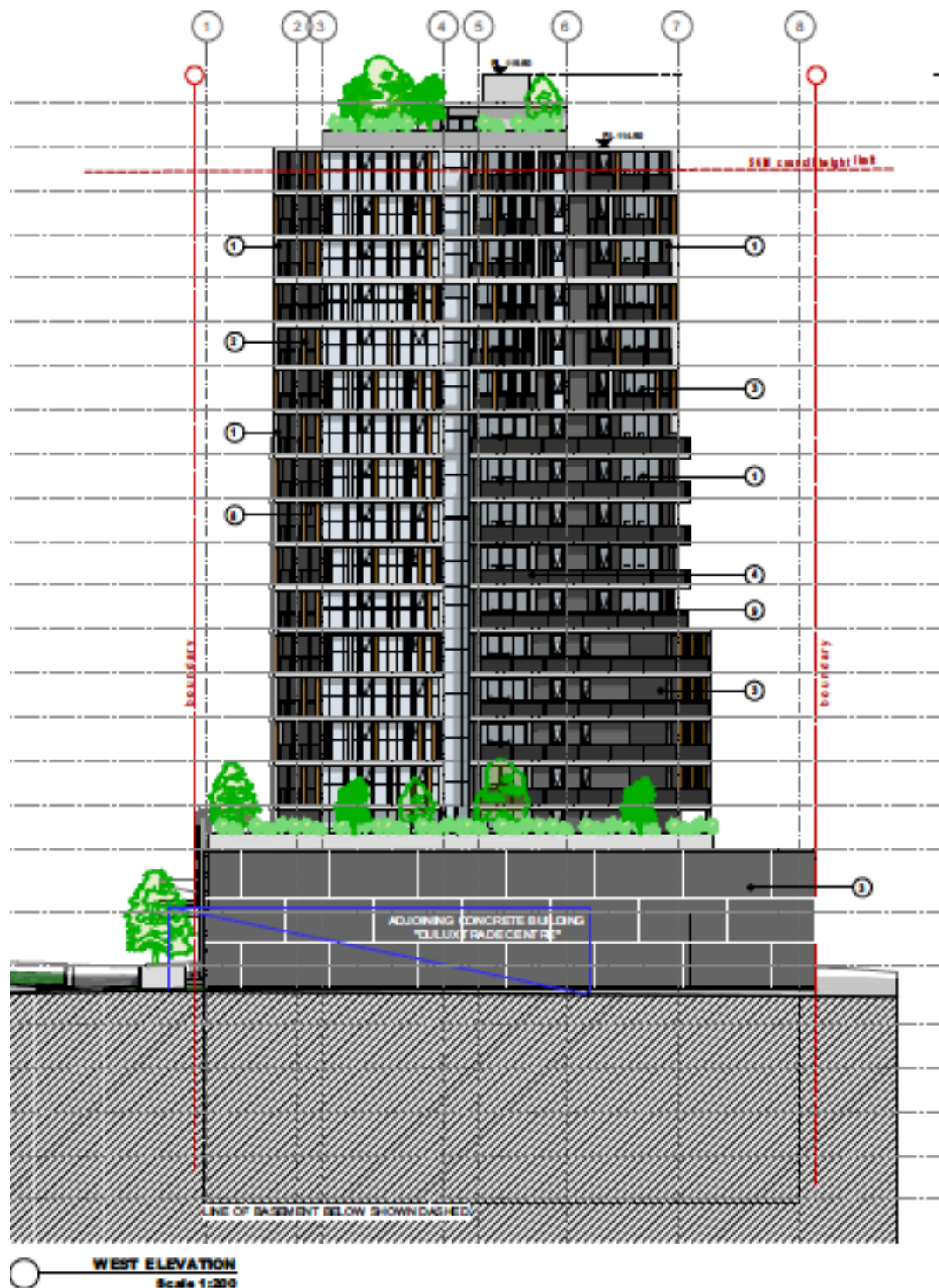


Figure 4 - West Elevation of proposed building. Bedrooms windows are of reduced dimensions to minimise overlooking and ensure privacy. Screening elements on the balconies improve privacy.

Consistency with ADG Building Separation Aims

The matter of building non-compliance is considered well justified within the Statement of Environmental Effects and the Urban Design Statement prepared for the application. The building design is demonstrated to have minimal impact on the future development potential of surrounding sites and also complements the transitioning urban setting of the northern portion of the Blacktown CBD. The proposal is also consistent with the aims and intent of the building separation guidelines within the ADG. These are addressed below:

Aim	Proposal
<p>Ensure that new development is scaled to support the desired future character with appropriate massing and spaces between buildings</p>	<p>The Blacktown CBD is in a state of transition. Several high-rise mixed use tower developments have been approved within the past several years.</p> <p>The planning controls most relevant to identifying desired future character for the site are set out within Blacktown Local Environmental Plan 2015 (BLEP 2015) and Blacktown Development Control Plan 2015 (DCP 2015). The Floor Space Ratio and Height of Buildings development standards are the primary controls which inform height, bulk and scale of new buildings within the CBD.</p> <p>The height of buildings and floor space ratio controls deliver the tallest buildings at the north-eastern precinct, within which the subject site is located. Within the precinct, are three areas of different height controls. These define a taller tower building at the south-western intersection of Sunnyholt Road and Third Avenue. The tallest buildings are planned between the northern side of the railway line, south of Second Avenue, and west of Prince Street.</p> <p>The DCP provides further fine grained detail to establish the design intention for the locality. The site is located within 'Precinct 6' which is expected to accommodate for</p>

	<p>the expansion of the CBD by redeveloping underdeveloped land, the Blacktown RSL Club site and commuter parking areas. The DCP also allows for a minimum building separation of 6m.</p> <p>It is demonstrated that the desired future character has been strategically planned for by implementation of Height and FSR controls, which relevant to the future vision for the Blacktown CBD.</p> <p>Consequently, the northern part of the Blacktown CBD is emerging as a high-density mixed use environment albeit with narrower building separation than the 24m ADG Design Guidance.</p> <p>The continuation of this development patterning will meet the desired character of the area as well as still produce a new building of striking architectural distinction.</p>
Assist in providing residential amenity including visual and acoustic privacy, natural ventilation, sunlight and daylight access and outlook	<p>As demonstrated above acoustic and visual privacy will still be achieved for the for future residents as well for occupants of 16 Third Avenue due to the lack of windows on the eastern elevation of 16 Third Avenue.</p> <p>Natural ventilation and solar access will not be compromised for either building due to the reduced setback.</p>
Provide suitable areas for communal open spaces, deep soil zones and landscaping.	<p>The reduced setback does not compromise the provision of communal open spaces, deep soil zones and landscaping. The development is consistent with the relevant controls.</p>

The proposed development provides a well-resolved response to the desired future context and neighbourhood of this locality. The design is considered to be consistent with the design quality principles and aims of the ADG as well as consistent with the desired future character of the locality. .

The building separation non-compliance is well justified and will have minimal impact on future development potential of surrounding sites.

Yours faithfully,



David Haskew
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