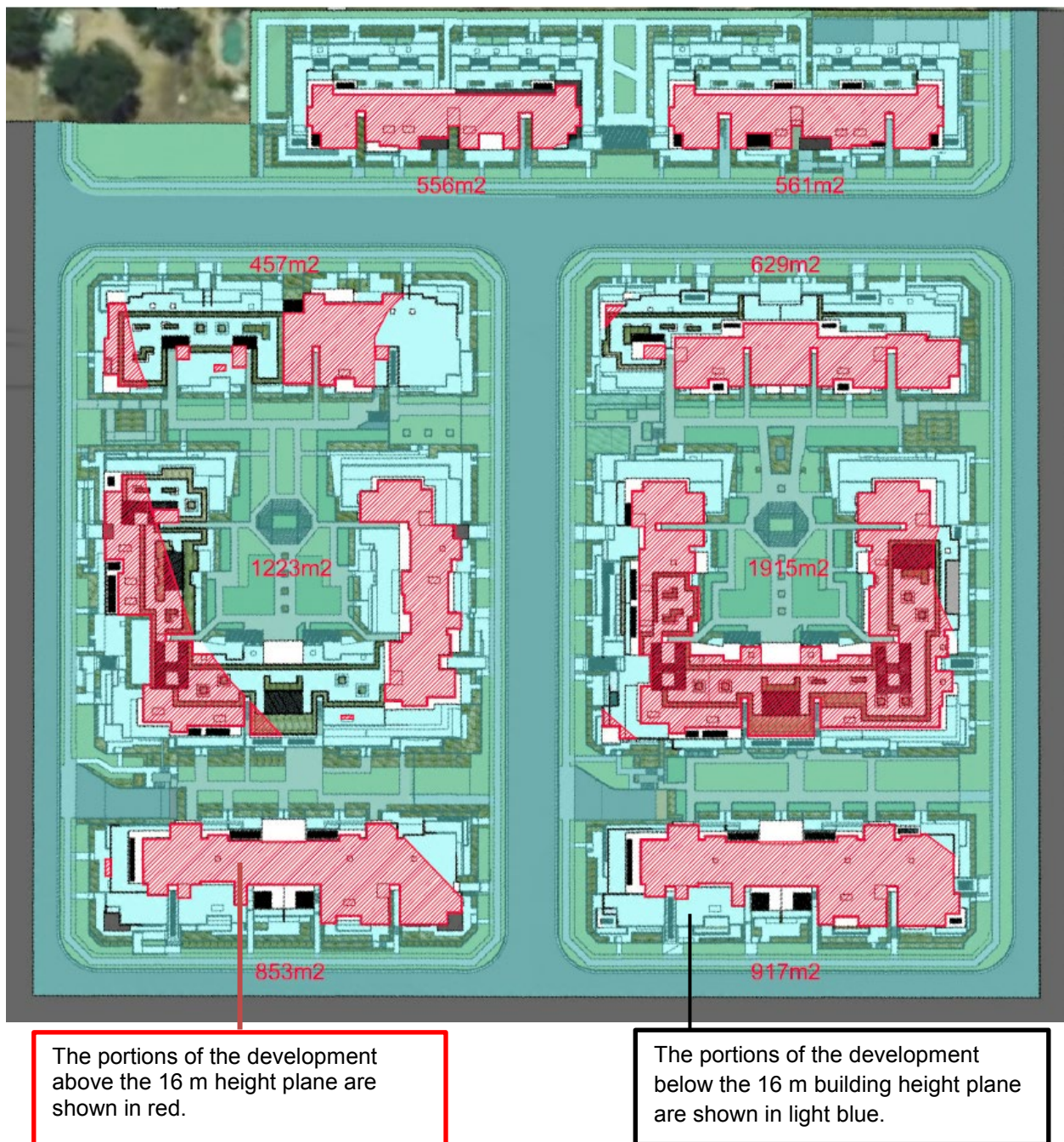


Council assessment of Clause 4.6 request to vary height of buildings development standard

Visual representation of height offset

The following figures identify the portions of the building envelopes proposed in JRPP-16-04460 that exceed the 16 m height limit and the portions of the development that are below the height limit of Clause 4.3 Height of Buildings in Appendix 4 Alex Avenue and Riverstone Precinct Plan 2010 of *State Environmental Planning Policy (SEPP) 2006*. The building height is measured from the ground levels created by the new roads.





VIEW FROM EAST



VIEW FROM SOUTH

Assessment of Clause 4.6 variation request

1. **Consideration regarding if compliance with the development standard is unreasonable or unnecessary in the circumstances of the case (Clause 4.6(3)(a))**

The underlying objective of the height of buildings development standard is still considered relevant to the proposal. However, 100% compliance in this circumstance is considered both unreasonable and unnecessary because:

- The parts of the proposed building envelopes which exceed the height limit relate to the some parts of habitable rooms, rooflines and parapets, and lift and stair overruns to enable access to rooftop communal open space areas and rooftop shade structures.
- The proposed buildings are appropriately stepped to reflect the slope of the site and to coordinate with the levels of the future roads. This includes ensuring that the levels of the ground floor apartments are afforded an appropriate amount of amenity given their relationship with the new road levels.
- The scale of the development is consistent, being 5 storeys across the site.
- The stepped building forms mean that some portions of the buildings are below the 16 m building height limit to compensate for some parts of the buildings and rooftop structures being above the building height limit.
- The lift overruns are designed to have a small footprint and are suitably placed so they have minimal visibility from the street and will result in only minor additional overshadowing to adjoining properties as shadows are generally contained in the roof areas and on the new public roads.
- The portions of the roof structures that exceed the height limit do not result in excessive bulk and scale and do not result in adverse shadow and amenity impacts on surrounding properties.
- The additional height does not result in any additional yield and does not result in an additional storey, as the height variation is offset throughout the development.
- Each building is afforded its own composition of design elements and series of finishes to create their own identity. The 5 storey scale of each building and resulting additional height results in better designed buildings with a positive aesthetic streetscape presentation and a suitable overall skyline.

Despite the height exceedances, the proposal is a well-considered design which is compatible with the emerging scale of development in the locality.

2. **Consideration of sufficient environmental planning grounds to justify contravening the development standard (Clause 4.6(3)(b))**

The proposal demonstrates sufficient environmental planning grounds to justify contravening the height of buildings development standard for the following reasons:

- The proposal promotes the orderly and economic use and development of the site because it provides a carefully considered master planned approach.
- The proposal promotes the social welfare of the community by providing suitable opportunities for solar access to apartments and to communal open space areas within the site.
- The proposed design comprises stepped building forms which ensure that the changes in the landform are accommodated, including allowing for basement access for waste vehicles and amalgamated basement levels which service the needs of residents. In addition, the design also maximises deep soil areas which are co-located with communal open space areas.

- The existing ground levels are lowered from 0.5 m to 2.5 m in places to accommodate the new future road levels, which impacts on height as measured from the new road levels. The numerical measurement of the building appears to be high, however the development still only provides 5 storey buildings. For example, a lift overrun for Building B exceeds the height limit by 2.37 m as measured from the new road levels. However, this exceedance is only 0.45 m as measured from the existing ground level.
- The proposal promotes good design and amenity, which creates a diverse and attractive neighbourhood based on strong urban design principles.

The Applicant's written request seeking to justify the contravention of the development standard has adequately addressed the matters required to be demonstrated by Clause 4.6(3) in points 1 and 2 above.

3. The objectives of the standard are achieved notwithstanding non-compliance with the standard (Clause 4.6(4)(a)(ii))

Appendix 4 – Alex Avenue and Riverstone Precinct Plan 2010 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006

Objectives of Clause 4.3 'Height of buildings'	How the proposal achieves the objective
a. To establish the maximum height of buildings for development on land within the Alex Avenue and Riverstone Precincts.	<p>Although the proposed building envelopes exceed the permissible height by up to 3.02 m to the roofline and 6.52 m to the rooftop lift overrun as measured from the new ground levels, the development provides a development which is consistently a scale of 5 storeys. The development does not achieve an additional residential level.</p> <p>The creation of the new roads and associated civil infrastructure results in new ground levels which are generally lower than the existing ground levels, and the measurements from this new ground level to the roofline and rooftop structures are inflated.</p> <p>The increase in height does not impact on the density, floor area or scale of the development. The additional height simply accommodates the roof line, parapets and rooftop structures, including shade structures and access to rooftop communal open space areas for Buildings A, B, C, D, G and H.</p>
b. To protect the amenity of adjoining development and land in terms of solar access to buildings and open space.	<p>All surrounding sites are afforded adequate access to sunlight between the hours of 9 am and 3 pm in midwinter, including future redevelopment anticipated by the Precinct Plan. This benefit is available in part due to the separation buffer created by the new public roads and Junction Road to the east, south and west of the site. Refer to the shadow diagrams at attachment 5.</p>
c. To facilitate higher density development in and around the local centre, the neighbourhood centres and major transport routes while minimising impacts on adjacent residential, commercial and open space areas.	<p>The proposal satisfies this objective to facilitate higher density development in and around local centres and major transport routes. It provides 690 apartments which are supported by the services which will be offered in the future by improvements to Junction Road, Schofields Road, the nearby Schofields Railway Station and future Schofields Centre.</p>
d. To provide for a range of building heights in appropriate locations that provide a high quality urban form.	<p>The site and surrounds are well serviced for this form of residential development. The development offers a design which is interesting and modern, and is of a high quality architectural design standard.</p>

Therefore, the proposal is in the public interest because the development is consistent with the objectives of this particular development standard.

4. The objectives of the zoning are achieved notwithstanding non-compliance with the standard (Clause 4.6(4)(a)(ii))

Appendix 4 – Alex Avenue and Riverstone Precinct Plan 2010 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006	
Objectives of the R3 Medium Density Residential zone	How the proposal achieves the objective
a. To provide for the housing needs of the community within a medium density residential environment.	The proposed development provides for the housing needs of the community by providing 690 apartments and associated ground level and rooftop communal open space areas (to Buildings A, B, C, D, G and H) for passive and active recreation.
b. To provide a variety of housing types within a medium density residential environment.	The proposed development for residential flat buildings provides a mix of 1, 2 and 3 bedroom apartments which contribute to the variety of housing types in this Precinct.
c. To enable other land uses that provide facilities or services to meet the day to day needs of residents.	Not applicable to this application.
d. To support the well-being of the community, by enabling educational, recreational, community, and other activities where compatible with the amenity of a medium density residential environment.	Not applicable to this application.

Therefore, the proposal is in the public interest because the development is consistent with the objectives for development within the R3 Medium Density Residential zone in which this development is to be carried out.

5. The concurrence of the Secretary has been obtained (Clause 4.6(4)(b))

The Clause 4.6 written request to vary a development standard in an Environmental Planning Instrument has been considered under Planning Circular PS 08-003. The Secretary (formerly Director-General) of the NSW Department of Planning and Environment's concurrence is assumed as this request is adequate, does not raise any matter of significance for State or regional environmental planning, and there is no public benefit in maintaining the standard, as discussed in points 6 and 7 below.

6. Contravention of the development standard does not raise any matter of significance for State or regional environmental planning (Clause 4.6(5)(a))

There is no identified outcome which would raise any matter of significance to planning matters of State or regional significance as a result of varying the development standard as proposed under this application.

7. There is no public benefit of maintaining the standard (Clause 4.6(5)(b))

When compared to providing a development which strictly complies with the height of buildings development standard, this application offers public benefit because it provides a built form scale which is 5 storeys with a suitable overall skyline as viewed from the public domain, which is consistent with the scale anticipated by the Precinct Plan. The parts of the buildings which exceed the 16 m height limit maintain a positive development

outcome which does not impact on the privacy or solar access of surrounding properties. The proposal also accommodates shade structures and access to rooftop communal open space areas to properly service the development. The proposal offers improved outcomes for and from development. Therefore, there is no public benefit in maintaining strict compliance with the development standard.

Based on the above assessment, the Clause 4.6 variation request is considered reasonable and well founded. It is recommended for support to allow flexibility in the application of the development standard.