

Assessment against planning controls: section 4.15, summary assessment and variations to standards

1 Environmental Planning and Assessment Act 1979

1.1 Section 4.15 'Heads of Consideration'

| Heads of Consideration | Comment | Complies |
|---|--|--|
| a. The provisions of: | | |
| (i) Any environmental planning instrument (EPI) | The proposal is considered to be consistent with the relevant EPIs, SEPP (State and Regional Development) 2011 and Blacktown Local Environmental Plan 2015 with the exception of the minor additional 3% variation above the 20 m height plane, which was already varied in the original JRPP DA by 15%. The proposed variation is now a total of 18%, but still point encroachments only. | No, but acceptable in the circumstances. |
| (ii) Any proposed instrument that is or has been the subject of public consultation under this Act | The explanation of intended effect on Clause 4.6 variations is not applicable as no Clause 4.6 variation is required for this modification application. | Not applicable |
| (iii) Any development control plan (DCP) | Blacktown DCP 2015 applies to the site. The proposed development is compliant with the numerical controls established under the DCP. | Yes |
| (iii a) Any Planning Agreement | There are no planning agreements associated with this proposal. | Not applicable |
| (iv) The regulations | The proposal is consistent with the regulations. | Yes |
| b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality | This modification enables the integration of essential fire safety services within the building as requested by the applicant. The modification does not result in changes to the approved materiality of the building on the site and the increased height will have no adverse shadow impacts on neighbouring properties. | Yes |
| c. The suitability of the site for the development | The subject site is zoned R4 High Density Residential with a 20 m building height limit under the Blacktown Local Environmental Plan 2015. Residential flat buildings are permissible on the site with development consent. | Yes |
| d. Any submissions made in accordance | The proposed development was notified to property owners and occupiers in the locality, including the 2 submitters from | Yes |

| Heads of Consideration | Comment | Complies |
|-----------------------------------|---|----------|
| with this Act, or the regulations | the original application, between 6 to 20 May 2021. The modification application was also advertised on Council's website. No submissions were received. | |
| The public interest | It is considered that no adverse matters relating to the public interest arise from the proposal. The modification application is in the public interest as it will incorporate desirable fire safety measures in to the building for future residents. | Yes |

1.2 Section 4.55(2) considerations for modification applications

| Consideration | Comment |
|--|---|
| The proposed development is considered under section 4.55(2) of the Act. Under this provision, the consent authority may modify the consent if: | |
| <ul style="list-style-type: none"> it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all) | The original development was approved as a residential flat building. In the proposed modifications, the applicant seeks to increase the height of each level by 100 mm, from 3.0 m to 3.1 m (floor to floor), to facilitate the integration and provision of fire safety measures as additional essential services within the building |
| <ul style="list-style-type: none"> it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent | Not applicable |
| <ul style="list-style-type: none"> it has notified the application in accordance with: <ul style="list-style-type: none"> the regulations, if the regulations so require, or a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent | The proposed modifications were notified to the adjoining and surrounding properties for 14 days and no submissions were received. |
| <ul style="list-style-type: none"> it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be. | Not applicable |

2 State Environmental Planning Policy (State and Regional Development) 2011

| Summary comment | Complies |
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| <p>The Sydney Central City Planning Panel (SCCPP) is the consent authority for all development with a capital investment value (CIV) of over \$20 million (being the CIV applicable for applications lodged but not determined prior to 1 March 2018 under Clause 23 transitional provisions of this SEPP).</p> <p>As this DA has a CIV of \$21,625,742.73 million, Council is responsible for the assessment of the modification and determination of the application is to be made by the Panel.</p> | Yes |

3 Blacktown Local Environmental Plan 2015

| Summary comment | Complies |
|---|--|
| <p>Blacktown Local Environmental Plan (BLEP) 2015 applies to the site with regards Clause 4.3 Height of buildings standard. The maximum building height under the BLEP is 20 m. The building height is proposed to be further varied by up 600 mm (a total of 3.77 m), or an increase to the variation from 15.85% to 18.85%.</p> | No, but considered satisfactory. Refer to Section 7 of the main report for assessment. |

4 Central City District Plan 2018

| Summary comment | Complies |
|---|----------|
| <p>While the Act does not require consideration of District Plans in the assessment of development applications, the DA is consistent with the following overarching planning priorities of the Central City District Plan:</p> <p>Liveability</p> <ul style="list-style-type: none"> Improving housing choice Improving housing diversity and affordability Improving access to jobs and services Creating great places Contributing to the provision of services to meet communities' changing needs. | Yes |

5 Blacktown Local Strategic Planning Statement

| Summary comment | Complies |
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| <p>The Blacktown Local Strategic Planning Statement (LSPS) outlines a planning vision for the City over the next 20 years to 2041. The LSPS contains 18 Local Planning Priorities based on themes of Infrastructure and collaboration, Liveability, Productivity, Sustainability and Implementation.</p> <p>The DA is consistent with the following priorities:</p> <ul style="list-style-type: none"> LPP5 providing housing supply, choice and affordability with access to jobs, services and public transport. | Yes |