

**Applicant's Clause 4.6 request for variation**

**APPENDIX 2**

Proposed Variation to the Growth Centre SEPP Principal Development  
Standard – Height of Buildings

## 1.0 Introduction

This written request for a variation to the principal development standards of the Blacktown Growth Centres Precinct Plan of the Sydney Region Growth Centres SEPP, has been prepared by Design+Planning on behalf of the Anglican Church.

It is submitted to Blacktown City Council in support of a Development Application (DA) for the construction and use of a Ministry Centre within Riverstone and thus should be read in conjunction with the Statement of Environmental Effects accompanying the proposal documentation.

As detailed in section *4.1.1 State and Regional Environmental Planning Instruments* of this SEE, the written request seeks a variation to *Clause 4.3 Height of Buildings*, in accordance with the *Clause 4.6 Exceptions to Development Standards* of the Blacktown Growth Centres Precinct Plan.

Clause 4.3 of the SEPP stipulates a maximum building height of **9.0m** for the subject site.

## 2.0 The Proposal Context

The proposed development seeks the staged construction of a Ministry Centre which will ultimately comprise a 500 seat church auditorium, a meeting foyer (hub), meeting and administration rooms, a youth hall and meeting spaces, external play areas, an ancillary kitchen, storage facilities, toilet facilities, car parking, landscaping, lighting and directional signage.

The proposed development is defined as a 'place of public worship' under the SEPP:

***place of public worship*** means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

The SEPP also provides a definition for 'building height', as follows:

***building height*** (or ***height of building***) means the vertical distance between ground level (existing) at any point to the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

In line with the above definition, the Ministry Centre proposes a building height between the existing ground level to the ridge line of the roof of 13.7m to the main auditorium (eastern corner of the building), 9.0m to the foyer/hub, 8.05m to the Administration section and 10.1m to youth hall (southern elevation) of the centre.

### 3.0 Justification

Clause 4.6 *Exceptions to Development Standards* of the SEPP Precinct Plan provides opportunity for the standards to be varied. The clause indicates that the standards can be varied subject to the following:

- (1) 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.*
- (2) 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 Director-General has been obtained.*

Strict compliance with the development standard prescribed under Clause 4.3 of the Blacktown Growth Centre Precinct Plan is unnecessary and unreasonable in the instance of the proposed development.

The design intent of the proposed Ministry Centre is to create a unique Ministry Centre which has a local prominence, while being sympathetic to the residential locality. Roof heights of the overall building have been staggered to establish a hierarchy of spaces and delineate the four different building components, being the administration component, the youth meeting rooms, the youth hall and the main auditorium. These spaces and distinct roof structures are then linked by a central flat pitched roof, providing an average roof height of 6.2m.

This separation of the four main roof structures, provides a number of key architectural and functional benefits to the design, including: visual interest to each of the building elevations, including both varying vertical and horizontal elements; the flat pitched roof component provides a reduced bulk and scale of the building (including an average roof height of 6.2m) ensuring there is not one single roof form and pitch over the entire building; the roof form presents a hierarchy of spaces through the external architecture with the main auditorium being provided with the highest roof pitch distinguishing its importance in the context of the overall building; and the roof form provides a flexibility in the staged construction of the building while ensuring it then presents as a whole upon full completion.

The proposed additional height above that stipulated by the SEPP varies throughout the subject site, with the maximum building height to the (existing) ground levels located to the south-east (rear) elevation of centre. This is created in the design due to the fall of the site, which is approximately 4.0m from Hamilton Street to the rear property boundary, while the Ministry Centre adopts a single finished floor level with no internal steps, exaggerating the overall height of the building at this rear elevation.

Along with the reduced bulk and scale of the building due to the roof form, the corner location of the property and the siting of the building centrally within the lot are also considered appropriate for such a land use in the context of the surrounding residential development. The Ministry Centre is afforded a front setback of approximately 22m, side setbacks of approximately 19m and a rear setback of approximately 30m. Furthermore, the Ministry Centre will have a total site coverage of 23% as shown on the attached Architectural plans (refer **Appendix 3**). This siting affords opportunity for layered landscaping to the periphery of the building, while ensuring there is no undue overshadowing or overlooking impacts on the adjoining residential properties.

A review of the proposal under the planning principles for the assessment of height and bulk is provided in Section 6.0 of this proposed variation submission (see below). The assessment demonstrates that the proposed building height will have negligible impact on any adjoining premises and is consistent with the established and future bulk and scale character of the locality and therefore can be justifiably supported.

The proposed design therefore achieves a better design outcome for the site than what would be achieved under the current planning controls and is considered in this regard to be a minor departure from the standard.

## 4.0 Objectives of the Standards

The objectives of *Clause 4.3 Height of Buildings* are as follows:

- (a) to establish the maximum height of buildings,*
- (b) to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space,*
- (c) to facilitate higher density development in and around commercial centres and major transport routes.*

The proposed Ministry Centre has been designed at a bulk and scale which reflects the intended building use and will generate a prominence for the site in keeping with a place of public worship. This has been achieved while also keeping sympathetic to the future adjoining residential development. Generous building setbacks have been maintained (front 22m, side 19m and rear 30m) to ensure that the Ministry Centre will not produce any undue overshadowing or overlooking on neighbouring development. These setbacks also ensure a sensitive landscaped transition will be achieved between the Ministry Centre to any adjoining, less intensive development.

## 5.0 Zone Objectives

The subject site is zoned R2 Low Density Residential, under the Sydney region Growth Centres SEPP. The objectives of the R2 zone are:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To allow residents to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.*
- *To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.*

The Ministry Centre will provide facilities and services which will meet the social, community and spiritual needs of the surrounding community and has been designed to be compatible with existing and future surrounding residential land uses.

The fundamental purpose of the Ministry Centre is to support the well being of the community, through provision of recreational, community, religious and other activities. The use of the church, by its nature, will not have an adverse impact on nearby residential development, with peak operating times generally occurring on Sunday's.

Plans and details submitted with the application identify that there will be no impact on proposed nearby residential development in terms of solar access, noise and traffic generation.

## 6.0 Planning Principles: Assessment of Height and Bulk

A review of the proposal under the planning principles for the assessment of height and bulk is outlined below.

Consideration	Response
<b>How does the proposal's height and bulk relate to the height and bulk desired under the relevant controls?</b>	<p>The proposed development seeks a variation to the specified building height controls.</p> <p>Clause 4.3(2) of the of the Blacktown Growth Centres Precinct Plan contained within the South West Growth Centre SEPP requires that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.</p> <p>The Height of Building Map under the Growth Centres SEPP establishes a maximum building height limit for the subject site of 9m for all development.</p> <p>Furthermore, the Blacktown Growth Centres DCP provides for dwellings on prominent corner allotments to be built up to 3 storeys.</p> <p>The proposed Ministry Centre is classified as a single storey structure. The ridge of the church auditorium will achieve a maximum building height of 13.7m to the rear elevation and 10.1m to the front elevation, with the building set back 22m to the front, 19m to the side and 30m to the rear property boundaries. This siting of the building will ensure there are no adverse overlooking or undue overshadowing impacts on the surrounding residential developments.</p> <p>Given the type of development and desire to create a place of prominence and a focal point within the community, the additional height is considered to be a minor variation to the 9.0m building height, particularly in the context of an average roof height of 6.2m. The design of the proposed roof form seeks to minimise the bulk of the building as much as possible ensuring the visual presentation to Hamilton Street is not out of character with the likely future adjoining residential development.</p>

Consideration	Response
<p><b>Does the area have a predominant existing character and are the planning controls likely to maintain it?</b></p>	<p>The predominant character of the locality is classified as sub-urban, with a dominance of single storey residential development to the western side of Hamilton Street. The eastern side of Hamilton Street currently consist of generally larger rural lots, which are now being subdivided for residential development in accordance with the Growth Centres SEPP.</p> <p>The character of the area will be developed in line with the Blacktown Growth Centres DCP, <i>Table 3-1: Typical characteristics of residential net densities</i>, for 15-20dw/Ha and therefore will consist of <i>"Predominantly a mix of detached dwelling houses, semi-detached dwellings and dual occupancies with some secondary dwellings; focused areas of small lot dwelling houses in high amenity locations; the occasional manor home on corner lots; single and double storey dwellings; mainly suburban streetscape, the occasional urban streetscape."</i></p> <p>Hamilton street also consists of other non-residential development consisting of educational establishments, drainage and open space.</p> <p>The planning controls are appropriate for maintaining a residential character within the locality with a level of flexibility in the application of these controls for non-residential development able to be provided. Non-residential facilities will be a key focal point for local residents, accommodating a broad range of community services and recreational activities and therefore should be prominent but yet sympathetic to the surrounding residential locality.</p> <p>The location of the proposed development on the corner and the siting of the building central to the lot, in combination with the architecturally designed roof form is considered to offset the non-conformance of the building height. Further, these characteristics of the design ensure there is no undue overlooking or overshadowing of the neighbouring residential properties giving further weight to the proposed variation of the development standard.</p> <p>The proposed variation of the applicable building height controls to accommodate the unique architectural requirements of a place of public worship is considered highly desirable and appropriate, to ensure a degree of prominence to such a site is established within the context of the surrounding development.</p>

## 7.0 Conclusion

The proposed development does not fully comply with the specified building height development standards prescribed under Clause 4.3 *Height of Buildings* of the Blacktown Growth Centres Precinct Plan contained within the South West Growth Centre SEPP.

The development standard is unreasonable and unnecessary, considering:

1. The proposed building height provides a high quality built form outcome on a corner site with generous setbacks, achieving an average roof height of 6.2m;
2. The proposed building height of the Ministry Centre is staggered and varied establishing a hierarchy of spaces, including a majority of roof below the 9m height limit.
3. The established building heights relate to residential land uses and do not consider the full range of permissible land use activities within the R2 Low Density Residential zone;
4. The proposed building will establish a prominence and local identity to the Ministry Centre and a sense of place within the locality; and
5. The proposed building height achieves a design that does not unduly impact on adjoining development in regards to overshadowing, overlooking, bulk and scale.

This proposal will provide immense community benefit and accordingly should be afforded beneficial consideration by relaxing the building height restrictions in this instance.

The proposal meets the objectives of this standard and the objectives of the R2 Low Density Residential zone and therefore is considered to be in the public interest.

Compliance with the development standard is therefore unnecessary and unreasonable in the circumstances of the proposed Ministry Centre and therefore the proposed departure should be supported.