

Variation to Height of Buildings Under Clause 4.3 of Parramatta Local Environmental Plan 2011

Alterations and Additions to the approved Child Care Facility at 331 Blaxcell Street, South Granville

June 2019



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Introduction

This statement accompanies the submitted Section 4.56 modification application to provide additional general purpose rooms on the second floor and rooftop outdoor play area to the approved child care facility at 331 Blaxcell Street, South Granville. It should be read in conjunction with the Statement of Environmental Effects prepared by Navon Solutions.

The proposal involves a variation to Clause 4.3 associated with the proposed building height. Council's letter dated 13 June 2019 required this detailed report which has been prepared to address the matters regarding variation to the development standard. The proposed variation to the development standard is considered appropriate for the proposal as will be discussed below.

Site and Surrounding Area

The site is rectangular in shape with a total area of 1,353sqm at 331 Blaxcell Street, South Granville. The site has a width of 24.38m and a length of 55.16m. Existing structures on the site include a single storey dwelling with a detached garage. Adjoining the site to the south is a single storey dwelling and further south is a terrace development. North of the site are townhouses and across the road are detached dwellings. The surrounding area is predominately residential with some local shops and other educational establishments such as the Blaxcell Street Public School and other child care facilities.



Figure 1: Site and surrounding area

The Proposed Variation

The building height provisions of the Parramatta LEP 2011 in Clause 4.3 read as follows:

4.3 Height of Buildings

(2) *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.*

The Height of Buildings Map shows the maximum building height of 11m is applicable to the site. Clause 4.3. The Parramatta LEP 2011 defines **building height (or height of building)** as:

(a) *in relation to the height of a building in metres—the vertical distance from ground level (existing) to the highest point of the building, or*

(b) *in relation to the RL of a building—the vertical distance from the Australian Height Datum 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.

The proposal includes the conversion of the approved roof to an outdoor play area. The proposed rooftop area will include a shade structure and landscaping to provide a sensory garden for children. The proposed rooftop specifically includes the following features:

- Replacement of the approved roof with an accessible rooftop area
- Including rooftop utilities, lift access, and two set of stairs
- Shade sail structure
- 1390mm high parapet/screening along the roof perimeter
- Landscaping along the rooftop perimeter including the planting

The proposed modifications to the child care facility results in a variation to Council's maximum building height provisions including the parapet/screening, shade sail structure, lift well, and stair wells. The extent of the building height variation as compared with the approved building is shown in the submitted plans (see Figure 2-4 below).

The assessment in this report addresses the variation demonstrating the proposal:

- is consistent with the objectives of the height of buildings development standard
- is consistent with the objectives of the R4 High Density Residential zone
- is consistent with state and regional policies
- results in a better planning outcome
- is justified on environmental grounds and is in the public interest



Figure 2: Approved southern elevation

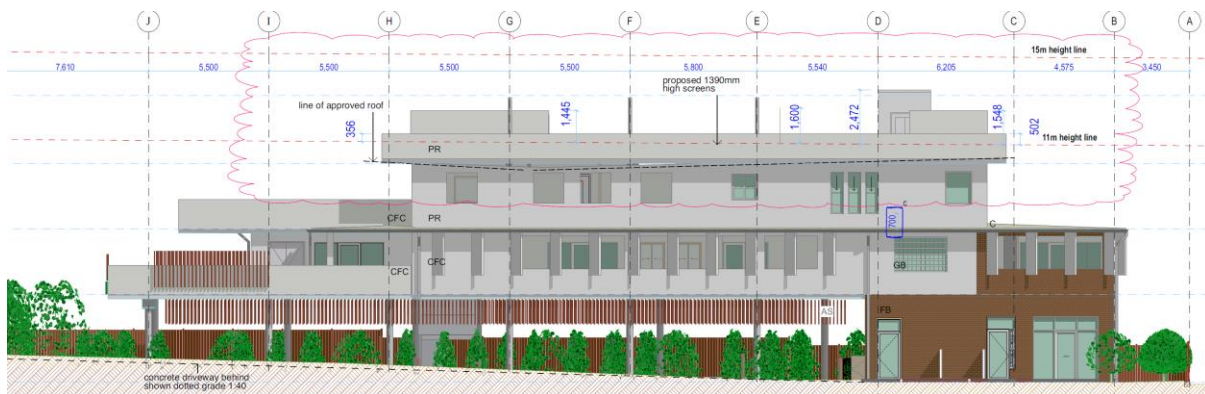


Figure 3: Proposed southern elevation showing the modified roof

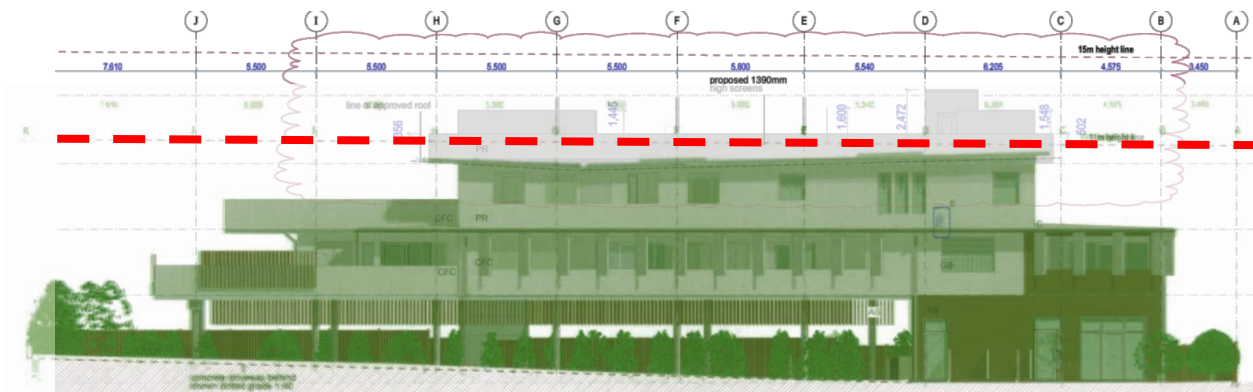


Figure 4: Indicative overlay of the proposed rooftop with the approved roof form (green) and maximum building height plane (red)

Consistent with the Height of Buildings Objectives

Clause 4.3 of the Parramatta LEP 2011 includes the objectives of the height of buildings standard for sites in the R4 High Density Residential zone. These objectives in relation to the proposal are addressed below.

a) *To nominate heights that will provide a transition in built form and land use intensity within the area covered by this Plan.*

Comments: The site and adjoining properties are prescribed with 11m maximum building heights and generally indicates 3 storey buildings in this area (See Figure 5 below). Sites located towards the commercial area to the north comprise an increased building height and the properties to the south comprise 2 storey building heights.



Figure 5: The site (outlined red) and maximum building height in the surrounding area

The proposed modifications maintain the three storey building form with variation from the parapet/screen, lift well, utility area, shade sail structure and stairwells. The parapet comprises a minor variation of 356mm or 2.5% to the west elevation and 502mm or 3.6% to the east elevation. The proposed parapet variation is indistinguishable in the greater context of surrounding building height transitions and is considered suitable on this site and surrounding area. The building height variation also comprises the following components:

- The proposed lift well and utility area is setback approximately 9m from the rear boundary, and 6m from the northern side setback.

- The proposed eastern stairwell is setback approximately 9m from the rear boundary, and 4.5m from the southern side setback.
- The proposed western stairwell is setback approximately 19.5m from the front boundary, and 6m from the northern side setback.
- The proposed shade structure is setback approximately 8m from the northern side setback, 6.5m from the southern side setback, and 19.5m from the rear boundary.

The features identified above, including the lift well, utility area, and stairwells are setback from the surrounding property boundaries and streetscape. These features are setback further from the boundaries than the storeys below and limit any visibility of these features from the neighbouring properties.

The increased setback of these features from the property boundaries and the parapet comprising a minor variation ranging from 2.5% to 3.6% is indistinguishable in the overall transition of building heights in the area.

b) To minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development

Comments: The proposed building height variation comprises minimal visual impact and results in reasonable view sharing, solar amenity, and privacy outcomes. The proposed rooftop area is setback from the property boundaries in limited areas of the lift well, utility area, shade sail structure and stairwells. The distribution and extent of the building height variation minimises any potential impact to the privacy, solar access, and view sharing of the site and surrounding area.

The proposed building height variation comprises an accessible rooftop area that maintains the privacy of the surrounding area. The rooftop area is setback and separated from the side boundaries (See Figure 6 above) and provides acoustic and visual separation between properties. The landscaped plan discourages the use of the periphery of the rooftop area. Any outlook is orientated over the roof of any surrounding properties. This is true for the predominant users of the rooftop area.

Children with access to the rooftop area are no older than 6 years old. The World Health Organisation Child Growth Standards indicate the 97th percentile of children at 6 years old comprise 1.25m height. The proposed building height variation of the rooftop area and 1.4m high parapet/screen ensures any noise and overlooking is minimised and the privacy of the adjoining properties is maintained. It is also noted that the child care facility operates from 7:00am to 6:00pm with intermittent use of the rooftop area. The limited use of the rooftop area is compatible and complementary to the predominant occupation of dwellings in the surrounding area.

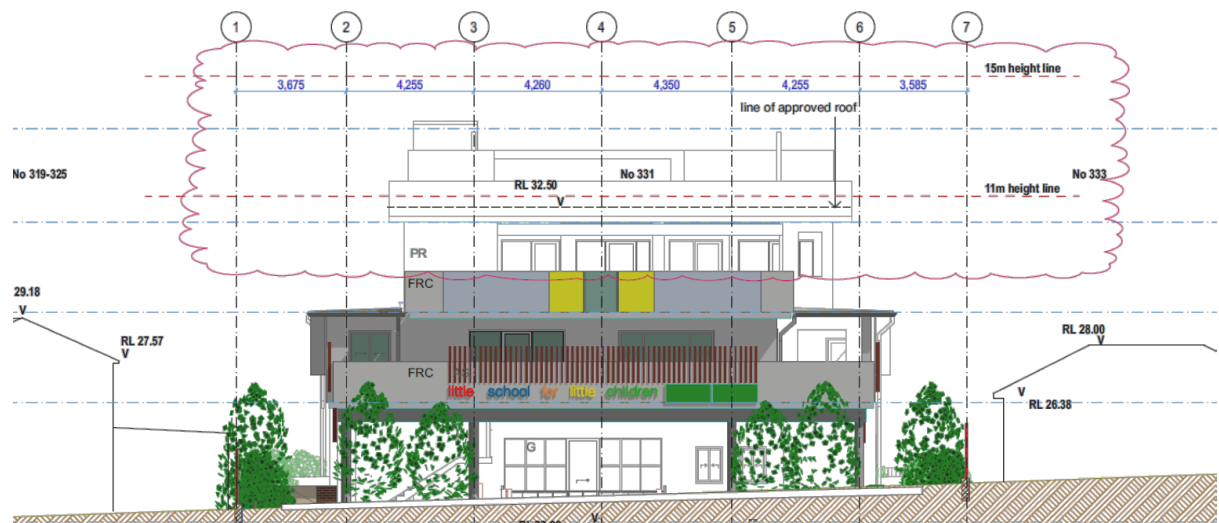


Figure 6: Western elevation in relation to neighbouring dwellings

The site is located in the R4 high density residential zone. Developments the surrounding area are likely to include residential flat buildings. The solar access of the surrounding properties is considered in regard to the Apartment Design Guidelines (ADG) that includes provisions for solar access to living and open space areas. Overshadowing of adjoining properties is minimal as demonstrated in the submitted shadow diagrams.

c) To require the height of future buildings to have regard to heritage sites and their settings

Comments: The site is appropriately located and designed in a manner sympathetic to the nearest heritage conservation area located approximately 100m to the south and the heritage item located approximately 150m to the north. The proposed building height variation maintains the visual curtilage of the heritage items and areas in the surrounding area.

d) To ensure the preservation of historic views

Comments: The distribution and extent of the building height variation minimises any potential impact to any historic views in the surrounding area.

e) To reinforce and respect the existing character and scale of low density residential areas

Comments: The site is located in the R4 high density residential zone, and adjoins the R3 medium density residential zone. The proposed building height variation is appropriately designed to

maintain the character and scale of the low density residential area located approximately 50m to the south.

- f) To maintain satisfactory sky exposure and daylight to existing buildings within commercial centres, to the sides and rear of tower forms and to key areas of the public domain, including parks, streets and lanes.*

Comments: The proposal comprises reasonable solar access and sky exposure to the surrounding area including the public domain. Overshadowing of adjoining properties is minimal as demonstrated in the submitted shadow diagrams.

Consistent with the R4 High Density Residential Zone Objectives

The land use table of the Parramatta LEP 2011 includes objectives for the site's R4 High Density Residential zoning. These objectives in relation to the proposal are addressed below.

- g) To provide for the housing needs of the community within a high density residential environment*

Comments: The proposed building height variation supports the housing needs of the community. The rooftop outdoor area above the maximum building height is dedicated to children's education and recreation. This provision of outdoor area is important in the surrounding high density residential environment.

- h) To provide a variety of housing types within a high density residential environment*

Comments: The proposed building height variation supports the different housing types in the surrounding area. The rooftop outdoor area above the maximum building height is dedicated to children's education and recreation. This provision of outdoor area is important in the surrounding high density residential environment.

- i) To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comments: The provision of childcare services in the area supports the day to day needs of residents in the surrounding area. The modifications to the approved child care facility provides the surrounding population with additional options and services in an appropriate location the area. Engaging in sensory

play is a fun way for children to stimulate their minds so they can become better learners, benefit from a longer attention span, and learn how to communicate with their peers. The proposed variation comprises the rooftop outdoor area and associated access facilities and utilities for the operations of the child care facility. These elements are essential for the function of the child care facility.

- j) To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities*

Comments: The approved child care facility complements the opportunity for high density residential development in the surrounding area. The site is appropriately located on the M91 bus transport route comprising higher frequency bus services. The proposed building height standard provides a high quality service in an accessible location.

- k) To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood*

Comments: The proposed modifications maintain opportunities for people to carry out a reasonable range of activities from their homes.

Consistent with State and Regional Policies

The proposed variation ensures the site can achieve a high-quality outcome without compromising the desired future character or the amenity of the surrounding area. The proposal is consistent with the objects of the Environmental Planning and Assessment Act 1979 and with relevant state and regional policies.

Results in a Better Planning Outcome

The flexible application of the maximum building height standard in particular circumstances can achieve better outcomes for and from development. The proposed building height variation achieves better outcomes for the proposal, and from the proposal. The proposed rooftop area is compatible with the surrounding area and maintains reasonable amenity to the site and surrounding area.

The proposal results in a better outcome by providing additional outdoor space requirements for each child attending the facility. The proposed modification includes an additional 163.7sqm of outdoor area. This comprises an increase from 7.2sqm to 8.97sqm for each child at the facility. Additionally, the quality of the outdoor area as part of this facility is enhanced through such a wide and interrupted area that improves the approved outdoor play areas on the lower levels. The submitted landscape plan (See

Figure 7 below) demonstrates the capacity of the rooftop outdoor area to provide quality space for the children.

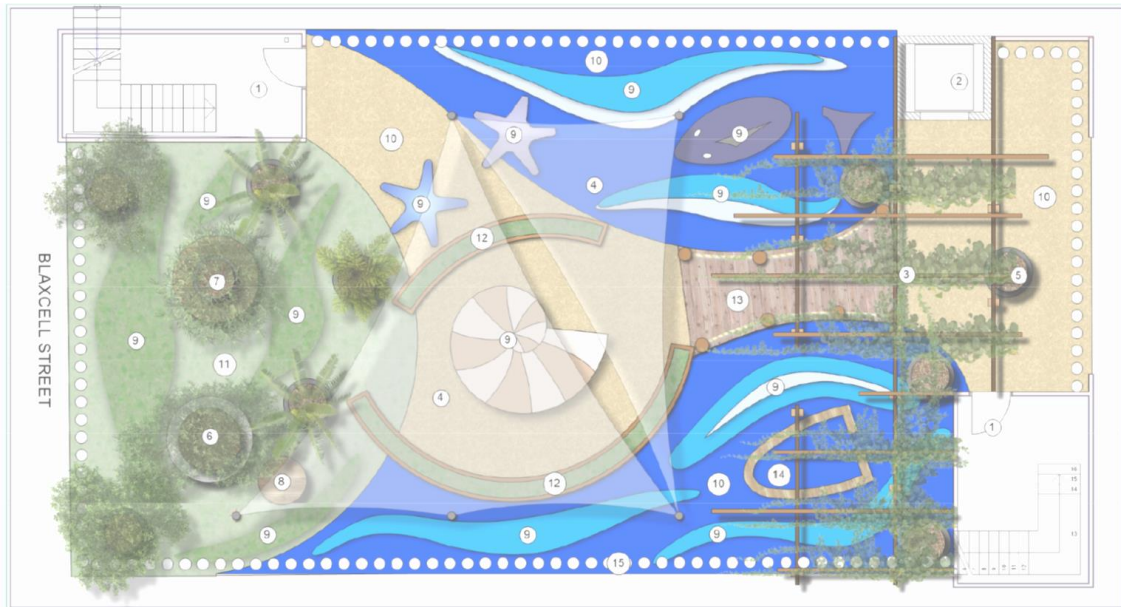


Figure 7: Proposed rooftop landscaped area

The proposed modification achieves the objectives of the standard and maintains reasonable amenity to the site adjoining properties. Solar access, view sharing, privacy and outlook of the site and surrounding properties are maintained.

It should be noted that the proposed variation maintains compliance with the maximum FSR standard. The proposed building height variation maintains the bulk and scale that is consistent with the prescribed surrounding area.

Justification on Environmental Planning Grounds

The proposed building height variation includes the lift well, utility area, stairwells, and parapet/screen (See Figure 8 below). The variation to the building height is as a direct result of utilising the rooftop as an outdoor area. The following environmental planning grounds are sufficient in justifying the proposed variation of the building height.

The proposed building height variation enables the use of the rooftop area for outdoor area for each child. The proposed modification increases the overall area available and provides a consolidated area for learning and recreational opportunities. The submitted landscape plan (See Figure 7 above) demonstrates the capacity of the rooftop outdoor area to provide quality space for the visiting children.

Through replacing the approved colorbond roof with a landscaped roof garden containing planting, this will make the design more sustainable and will improve the environment including air quality generally in the area.

The proposal comprises a character that is consistent with Council's desired streetscape and surrounding area. The proposed rooftop outdoor area maintains the three storey form of the R4 High Density Residential Area and does not comprise an additional storey. The proposed modifications result in a form that is compatible with the site and surrounding area. The proposed alterations and additions are consistent with the specific objectives of the zone and the standard as discussed above.

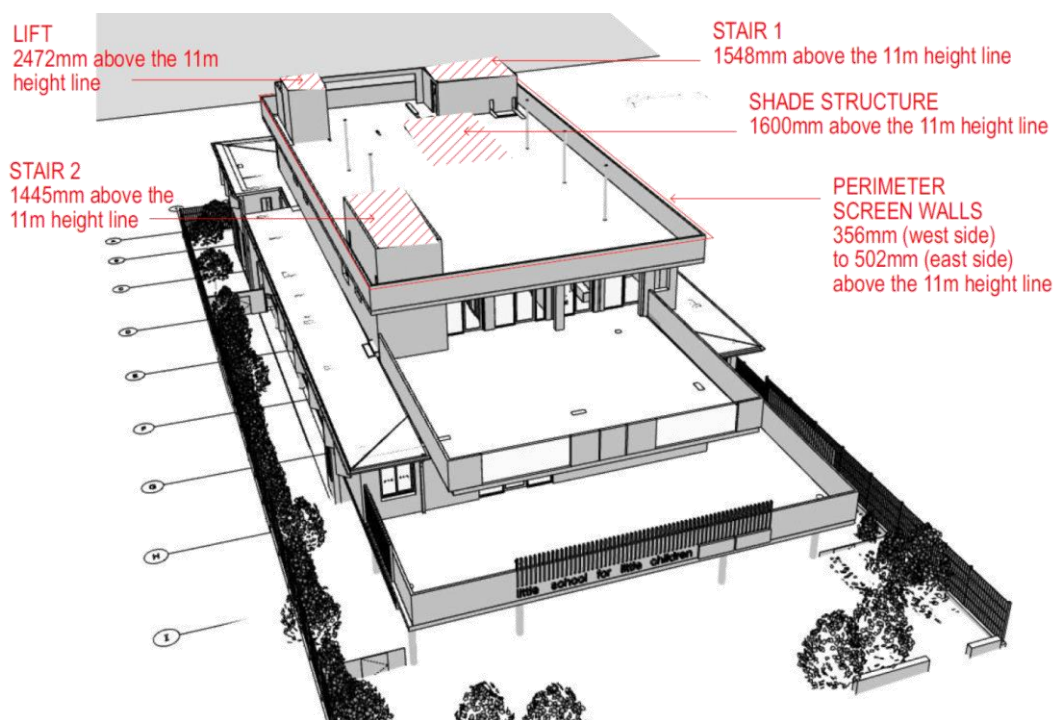


Figure 8: Summary extent of the building height variation

Is in the Public Interest

The proposed variation to the maximum building height is not averse to the public interest. The proposal is consistent with the public interest as demonstrated in its consistency with the objectives of the building height standard and the R4 High Density Residential zone.

Unreasonable and Unnecessary Building Height Development Standard

The application of the maximum building height is unreasonable and unnecessary to the proposed modifications for the following reasons:

- The strict application of the building height standard is unnecessary given the lift well, utility area, and stairwells are setback from the surrounding property boundaries and streetscape. These features are setback further from the boundaries than the storeys below and limit any visibility of these features from the neighbouring properties.
- The proposed modifications maintain the three storey building form with a reasonable variation of the parapet/screen around the perimeter of the rooftop. The parapet comprises a minor variation of 356mm or 2.5% to the west elevation and 502mm or 3.6% to the east elevation. The proposed parapet variation is indistinguishable in the greater context of surrounding building height transitions and is considered suitable on this site and surrounding area.
- The strict application of the building height standard does not consider the proposed forms that achieve the objectives of the standard and maintain reasonable amenity to the site adjoining properties. Solar access, view sharing, privacy and outlook of the site and surrounding properties are maintained. The proposal is consistent with Council's building height and zone objectives.
- The proposed building height variation is reasonable in maintaining compliance with all other relevant provisions. The proposed building height variation does not result in a variation to any other provision.

Conclusion

Based on the above assessment, the proposal at 331 Blaxcell Street complies with the objectives and intentions of both the building height and the R4 High Density Residential Zone under the Parramatta LEP 2011. This report also validates the proposal can be justified to provide a better planning outcome and the building height standard applicable is unreasonable and unnecessary given the existing conditions and the desired future character of the area. The proposal maintains reasonable amenity of surrounding area in terms of bulk, scale, privacy, overshadowing and is compatible with the surrounding area. The proposed variation to the building height should be considered favourably by Council.