

Detailed information about proposal and DA submission material

1 Overview

- 1.1 This application seeks approval for an extended residential aged care facility at 80 - 92 Solander Road, 1 Thomas Street and 1 Crews Road, Seven Hills.
- 1.2 The scope of works for which consent is sought includes:
 - 1.2.1 Demolition of existing buildings and structures and selective removal of 16 trees (including 2 street trees necessary for the new driveway construction).
 - 1.2.2 Excavation and preparatory site works as required.
 - 1.2.3 Construction of a 2 storey building over basement parking, comprising:
 - 126 single residential care rooms
 - a range of resident facilities including specialist medical and health care facilities including a GP clinic and physiotherapy, and a hair and nail salon
 - ancillary office, administration and storage
 - on-site kitchen and laundry facilities
 - basement parking for 39 cars and 13 bicycle spaces
 - utility services connections
 - landscaping area of only 1879 m² or 14.9 m² per bed. This area will consist of a rear courtyard and perimeter landscaping along the western and eastern boundaries.
 - 1.2.4 Amalgamation of the lots where the new facility site is proposed, as well as amalgamation with the existing facility on the site.
- 1.3 It is intended that the existing residents will be transferred into the proposed new facility, and a future development proposal will be lodged for the demolition of the existing facility and construction of a new facility.

2 Traffic, parking, noise and other matters

2.1 Use of facility

- The proposed development will provide 24 hour nursing and personal care for seniors who are dependent and/or frail.
- The facility has been designed to provide residents with medical, dental, rehabilitation, palliative and restorative care where required. Personal care services will include cleaning, laundry, meals, lifestyle programs and assistance with bathing, personal hygiene, eating and transport.
- Essential health services such as GPs, physiotherapy, occupational therapy, recreational therapy, dental services and podiatry will also be provided on-site.
- A hair and nail salon is also included, as well as an in-house only and café.

2.2 Staff numbers

- 2.2.1 The existing and proposed staff numbers are as follows:

Shift	Existing Nursing Home	Proposed Residential Care Facility	Total
AM	35	39	74
PM	19	21	40
Night	10	11	21

2.3 Hours of operation

- The facility will operate 24 hours a day, 7 days a week to provide care to residents.
- Visiting hours are not strictly set. Hardi Aged Care offers flexibility in this regard in order to provide residents and their visitors a more home-like experience. The facility is open to visitors between 8.00 am and 9.00pm, seven days.

2.4 Waste management

- A 40 m² Waste Room is provided in the basement, immediately adjacent to the loading dock. This has capacity to accommodate 10 x 1100 litre bins (5 x general garbage and 5 x recycling).

2.5 General and recycling waste

- A private contractor will be engaged to collect the waste and recycling from the site to an agreed schedule.
- The waste collection vehicle will enter the site where it will park in the designated loading bay on ground level.
- The waste collector will wheel the bins from the waste room to the collection vehicle and return them upon completion.

2.6 Medical waste

- The management of medical waste is a highly specialised field. As such all medical waste will be collected and removed from the facility by a specialist contractor.
- The residential aged care facility will have dedicated medical waste bins supplied as per the medical waste contractor's recommendations for the site. Waste from out-of-date and partly used medicines, infectious medical wastes, hazardous wastes and radioactive wastes must be stored and disposed of according to specific industry-based regulations. Correct segregation and containment of all waste is required under the relevant legislation.
- Medical waste bins will be collected by the appointed contractor on a wheel in/wheel out basis and replacement bins provided on an agreed collection schedule. It should be noted that the medical waste bins are secure and will be kept separate from recycling or general waste bins.

3 Documents submitted with the application

- 3.1 Statement of Environmental Effects including justification to Clause 4.6 to the proposed building height, as attached on the following pages, dated 24 October 2018 prepared by Helen Mulcahy Urban Planning
- 3.2 Waste Management Report dated 11 October 2018, prepared by WMK Architecture, and Waste Management Plan dated 31 May 2019, prepared by Elephant's Foot. A private contractor will be used to manage the operational waste. Our Waste Officer has confirmed that the basement waste collection is capable to be accessed by small and medium rigid vehicles.

- 3.3 Accessibility report dated 10 October 2018, prepared by Morris Goding Access Consulting, indicating provision of disability access throughout the building, outdoor areas and also to the basement.
- 3.4 BCA Capability Statement dated 15 October 2018, prepared by Blackett, Maguire + Goldsmith.
- 3.5 Traffic Impact Assessment dated 6 February 2019, prepared by P T C, which concludes the proposed driveway entry to be suitable and unlikely to pose safety or traffic concerns. It also concludes that the basement parking and vehicular arrangements are compliant with the relevant Australian Standard. The proposed car parking provision, including the vehicular access to the main entrance of the building, is considered satisfactory.
- 3.6 Noise Impact Assessment dated 26 September 2018, prepared by Acoustic logic, which concludes that the only potential noise disturbance from the site to the surrounding neighbours would be from the mechanical plant, capable to be noise insulated according to the report recommendations.
- 3.7 Social Impact Assessment dated October 2018, prepared by PDA Consulting.
- 3.8 Preliminary Site Assessment dated 31 July 2018. prepared by Environmental Investigation Services. The current use of the site is residential, contamination is considered low. However, there are parts of the site that were unable to be accessed for preliminary assessment. The report recommends further soil testing to be done and for a hazard assessment of the existing buildings, prior to demolition works.
- 3.9 Geotechnical Report dated 25 June 2018, prepared by JK Geotechnics.
- 3.10 Arboricultural Impact Assessment dated 1 August 2018, prepared by Urban Arbor. This report provides an assessment of all trees on the site including those in the existing facility (which is proposed to be refurbished after the new facility is built, referred to as Stage 2 in the report). Assessment of this arborist report is focused only on the proposed 16 trees to be removed for this new facility, referred to as Stage 1 in the report. All of the proposed 16 tree removals are due to their location on the proposed building footprint for this new facility. Eleven street trees along Solander Road and Crews Road will be retained. Native tree species are proposed in the landscape plan submitted with this application, along with new trees along the north-western and south-eastern boundaries and also in the proposed courtyard areas.
- 3.11 Crime Prevention Through Environmental Design Report dated 24 October 2018, prepared by Helen Mulcahy Urban Planning.

Objection Made Pursuant to SEPP 1

Height Control Standard

(CI 40(4) SEPP (Housing for Seniors and People with a Disability) 2004)

1 Introduction & Background

This Objection, made pursuant to the provisions of State Environmental Planning Policy No. 1 – Development Standards (SEPP 1) has been prepared in respect of a development proposal for a new residential aged care facility at Nos. 80-92 Solander Road, No. 1 Thomas Street and No. 1 Crews Road in Seven Hills:

The scope of works for which consent is sought includes:

- demolition of existing buildings and structures and selective removal of trees;
- excavation and other preparatory site works as required;
- construction of a 2 storey building over basement parking, comprising:
 - 126 single residential care rooms;
 - a range of resident facilities including specialist medical and health care facilities including a GP clinic and physiotherapy, and a hair and nail salon;
 - ancillary office, administration and storage;
 - on-site kitchen and laundry facilities;
 - basement parking for 39 cars and 13 bicycle spaces;
- utility services connections; and
- landscape treatment

The proposed development exceeds the maximum height development standard set out in clause 40(4) of State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 (the Seniors Living SEPP).

As there is no clause in the Seniors Living SEPP that excludes the operation of SEPP 1, any variation to a development standard embodied in that instrument, must therefore be the subject of an Objection made pursuant to SEPP 1.

2 Aims & Objectives of SEPP 1

SEPP 1 provides for some flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder the attainment of the objects specified in Section 1.3(a) and (c) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act).

3 Requirements for Applications

Clause 6 of SEPP 1 provides that:

Where development could, but for any development standard, be carried out under the Act (either with or without the necessity for consent under the Act being obtained therefore) the person intending to carry out that development may make a development application in respect of that development, supported by a written objection that compliance with that development standards is unreasonable or unnecessary in the circumstances of the case, and specifying the grounds of that objection.

4 Relevant Standard

This SEPP 1 Objection has been made in relation to the 8 metre height of building development standard.

Clause 40(4) provides that:

4) Height in zones where residential flat buildings are not permitted

If the development is proposed in a residential zone where residential flat buildings are not permitted:

(a) the height of all buildings in the proposed development must be 8 metres or less,

It is noted that the SEPP definition of “height” is as follows:

height in relation to a building, means the distance measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point.

ground level means the level of the site before development is carried out pursuant to this Policy.

The subject site is zoned R2 Low Density Residential under the provisions of Blacktown Local Environmental Plan and while “seniors housing” is a permissible use, residential flat buildings are not permitted.

5 Variation Proposed

The proposed development seeks approval for the construction of a Residential Aged Care Facility. The proposed building height results in a minor exceedance of the 8m height standard prescribed in clause 40(4) of the SEPP.

Building height, as defined in the Seniors Living SEPP, is calculated from any point on the ceiling of the topmost floor of the building to the ground level (prior to development) immediately below that point.

In relation to the ceiling heights within the development, it should be noted that these will be determined through detailed design and coordination with structural and services engineers. However, floor to ceiling heights within the rooms and other common areas will generally be 2.7m, while ensuites and bathrooms will achieve a minimum of 2.4m.

The potential breach of the standard is limited to a single location, occurring in the north western part of the building at the roof light to the living / dining space below (**Figure 1**). The highest point of this element is RL87.38 (a total height of 8.83m measured from existing ground level, which is located at RL78.55).

Figure 2 provides a section through the building which illustrates the relationship of the roof light element to the 8m height standard.

As indicated above, the final ceiling levels have not yet been determined and are subject to detailed design development. However it is anticipated that an allowance of between 300 and 400mm will be required to accommodate ceiling support structures and any services. On this assumption, a small portion of the ceiling ultimately installed to the underside of the roof light structure (the extent is undetermined at this stage) will exceed the 8m height standard by between 430mm and 530mm. This would translate to an exceedance of the development standard of between 5.4% and 6.6%, respectively).

As indicated above, the remainder of the building is well within the 8 metre maximum height. Furthermore, it complies with the 9 metre height control prescribed by BLEP 2015, and on that basis, the proposal is considered to be compatible with existing and likely future height, bulk and scale of buildings in the locality.



Figure 1 Location of non-compliance with 8m height development standard

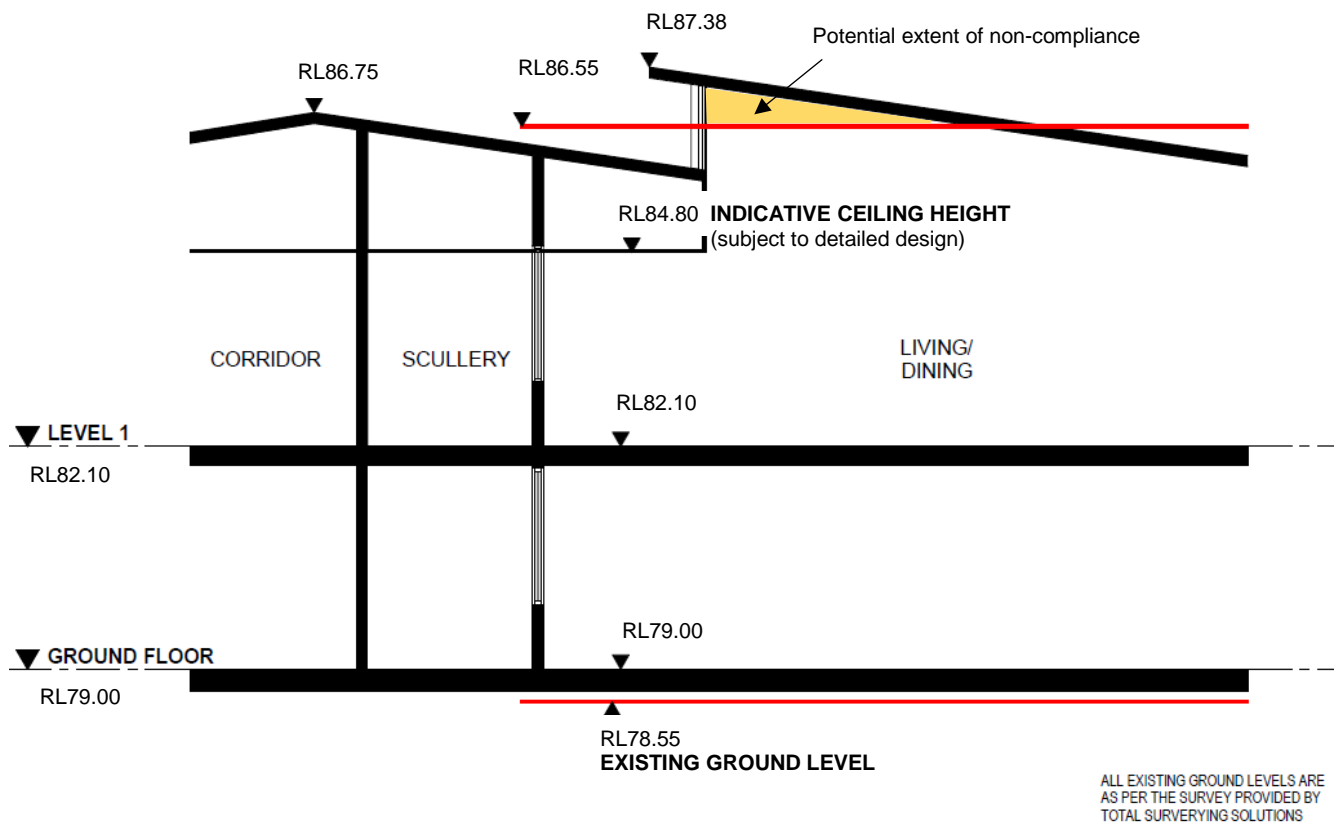


Figure 2 Section through roof light to living dining area illustrating extent of non-compliance with 8m height development standard

6 Justification for a Variation

6.1 The objectives / underlying Purpose of the Standard

No specific objectives are identified in the SEPP for the 8 metre height standard and as a consequence, the DA relies upon what is reasonably concluded to be the underlying objectives of the standard and the Seniors Living SEPP.

A key determination of the appropriateness of a variation to a development standard is the proposal's compliance with the underlying objectives and purpose of the development standard. Therefore while there is a specified numerical control for height of buildings, the objectives and underlying purpose behind the development standard are basic issues for consideration in the development assessment process.

The objectives the Development Standards in Part 3 of the Seniors Living SEPP are expressed as Design Principles. Of specific relevance in this instance:

Neighbourhood amenity and streetscape

- (a) recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and
- (b) retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and
- (c) maintain reasonable neighbourhood amenity and appropriate residential character by:
 - (i) providing building setbacks to reduce bulk and overshadowing, and
 - (ii) using building form and siting that relates to the site's land form, and
 - (iii) adopting building heights at the street frontage that are compatible in scale with adjacent development, and
 - (iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and
- (d) be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and
- (e) embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and
- (f) retain, wherever reasonable, major existing trees, and
- (g) be designed so that no building is constructed in a riparian zone.

The building observes a setback of 9.44 metres from the common boundary with No. 78 Solander Road. The building form is stepped along the common boundary with No. 3 Thomas Street in order to minimise its bulk and scale relative to the adjacent single dwelling. At its closest points, the building is setback 2.25 metres and 2.39 metres, as illustrated in **Figure 3** below.

Screen planting will be implemented within the setback areas adjoining No. 78 Solander Road and No. 3 Thomas Street, as detailed in the Landscape drawing package prepared by Arcadia which is included in the DA documentation.

The shadows cast by the proposed development primarily fall within the property boundaries or on the adjacent road reserves (Crews Road and Thomas Street).

It is noted that the residential property at No. 78 Solander Road will not be impacted by shadows cast by the proposed development.

The dwelling, a section of the rear yard as well as all the front yard at No. 3 Thomas Street will be impacted by shadows cast by the proposed development at 9.00am in mid-Winter. However, the property will be clear of all shadow from the proposed development by 12.00noon, thereby ensuring 3 hours of unimpeded solar access between 12.00noon and 3.00pm.

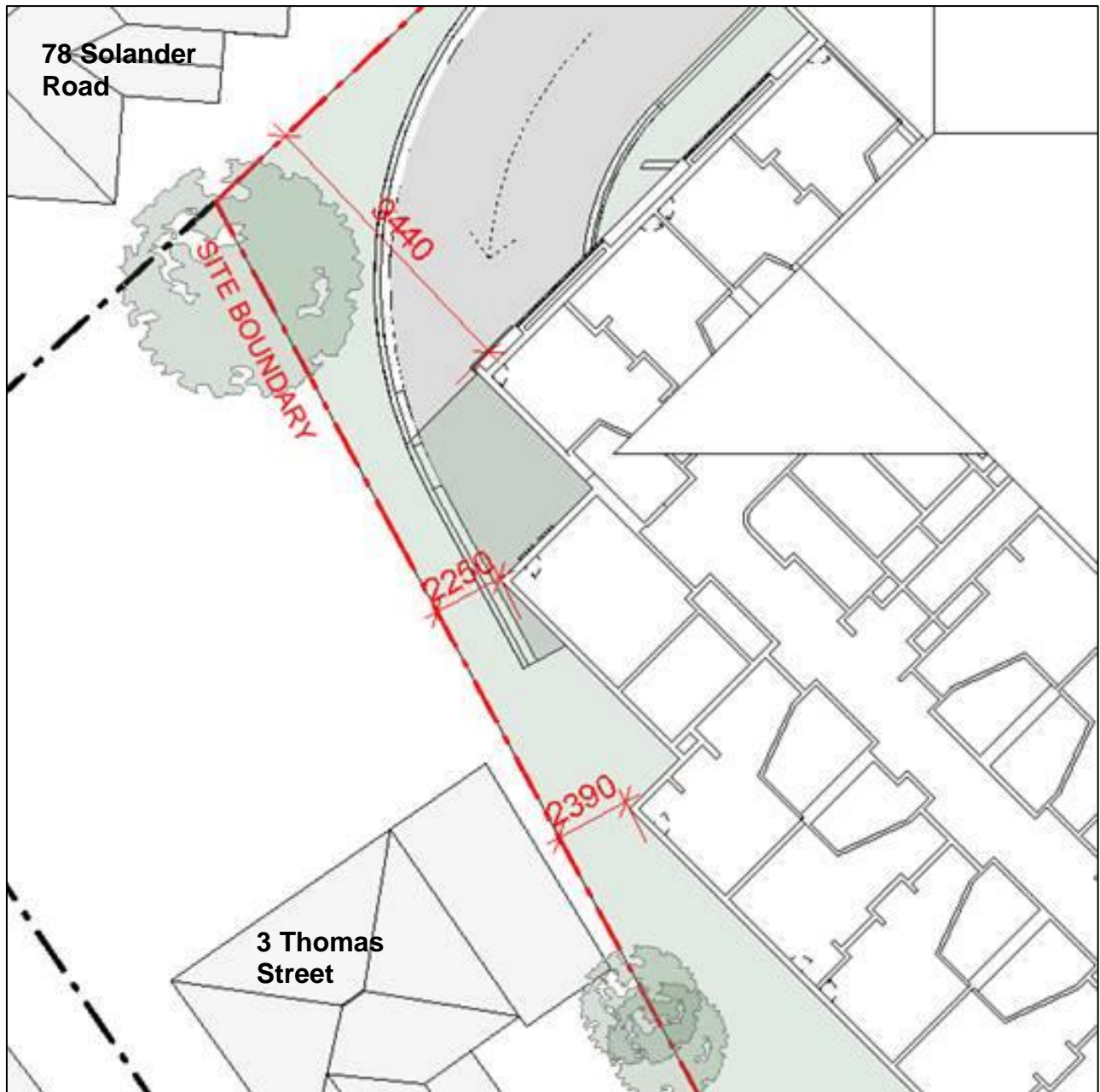


Figure 3 Setbacks from adjoining residential properties

The proposed development has been sited in cognisance of the existing site constraints, whilst creating appropriate and useable landscaped areas. The proposal will create a framework for future redevelopment of the existing Nursing Home to integrate, expand and enhance the landscaped open space (courtyard) proposed as part of this DA. This will create a leafy outlook from internal gathering spaces and invites residents and visitors outside, to enjoy the sun and fresh air, and facilitate regular social interaction.

Ultimately it is envisaged that a generously scaled, centralised “village green” adjacent to the courtyard proposed as part of this DA will provide a focal point for an engaging social program, where residents may partake in a range of games and activities, whilst also providing a flexible space for larger gatherings and family visits. It is anticipated that the lawn would be complemented by other elements including a communal

vegetable garden, a winding garden walk, and secluded garden “rooms” for smaller groups. The design promotes wellbeing by providing space for exercise and a close connection to nature.

As demonstrated in the shadow diagrams submitted with the proposal, the development does not adversely impact of surrounding development or the public domain in relation to daylight access.

6.2 Objectives of the zone

The site is currently zoned R2 Low Density Residential under BLEP 2015. Seniors housing is permissible with consent in the zone (as well as being permissible with consent in accordance with Clause 4(1)(a) of the Seniors Living SEPP).

The proposed development is able to demonstrate consistency with the R2 Low Density Residential zone objectives which state:

- *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 enable certain activities to be carried out within the zone that do not adversely affect the amenity of the neighbourhood.*

The proposal is consistent with the objectives of the zone as it provides for a housing product that meets the needs of a growing demographic in the community, being the elderly and / or people with a disability. The proposal complements the established uses on the site and represents the redevelopment of part of the site to provide enhanced services in a modern facility.

The part of the site upon which the proposed development is located currently exhibits a low rise, low density residential built form. The site contains gardens and plantings throughout. The proposal represents the logical development of the site to reflect the character of the locality and satisfy increasing market demand for high quality aged care facilities.

6.3 Establishing if the Development Standard is unreasonable or unnecessary

Compliance with the 8m height standard within Clause 40 of the Seniors Living SEPP would be unreasonable given the:

- The siting of the proposal in relation to existing buildings and surrounding uses;
- The majority of the proposed building achieves heights of less than 8 metres;
- The likely breach is small in numerical terms, expected to be between 430mm and 530mm (in the order of 5.4% and 6.6% respectively);
- The height exceedance is confined to a single isolated element, namely a small section of a roof light above the first floor communal living / dining area, which will not be visible from the street or other parts of the public domain;
- The proposed development complies with the 9 metre maximum building height standard applicable to the subject site under the provisions of Blacktown LEP 2015; and
- The minor non-compliance with the height will not manifest itself in any adverse environmental impacts on the amenity of the adjoining area in terms of overshadowing, privacy or bulk and scale.

The proposed building has been deliberately set down to ensure it is in keeping with the prevailing scale of existing residential development in the locality (**Figure 4**).

The proposed variation to the height standard provides a better planning outcome in this instance as it supports a density that is appropriate for the site and is in accordance with community demand for quality aged care.



Figure 4 View of the proposed development at the corner of Solander and Crews Roads, illustrating scale

The proposed development has been designed in cognisance of the existing and the likely future context. The development achieves an overall height of 2 storeys and provides appropriate setbacks to street and side boundaries.

The bulk / length of the Solander Road elevation is reduced by stepping the façade at intervals and incorporating a variation of treatment in material and design elements. Roof eaves extend beyond planters and window boxes providing a play of light and shadow on the façade which not only serves to reduce the heat load on north-facing windows but also provides further articulation.

The character and scale of the proposed development are considered to be appropriate within a low density residential area, where single dwellings are the predominant built form.

The proposal results in a density of development on the site that accords with the controls of SEPP Seniors Living 0.99:1.

The provision of this type of housing is in response to the demand for contemporary aged care services in Sydney and in consideration of the age of the existing facilities on the site. The Plan for a Growing Sydney also further highlights the greater demand for services to address an aging demographic.

The proposal is able to meet the objectives of the Seniors Living SEPP and the R2 Low Density Residential zone of Blacktown LEP 2015. A range of facilities are able to be sited within the single building to ensure the efficient provision of housing and care. In facilitating the provision of a variety of housing that meet the needs of the community, the proposal advances the objectives of the R2 Low Density Residential zone of Blacktown LEP 2015.

The building has been set down to ensure the building height is not dominant. The siting of the building along the street frontages ensures that the internal open space and low density nature is maintained. Generous landscaped setbacks to the street frontages will provide a landscaped setting for the development and will make a positive contribution to the streetscape.

The abovementioned justification is considered valid and in this instance the proposed variation is considered to be acceptable. The proposed development will integrate with the existing built form of the area whilst providing aged care service and accommodation to elderly and disabled. A high level of amenity will be preserved to adjoining sites and within the site itself. The objectives of the relevant clause and R2 zone will be upheld as a result of the proposal.

6.4 The public benefit

The proposed development addresses existing and future demand for facilities, provides an outcome for the site that is in accordance with the Objectives of the Seniors Living SEPP and the R2 Low Density Residential zone and provides a built form that represents the orderly economic redevelopment of the land.

As previously outlined the development addresses the demand within the site for the provision of a more efficient and modern facilities to services existing and future residents. The proposal has considered the impact on existing services provided within the site and has sited and designed the building to ensure optimum provision of care in a location that provides minimal disruption and impact on buildings that contain existing operational life.

The demand for services is further reflected by an ageing population in Sydney and the need to maximize benefits of existing facilities in accordance with the State government's *A Metropolis of Three Cities – the Greater Sydney Region Plan* and the various District Plans prepared by the Greater Sydney Commission. Specifically – Planning Priority C3 Providing services and social infrastructure to meet people's changing needs.

The *Central City District Plan* indicates that a 183% proportional increase in people aged 85 and over, and a 95 per cent increase in the 65–84 age group, is expected by 2036. This means 16% of the District's population will be aged 65 or over in 2036, up from 11% in 2016.

More diverse housing types and medium density housing, as well as the design of walkable neighbourhoods, will create opportunities for older people to continue living in their community, where being close to family, friends and established health and support networks improves people's wellbeing.

Coordinated and additional health, social and aged care services and collaborative responses across government and industry are needed to meet the expected increase in demand for local aged care facilities and respite services, including home care options (with associated visitor parking). This approach will also need to address care for people with specific needs such as those with dementia and the frail aged.

The NSW Ageing Strategy 2016–2020, prepared by the NSW Department of Family and Community Services, responds to the opportunities and challenges of the ageing population. This strategy focuses on five priority areas including health and wellbeing, working and retiring, housing choices, getting around and inclusive communities.

The proposal is consistent with the objectives of the Seniors Living SEPP and the R2 Low Density Residential zone by ensuring the facility provides a mixture of housing opportunities available to the community that reflects its diverse needs.

The proposed built form has responded to impact and integration with existing development on the site as well as existing development in the locality. The scale of the development has ensured the efficient delivery of a diverse housing product that integrates with the dominant form of development on the adjoining land. By addressing existing and future demand for these services, providing a proposal that reflects the Objectives of the R2 Low Density Residential zone of the Blacktown LEP and Seniors Living SEPP and ensuring the building

form integrates with existing buildings on the site and surrounding locality, the proposal has established it has been provided in accordance with the public interest.

6.5 Sufficient planning grounds to justify contravening the development standard

The variation to the development standard for height of buildings is considered well founded because, notwithstanding the proposed non-compliance with this standard:

- The proposed development is consistent with the underlying objective or principles of the standard as demonstrated in SEPP Seniors.
- The objectives of the R2 Low Density Residential zone are reflected by the proposal.
- The built form is complementary to the existing scale, built form and operation of buildings on the site.
- The proposed built form is consistent with the character of existing development in the locality.
- The proposed development will not adversely impact on the character of the streetscape or the amenity of adjoining properties, or properties within the site in relation to solar access, privacy or views.
- The proposal represents the orderly and economic redevelopment of the land.

Overall, it is considered that the proposed variation to the height of buildings control is entirely appropriate and can be clearly justified having regard to the matters listed in SEPP 1.

7 Conclusion

It is requested that council supports the proposed variation to Clause 40(4) of the RLEP for the following reasons:

- Compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.
- There are sufficient environmental planning grounds to justify contravening the development standard.
- No unreasonable environmental impacts are introduced as a result of the proposal.
- The non-compliance with the development standard does not raise any matter of State or regional planning significance.
- There is no public benefit in maintaining strict compliance with the standards.
- The proposed development is in the wider public interest.

Given the preceding justification this Objection is considered to be well founded and compliance with the standard is unreasonable and unnecessary given the circumstances of the case.