

SYDNEY WESTERN CITY PLANNING PANEL

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| Panel No: | 2019WCI009 |
| DA Number: | 2018/1468/1 |
| Local Government Area: | Camden |
| Development: | Construction of a three storey 244 room Aged Care Facility with a 68 space basement car park, coffee shop, hairdresser, therapy rooms, landscaping and associated civil works |
| Street Address(es): | 600E The Northern Road, 600F The Northern Road and 371 Oran Park Drive, Oran Park |
| Applicant / Owner: | Northside Construction Pty Ltd / Perich Property Pty Ltd and Leppington Pastoral Company |
| Date of DA Lodgement: | 17 December 2018 |
| Number of Submissions: | None |
| Recommendation: | Approve with conditions |
| Regional Development Criteria (Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011): | General development capital investment value >\$30 million |
| List of All Relevant s4.15(1)(a) Matters: | <ul style="list-style-type: none"> • State Environmental Planning Policy (State and Regional Development) 2011; • State Environmental Planning Policy (Sydney Region Growth Centres) 2006; • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004; • State Environmental Planning Policy No 55 - Remediation of Land; • Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River; • Camden Development Control Plan 2011; and • Oran Park Precinct Development Control Plan 2007. |
| List all Documents Submitted with this Report for the Panel's Consideration: | <ul style="list-style-type: none"> • Assessment report. • Recommended conditions. • Proposed plans. • Applicant's request to contravene a development standard under Clause 4.6. • Correspondence from the Natural Resources Access Regulator, NSW Rural Fire Service, Transport for NSW, Sydney Water, Camden Airport and the Camden Local Area Command of the NSW Police. |
| Report Prepared By: | Clare Aslanis, Executive Planner |

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| Report Date: | 5 August 2019 |
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Summary of Section 4.15 matters

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| Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report? | Yes. |
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Legislative Clauses Requiring Consent Authority Satisfaction

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| Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed and relevant recommendations summarised in the Executive Summary of the assessment report? | Yes |
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Clause 4.6 Exceptions to Development Standards

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| If a written request for a contravention to a development standard (clause 4.6 of the Growth SEPP) has been received, has it been attached to the assessment report? | Yes |
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Special Infrastructure Contributions

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| Does the DA require Special Infrastructure Contributions (s7.24)? | Yes |
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Conditions

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| Have draft conditions been provided to the applicant for comment? | Yes |
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PURPOSE OF REPORT

The purpose of this report is to seek the Sydney Western City Planning Panel's (the Panel's) determination of a development application (DA) for an aged care facility at 600E The Northern Road, Oran Park.

The Panel is the consent authority for this DA as the capital investment value (CIV) of the development is \$46,441,862. This exceeds the CIV threshold of \$30 million for Council to determine the DA pursuant to Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011.

SUMMARY OF RECOMMENDATION

That the Panel determine DA/2018/1468/1 for the construction of a three storey aged care facility pursuant to Section 4.16 of the *Environmental Planning and Assessment Act 1979* by granting consent subject to the conditions attached to this report.

EXECUTIVE SUMMARY

Council is in receipt of a DA for the construction of a three storey aged care facility at 600E The Northern Road, 600F The Northern Road and 371 Oran Park Drive, Oran Park.

The development application is nominated integrated development in accordance with the *Water Management Act 2000* as the proposal is within 40m of the top of bank for the Julia Creek watercourse. The proposal is also integrated development under

the *Rural Fires Act 1997* as the land use is considered a special fire protection purpose, being seniors housing within the meaning of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*. General Terms of Approval have been issued by the relevant agencies.

The DA has been assessed against the *Environmental Planning and Assessment Act 1979*, the *Rural Fires Act 1997*, the *Water Management Act 2000*, the *Environmental Planning and Assessment Regulation 2000*, relevant environmental planning instruments, development control plans and policies.

A summary of the assessment of all relevant environmental planning instruments is provided below with a detailed assessment provided later in the report.

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| State Environmental Planning Policy (State and Regional Development) 2011. | The Panel is the consent authority for this DA as the development has a CIV of \$46,441,862 which exceeds the CIV threshold of \$30 million for Council to determine the DA. |
| State Environmental Planning Policy (Sydney Region Growth Centres) 2006. | The development is permitted with consent in the applicable R3 Medium Density Residential zone; is consistent with the objectives of the zone; and is generally compliant with the other matters for consideration. |
| State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. | The proposal is consistent with the provisions of this SEPP. Specific clauses are addressed in the attached compliance table. |
| State Environmental Planning Policy No 55 - Remediation of Land. | Council staff have assessed contamination under the development application for the subdivision of the site (DA/2017/1627/1). The subject site was not identified in any of the detailed site investigations as having any contaminated material. Council staff are satisfied that the site is suitable for the development. |
| Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20). | The development is consistent with the aim of SREP 20 (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls. |

The DA was notified to surrounding properties and advertised in the local newspaper for a 30 day period between 23 January and 21 February 2019 and no submissions were received.

The development has been assessed against State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 1 Oran Park & Turner Road Precinct Plan and the Oran Park Precinct Development Control Plan 2007. The development is consistent with these planning policies and controls in that it will provide residential accommodation for aging members of the community, whilst generating employment close to the Oran Park town centre.

The applicant has submitted a traffic report and supporting information in support of the DA. The report and supporting information demonstrate that the development will not have a significant negative impact upon the surrounding road network and the operation of surrounding intersections. Council staff have reviewed the report and support its findings.

Through the assessment of the DA the applicant has provided amended plans that have improved the interface of the development with the adjacent riparian zone. Overall, the proposal provides an attractive transition from the proposed built form into the open space and pedestrian walkways.

The applicant has submitted an adequate stormwater management strategy that, subject to the attached conditions, will provide adequate stormwater management.

The applicant proposes a contravention to the maximum height of buildings development standard that applies to the site. The development standard limits buildings to a maximum height of 9.5m, however the development will have a maximum height of 14.6m. The contravention is assessed in detail in this report and is supported by Council staff.

Based on the assessment, it is recommended that the DA be approved subject to the conditions attached to this report.

KEY PLANNING CONTROL VARIATIONS

| Control | Proposed | Variation |
|---|--|--|
| 9.5m maximum building height. | 14.6m maximum building height. | 5.1m contravention requested (53.68%). |
| Corner lots secondary street setback 6m minimum | Generally compliant however parts of the building are setback 4.7m | 1.3m for parts of the building |

AERIAL PHOTO



Figure 1: Site Location Map. The development site is shaded yellow. Oran Park Podium shopping centre (Town Centre) is visible in the south eastern part of the image as well as the Oran Park Civic Buildings to the south east (Council).

THE SITE

The subject site straddles two larger vacant allotments containing Julia Creek on the western portion of the site legally described as Lots 907 in DP1248808 and Lot 9073 in DP1225752. The site also slightly encroaches into Lot 9 in DP270899. The site is currently sloping from the west towards the riparian zone on the western side of the site and is generally cleared of vegetation.

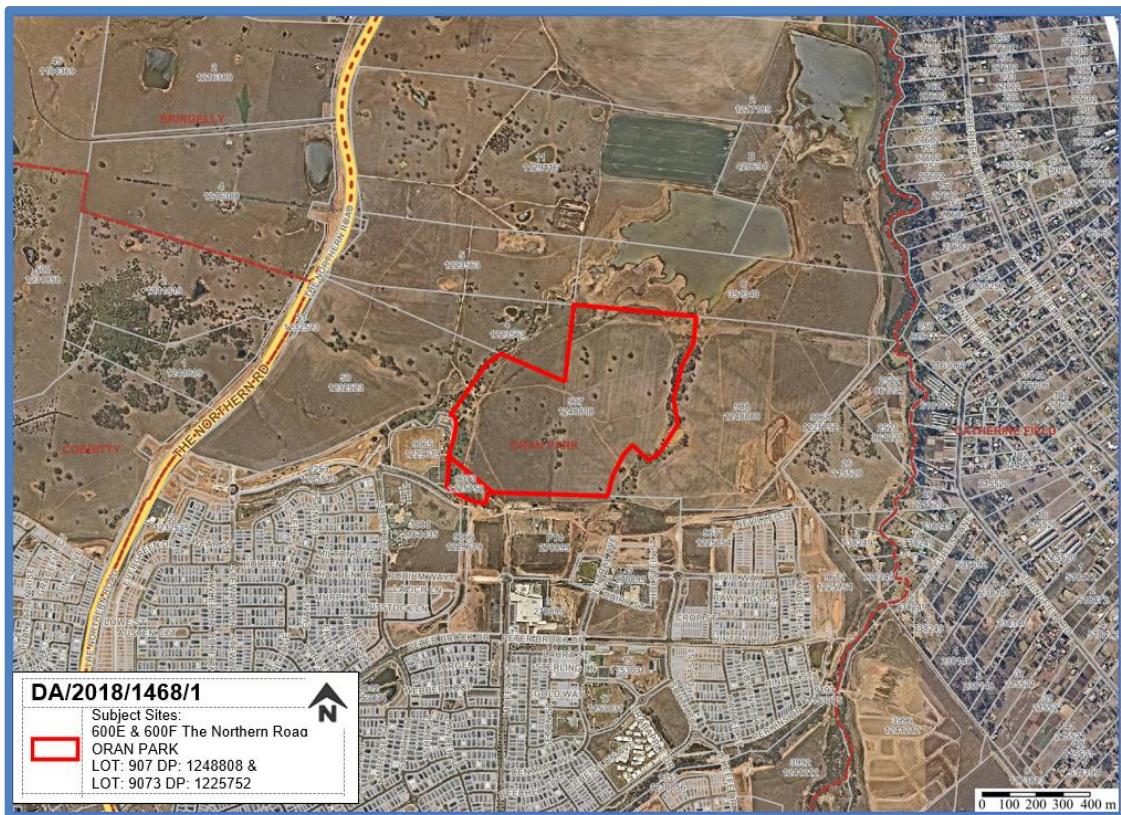


Figure 2: Aerial image of the existing allotments that contain the subject site (the development site is located in the bottom left hand corner of the larger site identified above)

Oran Park Town forms part of the South West Growth Area and was rezoned in December 2007. Since rezoning, the Oran Park Town project has delivered over 2,500 residential homes, Stage 1 of the Town Centre retail component, Camden Council Administration Building and significant open space and recreational facilities.

The development site is zoned R3 Medium Density Residential under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 1 Oran Park & Turner Road Precinct Plan (the Growth Centres SEPP).

The development site is bordered by an undeveloped parcel to the north, a riparian corridor and Jack Brabham Reserve to the west, Dick Johnson Drive to the south, and further undeveloped parcels to the east.

The site was created by DA/2017/1627/1 for the bulk earthworks, subdivision of Tranche 25 and revegetation of Julia Creek. It also approved the construction of the local road that forms the eastern and northern boundary of the subject site and will provide vehicular access to the proposed car parking area.

The site is accessible to both local and regional vehicular movements given its proximity to Oran Park Drive and Dick Johnson Drive. Vehicular access to the site will be achieved via a future unnamed road.

ZONING PLAN

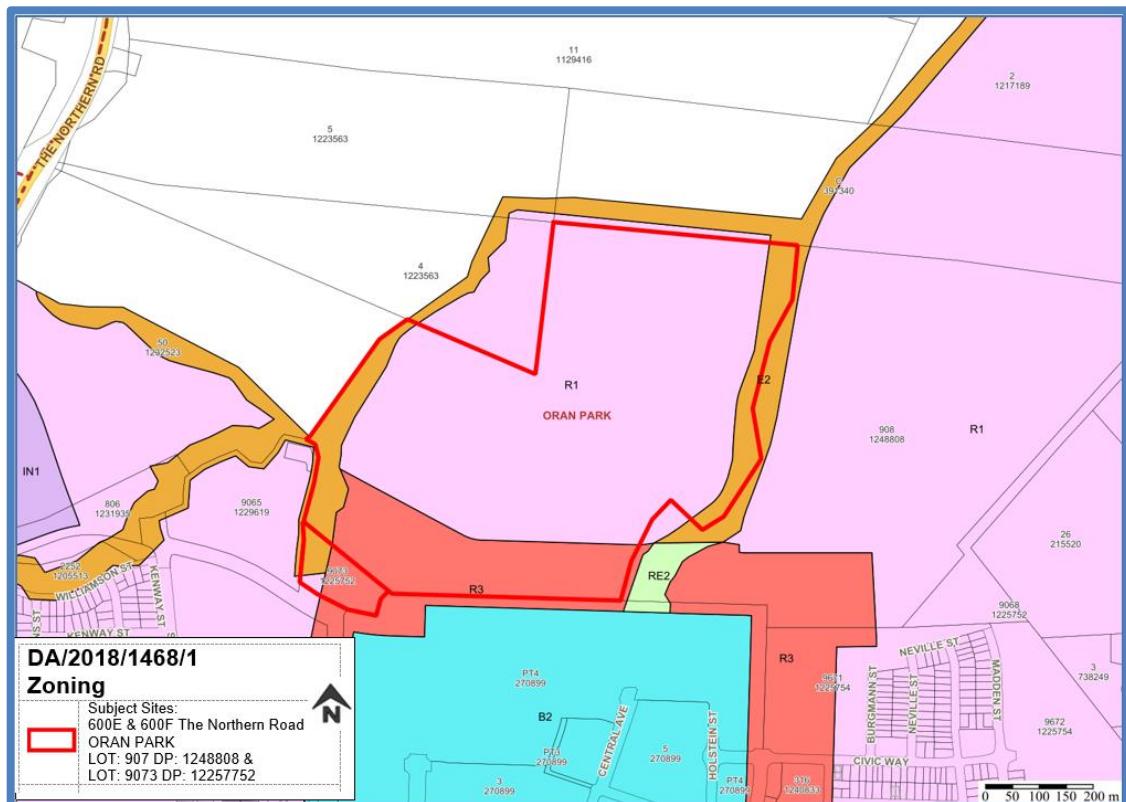


Figure 3: Site zoning plan. The proposal is contained wholly within the R3 Medium Density Residential zone.

AREA MASTERPLAN

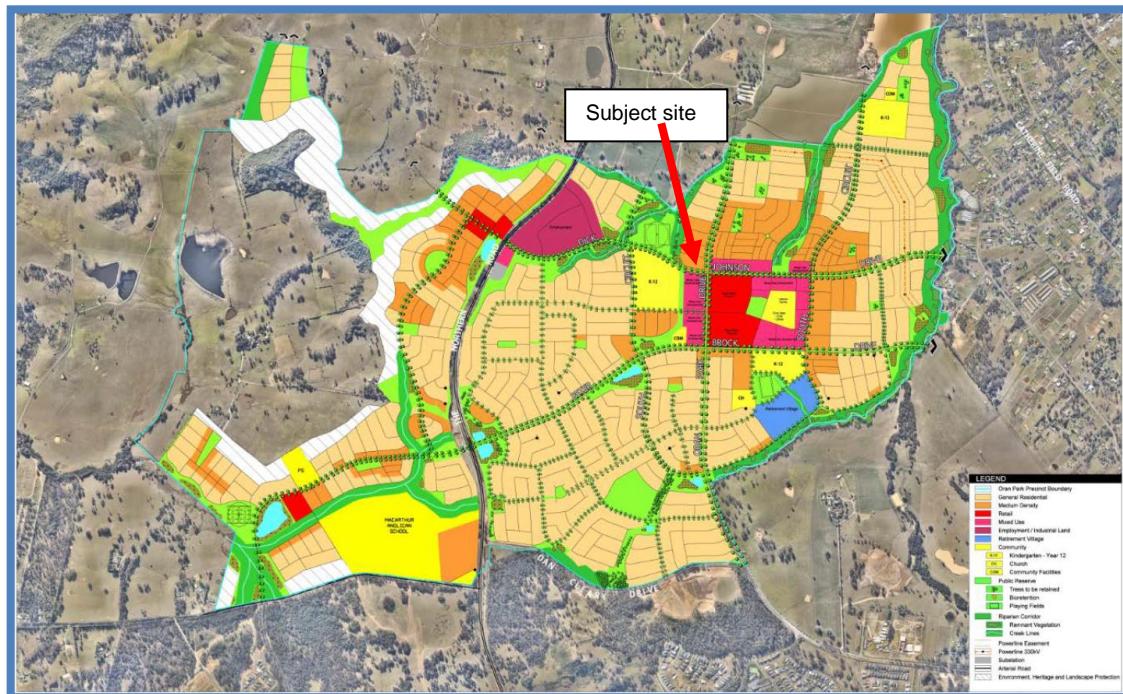


Figure 4: Indicative Layout Plan (ILP) from Oran Park Precinct DCP

HISTORY

The relevant development history of the site is summarised in the following table:

| Date | Development |
|---------------|--|
| 2 April 2019. | Approval of DA/2017/1627/1 for a subdivision to create 5 lots, including earthworks, provision of services and revegetation works, infrastructure delivery and riparian corridor restoration within Julia Creek. |

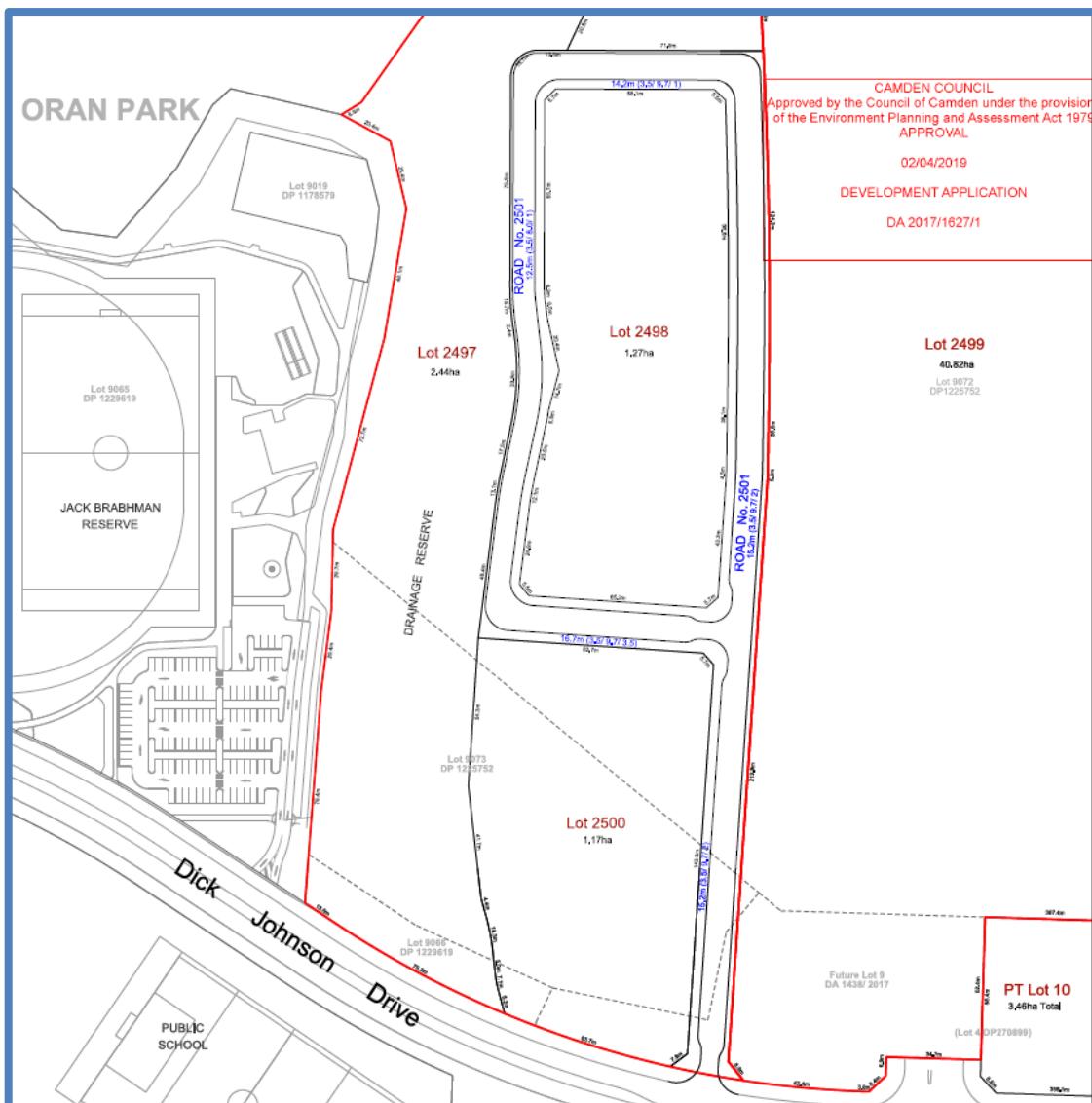


Figure 5: Stamped approved subdivision plan as per DA/2017/1627/1 (the proposed development is contained within Lot 2500 in the above plan)

THE PROPOSAL

DA/2018/1468/1 seeks approval for the construction and use of a 244 room Aged Care Facility comprising a basement carpark with 68 car spaces, dining and entertainment areas, lounge areas, internal courtyards and perimeter landscaped areas.

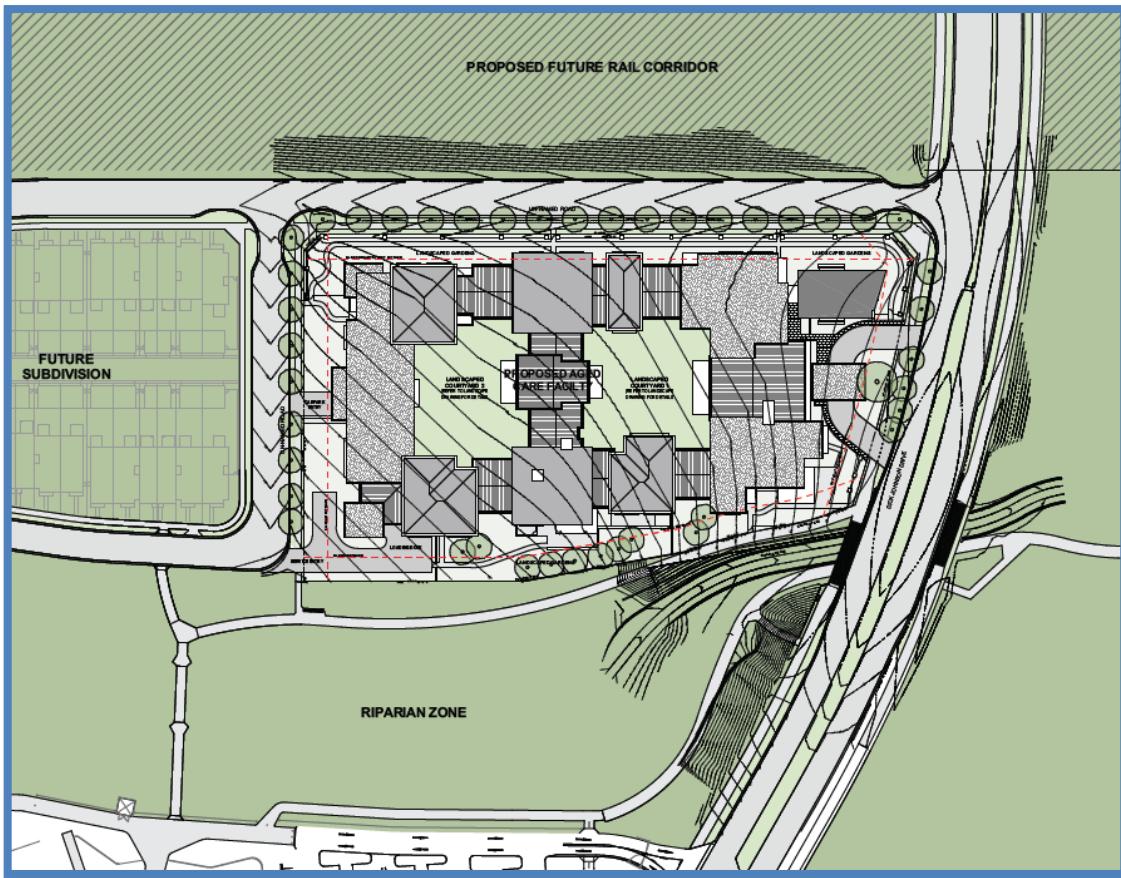


Figure 6: Site Plan showing subject development surrounded by hatched red line as well as existing and future development on adjacent sites.



Figure 7: Showing ground floor uses, chapel, entrance foyers, internal courtyards and living spaces.

Specifically, the proposed development involves:

Basement

- The proposed basement incorporates 68 car parking spaces including 4 accessible spaces and a bus bay;
- A separate entry point from the north provides access to the loading dock;
- Kitchen, waste room and laundry;
- Staff training areas; and
- Amenities and storage.

Ground Floor

- The main entry point to the Facility via a horse shoe driveway which connects to Dick Johnson Drive, providing left in and left out access;
- The horse shoe entry point has been designed to deliver a drop-off / pick-up area for future residents that is connected to the Facility foyer and reception;
- The ground floor provides access to Courtyards 1 and 2 which have been designed to deliver central passive open space areas that provide areas for respite;
- Main lounge for the Facility;
- Six smaller lounges and three dining rooms;
- Coffee shop and hairdresser;
- Therapy room;
- Theatre;
- Reception;
- The ground floor incorporates a total of 79 private rooms are provided on the ground floor, comprising 75 single rooms and 4 double rooms; and
- Chapel.

First Floor

- The first floor incorporates a total of 82 rooms, comprising 76 single rooms and 6 double rooms;
- Four terraces and two balconies over-look the internal courtyards;
- Six lounge areas, three dining areas and an arts and crafts area; and
- Theatre.

Second Floor

- The second floor incorporates a total of 83 rooms, comprising 77 single rooms and 6 double rooms;
- Four terraces and two balconies over-look the internal courtyards;
- Lounge and dining areas and an arts and crafts area; and
- Theatre.

The CIV of the development is \$46.4 million.

ASSESSMENT

Environmental Planning and Assessment Act 1979 – Section 4.15(1)

In determining a DA, the consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the DA:

(a)(i) the provisions of any environmental planning instrument

The environmental planning instruments that apply to the development are:

- State Environmental Planning Policy (State and Regional Development) 2011.
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.
- State Environmental Planning Policy No 55 – Remediation of Land.
- Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River.

[State Environmental Planning Policy \(State and Regional Development\) 2011 \(SRD SEPP\)](#)

The SRD SEPP identifies development that is State significant or regionally significant development.

Pursuant to Schedule 7 of the SEPP, the Panel is the determining authority for this DA as the proposed development has a CIV of \$46.4 million which exceeds the CIV threshold of \$30 million.

[State Environmental Planning Policy \(Sydney Region Growth Centres\) 2006 \(Growth Centres SEPP\)](#)

The Growth SEPP aims to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre and the Wilton Growth Area.

Site Zoning

The development site is zoned R3 Medium Density Residential pursuant to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 1 Oran Park & Turner Road Precinct Plan (the Growth Centres SEPP).

Land Use Definitions

The proposed development is defined as ‘seniors housing’ by the Growth Centres SEPP.

Permissibility

Seniors housing is permitted with consent in the R3 Medium Density Residential zone pursuant to the land use table in Appendix 1 of the Growth Centres SEPP.

An assessment table in which the proposed development is considered against the relevant clauses of the Growth Centres SEPP is provided as an attachment to this report.

Proposed Building Height and Consideration of Clause 4.6 Written Request

The proposal has a maximum building height of 14.6m which equates to a 5.1m (54%) contravention of the 9.5m maximum height of buildings development standard prescribed under Clause 4.3 of the Growth Centres SEPP. Accordingly, the applicant has sought a contravention to this development standard under Clause 4.6 of the SEPP.

Clause 4.6(3) states that 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 circumstance of the case, and*
- (b) *there are sufficient environmental planning grounds to justify contravening the development standard.*

In accordance with Clause 4.6(3) the applicant has submitted a written request that seeks to justify the proposed contravention to the maximum height of buildings development standard.

The applicant's written request is appended to this report.

The Clause 4.6 written request has put forward the following key points in relation to demonstrating that compliance with the development standard is unreasonable and unnecessary in the circumstances of the case (each point is expanded upon in the applicant's Clause 4.6 request).

1. The medium density zoning which applies to the subject site permits residential flat buildings (RFB) which have a maximum prescribed height limit of 16m under Appendix 1, Clause 4.3 of the Growth Centres SEPP.
2. While this 16m height limit applies to RFBs only, the proposed building achieves a similar outcome to an RFB in terms of bulk, scale and design and requires assessment against the controls for an RFB under the Oran Park Precinct Development Control Plan.
3. There will be no adverse impacts to the amenity of adjoining development given the site's location.
4. The proposal achieves high architectural merit that is consistent with the R3 zone objectives.

The applicant also outlines the following key environmental planning grounds particular to the proposed development and site context:

1. The maximum height of building applicable to the site is 9.5m, however as noted above within the R3 medium density zone, residential flat buildings (RFB) are permitted to have a maximum height of 16m.
2. Appendix 1, Clause 4.3 of the Growth Centres SEPP also permits development for the purpose of attached housing, a dwelling house, dual occupancy, multi dwelling housing or a semi-detached dwelling on land within the Zone R1 General Residential or Zone R3 Medium Density Residential zones to exceed 9.5m in height, if the consent authority is satisfied that the development:
 - (a) *is located:*
 - (i) *on a prominent street corner, or*
 - (ii) *adjacent to a neighbourhood or local centre or public open space, or*
 - (iii) *on land with a finished ground level slope equal to or more than 15%, and*
 - (b) *is not likely to have an adverse impact on the existing or future amenity of any adjoining land on which residential development is permitted, having regard to over shadowing, visual impact and any impact on privacy.*

Although the proposal is not classified as a dwelling, it is consistent with the locational criteria that allow for dwellings to exceed the 9.5m height limit in Oran Park.

3. The subject site is zoned R3 Medium Density Residential due to its proximity to the Oran Park Town Centre which provides residents with easy access to services and facilities.

In addition to the sites location adjacent to the Oran Park Town Centre, the site is also bounded by Dick Johnson Drive, Julia Creek and Jack Brabham Reserve, and Oran Park Public School. These locational features mean that there is no clearly defined streetscape that will be impacted upon but rather the proposal will provide a transition to the R3 Medium Density Residential zoned land that is located to the north.

4. The building balances the need to respond to the location adjoining the Town Centre (which has a building height limit of 24m) and achieve a local residential interface with the R1 General Residential zone.

The proposal incorporates a combination of stepping of the building, variation in the roof line, variation in materials and colours, and segmentation of the building to achieve the appearance of a number of different three storey apartments, ensuring that the building contributes to providing an interesting interface with the public domain.

The proposal has adopted wider than required setbacks in a number of areas to achieve a built form outcome that does not impose over the public domain. A 6m setback to the western boundary is provided to allow for a spacious interface with the public domain and increase the opportunity for landscaping.

Variation Assessment

Pursuant to Appendix 1, Clause 4.6(3) of the Growth SEPP, the applicant has submitted a written request that seeks to justify the contravention of the development standard. Pursuant to Appendix 1, Clause 4.6(4) of the Growth SEPP, Council staff are satisfied that:

- The applicant's written request has adequately addressed the matters required to be demonstrated by Appendix 1, Clause 4.6(3) of the Growth SEPP, and
- The 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.

The development is consistent with the objectives of the maximum height of building development standard as demonstrated below:

- (a) *to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale*

Comment: The proposed seniors housing building has been designed in conjunction with the preliminary Concept Plan for the balance of the Tranche 25 development area. The key elements of this objective are addressed below:

Solar Access

Detailed solar access diagrams have been prepared and submitted with the development application which demonstrate that the building will not impact on solar access to planned residential built form to the north.

Furthermore, the design and location of the building (with no directly adjacent development) has ensured that high levels of streetscape solar access will be maintained to planned and existing roadways and footpath areas.

Bulk & Scale

The bulk and scale of the proposal responds to the desired vision, scale and character of the fringe area between the Oran Park Town Centre and the surrounding residential development. The proposed building is similar in bulk & scale to the nearby Oran Park Public School.

The subject site is situated in a unique location that is bordered by open space, school playgrounds and roads. There is no defined streetscape or character, however there is opportunity to create a transition from larger scale development in the town centre to lower scale development in the residential areas to the north.

(b) to provide for a range of residential building heights in appropriate locations that provide a high quality urban form

Comment: The maximum height of buildings development standard applicable to this form of building on the site is 9.5m, however residential flat buildings can have a maximum height of 16m. As residential flat buildings are permissible within the zone and the proposal has a general appearance of a residential flat building it is considered that the objective has been met.

The height, bulk, density and scale of the of the proposal is appropriate given the sites location.

(c) to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas

Comment: The proposal will facilitate the delivery of a residential aged care facility on the fringe of the Oran Park Town Centre. The site location provides a transition from the larger scale buildings within the town centre to the smaller scale residential buildings to the north.

The solar access diagrams submitted with the application indicate that there will be no impact on adjacent residential areas.

(d) to provide appropriate height controls for commercial and industrial development.

Comment: The proposal does not seek approval for any commercial or industrial development and as such this objective is not applicable. All hairdressing, café and worship areas are ancillary to the use of the aged care facility and are not intended to be used by the public.

The development is consistent with the objectives for development within the zone in which the development is proposed to be carried out:

R3 Medium Density Residential

- *To provide for the housing needs of the community within a medium density residential environment.*

Comment: The proposal contributes to providing for the housing needs of the aging community. Residents who may no longer be able to live independently will have the opportunity to live in a location adjacent to the Oran Park Town Centre and close to public transport and other facilities.

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

Comment: This objective relates to the provision of employment opportunities and has been achieved through the proposal as approximately 50 staff will be employed by the development in a range of roles. It also provides a care facility near residential areas that allow families to live nearby.

- *To support the well being of the community, including educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*

Comment: The proximity of the subject site to the town centre will allow residents to take advantage of nearby amenities including open space. The proposal itself also provides hairdressing, café, therapy and worship facilities for the residents to use without the need for them to leave the site.

- *To provide for a variety of recreational uses within open space areas.*

Comment: The proposed development provides onsite recreational areas that ensure the safety of residents and meets the specialised needs of this community. The proposal also provides a generously landscaped setback to the western boundary that adjoins pedestrian walkways along Julia Creek.

- *To allow for small scale kiosks, function centres, restaurants and markets that support the primary function and use of recreation areas, public open space and recreation facilities located within residential areas.*

Comment: The proposal does not propose any function centres, restaurants or kiosks. This objective is not relevant to the form of development proposed.

The proposal results in a preferable outcome on the site when compared to a strictly compliant scheme. The height variation does not result in undue adverse impacts as the site is a standalone lot with three street frontages and a frontage to a riparian corridor.

It is also noted that the SEPP allows residential flat buildings up to 16m in height and other forms of residential development to exceed the 9.5m height limit where the development is located on a prominent street corner; or adjacent to a local centre or public open space; and the proposal is not likely to have an adverse impact. Although seniors housing is not specifically identified as a form of development allowed to

exceed the height of building development standard, the proposed development is consistent with the merit tests listed in clause 4.3(4) in that the site is located on a prominent corner; the site is located adjacent to the local centre and public open space; and the proposal will not have an adverse impact on the existing or future amenity of adjoining land. The proposed built form is also akin to a residential flat building that would otherwise be permitted to have a maximum building height of 16m.

It is noted that the Panel may assume the concurrence of the Secretary.

Consequently, it is recommended that the Panel support the proposed contravention to the maximum height of building standard prescribed under Clause 4.3 of the Growth SEPP.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP)

Permissibility

The DA seeks consent for a residential care facility, which is a form of seniors housing, which is permitted with Council's consent within the R3 zone in accordance with Clause 4 and 15 of the SEPP (Housing for Seniors or People with a Disability) 2004.

Aims of Policy

The aims of the SEPP are to increase the supply and diversity of housing for seniors or people with a disability, to make efficient use of existing infrastructure and services and to ensure good design. The proposal development is consistent with these aims.

Relevant Clauses

An assessment table in which the proposed development is considered against the relevant clauses of the Seniors Housing SEPP is provided as an attachment to this report.

State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

SEPP 55 requires the consent authority to be satisfied that the site is suitable for its intended use (in terms of contamination) prior to granting consent.

The applicant has submitted a Contamination Assessment Review which detailed the previous assessment reports and documents relevant for the site including a phase 2 detailed contamination assessment. This review found the site to be suitable for the proposed development from a contamination perspective. Council staff have reviewed the documentation and agree with its findings.

A standard contingency condition is recommended that requires any contamination found during construction to be managed in accordance with Council's Management of Contaminated Lands Policy.

Sydney Regional Environmental Plan No 20 - Hawkesbury-Nepean River (SREP 20)

The proposed development is consistent with the aim of SREP 20 (to protect the environment of the Hawkesbury-Nepean River system) and all of its planning controls.

There will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of the proposed development. Appropriate erosion and sediment control measures and water pollution control devices have been proposed as part of the development or are conditioned as part of the recommendation.

(a)(ii) the provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved)

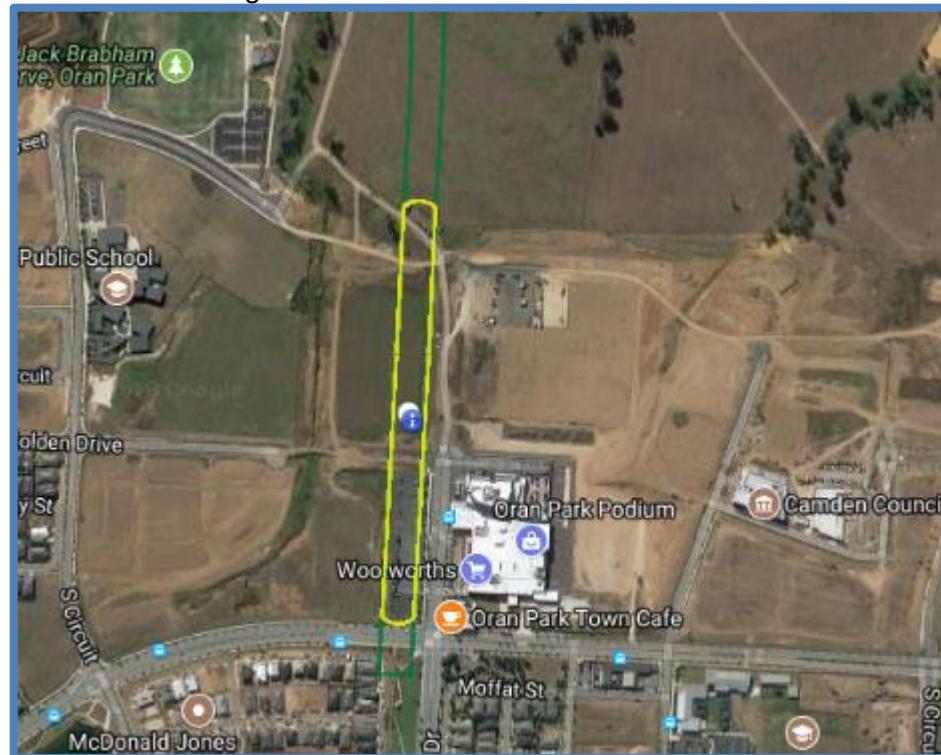
Draft Environment State Environmental Planning Policy (Draft Environment SEPP)

The development is consistent with the Draft Environment SEPP in that there will be no detrimental impacts upon the Hawkesbury-Nepean River system as a result of it.

Transport NSW and the Draft South West Rail Link Extension

The initiative to protect a future North-South Rail Line (NSRL) corridor and South West Rail Link extension has been identified in Future Transport Strategy 2056. On 26 March 2018 consultation on a recommended corridor for the NSRL, between the Southwest Sydney region and the Northwest Sydney region, was announced by the Minister for Western Sydney. Coinciding with the announcement, the Department of Planning & Environment released a discussion paper proposing a State Environmental Planning Policy (SEPP) to protect Western Sydney Corridors.

The proposed development is adjacent to the proposed rail corridor, as indicated below in the extract from the online mapping tool showing the Oran Park station in yellow and the rail corridor in green.



It is noted that Clauses 85 and 86 of the State Environmental Planning Policy (Infrastructure) 2007 do not apply to the DA, as the rail corridor only exist in draft form

for public comment. However, the DA was referred to Transport for NSW (TfNSW) for comment. TfNSW advised they have no objections to the development subject to conditions of consent, which have been included in the recommended conditions of consent.

(a)(iii) the provisions of any development control plan

The development controls plans that apply to the proposed development are:

- Camden Development Control Plan 2011.
- Oran Park Precinct Development Control Plan 2007.

Camden Development Control Plan 2011 (Camden DCP)

An assessment table in which the proposed development is considered against the Camden DCP is provided as an attachment to this report.

Oran Park Precinct Development Control Plan 2007 (Oran Park DCP)

An assessment table in which the proposed development is considered against the Oran Park DCP is provided as an attachment to this report. Discussion regarding the variation sought to the corner site secondary setback controls is outlined below:

Corner Site Secondary Setback

Part of the eastern façade of the proposed development encroaches into the 6m corner site secondary setback required under the Oran Park DCP.

Approximately 40% of the eastern facade of the building has a secondary street setback of 4.64m, resulting in a variation of 1.36m. This encroachment is balanced by 60% of the eastern façade achieving a secondary street setback of 7m, being 1m more than the required 6m. These steps in the built form allow for increased modulation and the 'sectioning' of the building to reduce the visual scale of the proposal.

The varied side boundary setback along the eastern boundary has also facilitated increased setbacks from the western boundary. The proposed building has been refined to maximise the setback along the western boundary, incorporating a setback that generally ranges between 8m to 11m with some areas incorporating a 17m setback due to the modulation of the building. This is an important feature as it provides a generously landscaped interface with the pedestrian walkways adjacent to the Julia Creek riparian corridor.

Given that the site does not directly adjoin any other development site and is located on a site that transitions from the town centre into residential development it is not considered that there will be any detrimental impact resulting from the proposed setback variation.

(a)(iiia) the provisions of any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4

The site falls within the boundaries of land which is subject to the Oran Park Urban Release Area Voluntary Planning Agreement (VPA), signed in September 2011. The subject site falls within Precinct N. The proposal has been reviewed by Council staff and no deliverables are triggered by this development application.

(a)(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph)

The *Environmental Planning and Assessment Regulation 2000* prescribes several matters that are addressed in the recommended conditions attached to this report.

(b) the likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

As demonstrated by the above assessment, the proposed development is unlikely to have a significant negative impact on either the natural or built environments, or the social and economic conditions in the locality.

Bushfire risk and evacuation strategy

As a special fire protection purpose, being seniors housing within the meaning of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the application was required to satisfy the requirements of the NSW Rural Fire Service. The primary source of bushfire threat comes from the adjacent riparian corridor to the west.

The application was referred to the NSW Rural Fire Service who have issued General Terms of Approval, including a condition requiring a Bush Fire Emergency Management and Evacuation Plan to be prepared consistent with 'Development Planning- A Guide to Developing a Bush Fire Emergency Management and Evacuation Plan December 2014' and Australian Standard AS3745 2010 'Planning for Emergencies in Facilities'.

The General Terms of Approval also require the provision of a 50m asset protection zone, BAL 12.5 construction and a vegetation management plan to ensure that the vegetation is maintained in perpetuity without creating additional bushfire risk. This 50m APZ is compliant with Vegetation Management Plan approved for the re-vegetation of the riparian corridor under the parent subdivision DA/2017/1627/1. Conditions of consent will ensure the person acting on this consent is responsible for the maintenance of the APZ.

Traffic management

Given the low car parking rate required under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, the applicant provided a sample staff roster to demonstrate that shifts will be staggered. The staggering of staff shift times will ensure that the demand for car parking will not unduly impact on the availability of on-street parking.

It is expected that very few residents within the aged care facility would own a private vehicle and all car parking would be utilized by visitors and staff. It is also noted that the site is in close proximity to the Town Centre, which is well serviced by public transport and is directly adjacent to the envisaged Oran Park rail station.

Impacts of driveway to Dick Johnson Drive

The proposal involves a porte cochere and driveway from Dick Johnson Drive, which would normally not be considered on a collector road. The driveway, however is not

considered to have detrimental impacts on the traffic movements to the road given that it is not the primary vehicular entrance and will serve more aesthetic purpose to define the entrance to the building.

The driveway does not connect to any parking areas or to any other part of the site so will only be used as a pick up/drop off point for residents or as ambulance parking when required. The primary vehicular entrance is at the rear of the site and connects directly into the basement carpark with the service driveway also located at the rear of the site.

The applicant has submitted a traffic report and supporting information in support of the DA. The report and supporting information demonstrate that the proposed development will not have a significant negative impact upon the surrounding road network and the operation of surrounding intersections. Council staff have reviewed the report and supporting information and support the conclusions contained therein.

(c) the suitability of the site for the development

As demonstrated by the above assessment, the site is considered to be suitable for the development.

(d) any submissions made in accordance with this Act or the regulations

The DA was publicly exhibited for a period of 30 days in accordance with the Regulations for nominated integrated development. The exhibition period was from 23 January and 21 February 2019 and no submissions were received.

(e) the public interest

The public interest is served through the detailed assessment of this DA under the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2000*, environmental planning instruments, development control plans and policies. Based on the above assessment, the development is consistent with the public interest.

EXTERNAL REFERRALS

The external referrals undertaken for this DA are summarised in the following table:

| External Referral | Response |
|------------------------------------|---|
| Natural Resources Access Regulator | No objection, General Terms of Approval issued. |
| NSW Rural Fire Service. | No objection, General Terms of Approval issued. |
| Transport for NSW | No objection and conditions recommended. |
| Sydney Metro Airports. | No objections. |
| Sydney Water. | No objection and conditions recommended. |
| Camden Police Local Area Command | No objection and conditions recommended. |

Conditions that require compliance with the external referral recommendations are recommended.

CONCLUSION

The DA has been assessed in accordance with Section 4.15(1) of the *Environmental Planning and Assessment Act 1979* and all relevant instruments, plans and policies. The DA is recommended for approval subject to the conditions attached to this report.

RECOMMENDED

That the Panel:

- i. Support the justification in the applicant's written request lodged pursuant to Appendix 1, Clause 4.6(3) of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to the contravention of the height of buildings development standard, and**
- ii. Approve DA/2018/1468/1 for a 3 storey residential care facility at 600E The Northern Road, 600F The Northern Road and 371 Oran Park Drive, Oran Park subject to the conditions attached to this report.**