

Proposed Variation to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Height of Buildings

1 INTRODUCTION

This request for a variation to the principal development standards of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. The request has been prepared by Design+Planning on behalf of Thompson Health Care Pty Ltd.

The request for variation is submitted to Camden Council in support of a Development Application (DA) for construction of a building for use as an Aged Care Facility as well as associated car parking and landscaping.

Clause 4.3 Height of Buildings of Appendix 1 Oran Park Precinct within the Growth Centres SEPP applies a 9.5m height limit for the proposed development which is classified as a *Residential Care Facility*. The proposed Aged Care Facility has a maximum building height of 14.6m.

The exceedance of the building height is appropriate in consideration of the site responsive design achieved and the development controls that guide the delivery of Aged Care Facilities at Oran Park.

The request is for a variation to *Clause 4.3 Height of Buildings* and has been prepared in accordance with the provisions of *Clause 4.6 Exceptions to Development Standards* of Appendix 1 Oran Park Precinct within the Growth Centres SEPP.

2 PROPOSAL CONTEXT

The proposed development will deliver a state of the art Aged Care Facility providing significant long term benefits for the existing and planned future community within Oran Park and the wider region, catering to the aging population and delivering housing diversity.

The subject site is located within the Tranche 25 development area and is situated in the central northern portion of Oran Park Town.

The subject site is located to the north west of the Oran Park Town Centre, on the northern side of Dick Johnson Drive. Julia Creek forms the western boundary, with Jack Brabham Reserve located to the west of that. The alignment of Dick Johnson Drive forms the southern boundary, with the portion of Dick Johnson Drive bordering the subject site approved under Development Consent 2016/1534/1.

The Aged Care Facility will provide significant long term benefits for the existing and planned future community and will incorporate 244 individual rooms, a basement carpark with 68 car spaces, dining and entertainment areas, lounge areas, internal courtyards, perimeter landscaped areas as well as the services and facilities needed for staff to provide care and support for the elderly residents.

The proposed development is defined as a *Residential Care Facility* under SEPP (Sydney Region Growth Centres) 2006, being:

accommodation for seniors (people aged 55 years or more) or people with a disability that includes:

- (a) meals and cleaning services, and*
- (b) personal care or nursing care, or both, and*
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,*

not being a dwelling, hospital or psychiatric facility.

The Growth Centres SEPP incorporates the following definition for building height:

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

The proposed Aged Care Facility has a maximum building height of 14.6m, however the bulk of the building is significantly lower than 14.6m. As illustrated on the Architectural elevations, the building generally ranges in height between 12.5m and 14, with roof treatments occupying the upper 3 - 4 metres and façade treatments ensuring the building achieves an articulated outcome with the public domain.

The proposed buildings exceedance of the 9.5m height limit should be considered in the context of the development controls guiding the delivery of an Aged Care Facility in Oran Park and advice provided by the Design Advisory Group.

It is important to consider the design similarities to a Residential Flat Building (RFB) and the design objectives for an RFB which the proposal achieves, including compliance with the 16m height control for RFBs at the subject site. These factors are addressed and expanded on below.

3 JUSTIFICATION

Clause 4.6 Exceptions to Development Standards of the SEPP Precinct Plan provides opportunity for the standards to be varied. The clause provides flexibility in the application of certain development standards in line with the following:

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless

(a) the consent authority is satisfied that:

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Secretary has been obtained.

Clause 4.3 Height of Buildings of Appendix 1 Oran Park Precinct within the growth Centres SEPP applies a 9.5m height limit for the proposed development which is classified as a Residential Care Facility. The proposed building has a maximum building height of 14.6m.

The proposed Aged Care Facility is in the public interest, catering to an aging population and delivering diversity in housing that is close to services, public transport and open space. It will provide significant long term benefits for the existing and planned future community of Oran Park.

Strict compliance with the 9.5m height limit is unnecessary and unreasonable in the instance of the proposed development as outlined below.

3.1 Development Control Considerations

The subject land is zoned R3 Medium Density Residential, providing a transition area between the Oran Park Town Centre, zoned B2 Local Centre and R1 General Residential Areas to the north, east and west. The medium density zoning which applies to the subject site permits residential flat buildings (RFB) which have a height control limit of 16m, reflecting the potential bulk and scale for the subject site and surrounding R3 zoned land. 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. As demonstrated in the main body Statement of Environmental Effects, the proposed Aged Care Facility is generally consistent with the requirements of an RFB under the Growth Centres DCP, generally complying with setback, private open space, landscaping and site coverage requirements.

Clause 4.3 Height of Buildings 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 above finished ground level, if they meet certain criteria which are as follows:

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. The subject site is located adjacent to public open space with the Julia Creek open space corridor adjoining the site to the west, with the Jack Brabham Sporting Reserve located to the west of Julia Creek. The subject site also adjoins the Oran Park Town Centre and is on a prominent street corner, with frontage to Dick Johnson Drive which is a sub-arterial road and key east west corridor providing access to the Oran Park Town Centre.

The subject site is located within an area identified for medium density development as part of the transition area adjacent to the Oran Park Town Centre.

As outlined in the Statement of Environmental Effects for this DA, the proposed works are consistent with the aims of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP (HSPD) 2004). It is also noted that whilst the proposed development is submitted pursuant to the provisions of the Growth Centres SEPP, the proposal is consistent with the design principles for seniors housing included in Chapter 3, Part 3, Division 2 of The SEPP (HSPD) 2004. With regard to these design principles, the proposal achieves a development that responds to the existing and planned future character of the area, achieving a medium density development outcome within the R3 zone adjacent to a sub-arterial roadway and the Oran Park Town Centre as well as local community spaces being Julia Creek and Jack Brabham Reserve.

3.2 Site Location

As outlined above, the location of a site is a key consideration in determining the appropriateness of a buildings height. The subject site is zoned R3 Medium Density Residential Development 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 following locational features should also be taken into consideration with regard to the proposed building height:

- Dick Johnson Drive
- Julia Creek and Jack Brabham Reserve
- Oran Park K-12 Public School
- R3 Medium Density zoned land is located to the north and will likely accommodate residential densities that complement the proposed outcome.

In addition to the above, the alignment for the North West Rail Line has been identified directly east of the local road that adjoins the subject site (the local road being proposed under DA 2017/1627/1). The alignment for the North West Rail Line extension is identified in key strategic planning documents including Transport for NSW's *Future Transport 2056* and *Western Sydney Corridors Plan*, the *Greater Sydney Region Plan* and the *Western Sydney District Plan*.

The location of the North West Rail Line directly to the east of the subject site will introduce a significant infrastructure asset that would further complement the proposed building height and residential density as well as the objectives for the R3 zone and vision for this area of Oran Park.

3.3 Building Design

While the height of the proposed building exceeds the 9.5m height control, the building has been designed to achieve an outcome that is consistent with the R3 Medium Density Residential zone. 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.

Following the Design Excellence Panel the proposal underwent a significant review to refine the façade and roof treatments. The proposed building now incorporates a combination of stepping of the building, variation in 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 varied roof line and roof treatments result in the higher points of the building, however these are fundamental components of the improved design.

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 boundary is shown on the Architectural plans to demonstrate that the proposal maximises setbacks to allow for a spacious interface with the public domain and increase the opportunity for landscaping. Adjoining Julia Creek, the building is required to achieve a 3m side setback which it significantly exceeds allowing for an open and spacious interface with Julia Creek and deliver an integrated landscaping outcome.

Setbacks along the eastern façade have also been varied to increase modulation and the façade adjoining Dick Johnson Drive has a porte cochere providing a landmark for the building and additional articulation.

The gable roof design achieves an outcome where the highest point of the building is set back from the building façade, ensuring that the building is not overbearing on the street.

The proposed building incorporates articulated facades with consistent large windows and balconies. This ensures that the building presents an interesting and activated interface with the public domain, providing passive surveillance. Private landscaping will provide additional ground level variation and interest.

4 OBJECTIVES OF THE DEVELOPMENT STANDARD

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

- (a) *to preserve the amenity of adjoining development in terms of solar access to dwellings, private open space and bulk and scale,*
- (b) *to provide for a range of residential building heights in appropriate locations that provide a high quality urban form,*
- (c) *to facilitate higher density neighbourhood and town centres while minimising impacts on adjacent residential areas,*
- (d) *to provide appropriate height controls for commercial and industrial development.*

The proposed building will deliver a site responsive design that considers the adjoining land uses. The bulk and scale of the proposed building has been designed to achieve a sensitive interface with the adjoining land uses, incorporating large setbacks, landscaping, articulated facades as well as a modern chapel located on a prominent street corner.

Land surrounding the subject site is in various stages of development. The existing and future amenity of the adjoining land will not be impacted by the proposed development. Land to the north and east is zoned R3 Medium Density Residential with 16m height limits for RFBS permitted in this area. The R3 area, which the subject site forms part of has been strategically zoned to provide a transition in density between R1 zoned land and the Oran Park Town Centre. The proposed development forms part of this transition area and the proposed height is lower than the permitted 16m for RFBS and considerably lower than the 24m height limit proposed in the Town Centre rezoning Planning Proposal.

The proposed development will not impact on solar access or private open space or the general amenity of adjoining R1 zoned land located to the west. This land incorporates public open space associated with the Julia Creek open space corridor and Doohan Reserve. To the south west is the K-12 School separated by Dick Johnson Drive which is a sub-arterial roadway.

Land to the south east is zoned B2 Local Centre, with a height limit of 24m and is also separated by Dick Johnson Drive which forms one of the key sub-arterial roads for the Oran Park Precinct.

The proposed development achieves the objectives of the zone by providing for a building height and associated density that utilises proximity to the Oran Park Town Centre, frontage to a key sub-arterial road and access to public open space. These high amenity aspects of the subject sites location have been considered in the context of achieving a transition in heights from the Oran Park Town Centre to land zoned R1 General Residential. As part of the R3 Transition area, the proposed development is suitable in terms of bulk and scale. Further, the surrounding R1 zoned land facilitates land uses that are either public open space, public roads or educational establishments in accordance with the Oran Park ILP and therefore the proposal will not impact on the amenity of any low density residential development.

5 OBJECTIVES OF THE ZONE

The objectives of the R3 Medium Density Residential Zone are as follows:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *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.*
- *To provide for a variety of recreational uses within open space areas.*
- *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.*

The proposed development is consistent with the objectives of the R3 Medium Density Residential Zone and is permissible within the zone.

The proposed Aged Care Facility will support a form of *seniors housing*, providing a service that meets the needs of the community. The proposed building incorporates a built form outcome that is consistent with the medium density residential environment envisioned for this area. The area will be characterised by medium density development that utilises proximity to services within the Oran Park Town Centre as well as open space and proximity to transport infrastructure including bus services provided along Dick Johnson Drive. The alignment of the North West Rail Line extension is located directly east of the subject site and will provide an additional piece of infrastructure that complements the proposed Aged Care Facility.

The proposed development will meet the day to day needs of an aging population with on-site services and facilities required to provide residents at the Aged Care Facility with an attractive living standard. The proposed design ensures that the development forms an integrated component of the public domain. The proposed Aged Care Facility is permissible development within the R3 Medium Density Residential zone.

6 CONCLUSION

This request for a variation to *Clause 4.3 Height of Buildings* of Appendix 1 Oran Park Precinct within the growth Centres SEPP has been prepared to accompany a Development Application for construction of an Aged Care Facility. The proposed building exceeds the height limit of 9.5m applying to the subject site.

There are various planning grounds for the proposed variation to the development standard. The proposed building has been designed to achieve a site responsive design that incorporates a gable roof, articulated facades, landscaping and setbacks that reduce the perceived height from the streetscape. The proposed chapel provides additional variation at the corner of Dick Johnson Drive and the future local road, enhancing street presentation and pedestrian scale.

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. As demonstrated in the main body Statement of Environmental Effects, the proposed Aged Care Facility is generally consistent with the requirements for an RFB under the Growth Centres DCP, generally complying with setback, private open space, landscaping and site coverage requirements.

The existing and planned future land uses surrounding the subject site ensure that the proposal will not impact on the amenity of adjoining residences.

The proposed development is in the public interest. The Aged Care Facility will provide significant long term benefits for the existing and planned future community and will incorporate 244 individual rooms, a basement carpark with 76 car spaces, dining and entertainment areas, lounge areas, internal courtyards and perimeter landscaped areas.

The proposed variation has been prepared in accordance with the provisions of *Clause 4.6 Exceptions to Development Standards* of Appendix 1 Oran Park Precinct within the Growth Centres SEPP.