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13 September 2019

General Manager
Campbelltown City Council
PO Box 56
Campbelltown NSW 2560

Att: David Timmins - Senior Assessment Officer

Dear David,

DA 130/2019/DA-SL- RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION - 247 JAMBOREE AVENUE, DENHAM COURT

This letter has been written in response to Campbelltown Council's request for further information, dated 22 May 2019, 28 June 2019 & 12 August 2019 and the Sydney Western City Planning Panel's (**the Panel**) comments dated 13 August 2019, regarding the development application lodged over land at 247 Jamboree Avenue, Denham Court (**the site**) and otherwise referred to as Development Application **130/2019/DA-SL**.

This letter is accompanied by the following documentation, which comprehensively addresses the issues raised by Council and the Panel:

Attachment A - Architectural Plan Package prepared by Conrad Gargett

Attachment B - Landscape Architecture Design Report prepared by Conrad Gargett

Attachment C - Response to Rural Fire Services prepared by MJD Environmental

Attachment D - Amended Traffic Assessment prepare by SECA

The accompanying documentation addresses each of the issues raised by Council, as summarised in **Table 1** (overleaf).

If you have any questions in relation to this letter, please don't hesitate to contact the undersigned on (02) 8233 9970 or via email at spurton@urbis.com.au

Yours sincerely,

Sophy Purton

Senior Consultant



Table 1 – Response to request for additional information

Matter for consideration	Response	
Council's Request for Additional Information		
1. Height of building	The extent of variation	
The submitted clause 4.6 variation seeking to vary the storey height control for buildings in the rear 25% of the site is not considered to be desirable, as it would increase overshadowing	The submitted clause 4.6 variation seeks to vary the one storey building height control for the rear 25% of the site. The extent of the variation, being a two storey built form, is illustrated on drawing DA1003. The rear 25% of the site comprises 2,850m². The proposed variation includes an additional storey which comprises 64% (1,836m²) of the rear 25% of the site.	
to dwellings to the south, increase overlooking to dwellings to the west, and present a long	Complaint building envelope	
unrelieved wall to neighboring dwellings. The submission does not calculate the extent of the variation being sought, or have regard to a	The site is located within the R2 Low Density Residential zone. The R2 zone permits a range of residential land uses including, inter alia, boarding houses, dwelling houses, semi-detached dwellings, seniors housing and shop top housing.	
compliant building design. The proposal does not appear to satisfy other	The development standards permit a maximum building height of 9m and a minimum dwelling density of 15 dwellings per hectare.	
building height development standards, including the maximum building height of 8m, and the maximum height of 2 storeys	Table 4.5 Summary of key controls for lots with frontage width >15m of the Growth Centre Precinct DCP, summarises the key controls for a dwelling house in the R2 zone. Table 4.10 key controls for residential flat buildings, manor homes and shop top housing summarises the key controls for a shop top housing development in the R2 zone. These controls depict the type of building envelopes that would be compliant within the R2 zone, in terms of height, bulk, scale and siting.	



Matter for consideration	Response			
	An assessment of the proposed development against the residential building envelope controls applicable in the R2 zone, is provided in the table below:			
	Element	Control – Dwelling House	Control – Shop top housing	Proposed development
	Front setback (min)	4.5m to building façade line	Determined by ground floor setback	5.5m – 6m to Denham Court 20m – 25m to Jamboree Avenue
	Side setback (min)	0.9m – ground level 1.5m – upper level	2m	6m – 10m along the western boundary
	Rear setback (min)	4m – ground level 6m – upper level	4m	4m – ground level 6m – upper level
	Building height in storeys	2 storeys	N/A	Yes - 2 storeys is proposed
	Site coverage	50%	50%	51%
	Principle private open space	Min 24m² with min dimension of 4m. 50% of the private open space should receive at least 3 hours of sunlight between 9am and 3pm at the winter solstice (21 June).	Min 8m2 with min dimension of 2m	4,648.8m ² communal open space



Matter for consideration	Response
	Importantly, with respect to the rear of the site, the DCP controls confirm that a compliant built form within the R2 Low Density Residential zone would generally consist of a 2 storey building height with a ground level rear setback of 4m, which is increased to 6m at the upper level and side setbacks of up to 2m.
	As illustrated in the table above and on the amended architectural plans, the proposed development is 2 storeys in height, has a ground floor rear setback of 4m, an upper level rear setback of 6m and a western side setback ranging between 6m – 10m. The proposed development is therefore located within a building envelope that would be compliant within the R2 residential zone.
	<u>Overshadowing</u>
	As illustrated on the sun diagrams (drawing number DA1021 and DA1022), solar access to the southern neighbours outperforms that required by the SEPP 2004 or the relevant DCP controls.
	In this regard, the site is located to the north and east of the established Willowdale Retirement Village, which contains self-contained dwellings, as defined under SEPP 2004.
	Clause 50(e) of SEPP 2004 relates to solar access for self-contained dwelling and states that a consent authority must not refuse consent if "living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,"
	There are six dwellings that adjoin the southern boundary of the site. The private open space areas range between 59m ² – 113m ² , which is well beyond the minimum private open space areas required by the SEPP 2004. The private open space areas of 100% of these dwellings receive direct solar access



Matter for consideration	Response
	between 11am – 3pm (4 hours). From 1pm-3pm, over 50% of the private open space area for all dwellings, receives direct solar access.
	Clause 35 solar access and design for climate of SEPP 2004 states that development should:
	(a) ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space,
	Notwithstanding the non-compliance, the proposed development does not result in unreasonable loss of solar access. The submitted overshadowing diagrams confirm that adequate solar access to substantial areas of private open space areas is maintained at a level that outperforms the applicable and relevant development standards and objectives pertaining to solar access.
	<u>Privacy</u>
	Detailed sections have been prepared on Drawing DA1011 which confirms that the orientation and placement of dwellings within the rear setback zone, do not result in direct overlooking to the living areas or private open space areas of the western neighbours. An extract from the landscape plan provided below, further confirms the relationship between the south-western dwellings and the western neighbour.



Matter for consideration Response Notably, the four dwellings within the upper level rear-setback zone, have a western side setback of 6m - 8m, which is well beyond the maximum 2m setback required by the DCP. The privacy impacts have been further mitigated by the following: the variation in ground levels between the site and the western neighbour results in the average eye height looking directly at the roof level of the western neighbour;



Matter for consideration	Response
	- The western neighbour has no primary living areas facing the site, with only 1 high level window on their eastern façade
	- The dwellings are orientation away from the primary living areas and private open space areas
	- 3 large mature trees are proposed along the south western boundary which further reduce the privacy impacts.
	Overall it is considered that the proposed design outcome (setbacks, orientation of buildings, placement of windows, landscaping and variation in topography) reduces the potential for unreasonable privacy impacts. On the contrary, the privacy is significantly greater between the site and the western neighbour than what would be afforded within a typically compliant building envelope. This confirms that the proposed non-compliance does not result in any unreasonable privacy impacts, beyond that anticipated by the general planning controls.
	Unrelieved wall
	The proposed development has been amended to achieve a 6m rear setback for the upper level. In addition to the increased setbacks, the upper level has been further articulated and broken down through the incorporation of a number of recessed elements which reduces the perceived bulk and scale of the built form and provides for increased visual interest.
	The southern elevation of the external façade will incorporate a range of materials and finishes that will further alleviate the expanse of the building. Dense mature vegetation is proposed along the southern boundary, which incorporates nine Brush Cherry trees.



Matter for consideration	Response
	As illustrated on the southern elevation on Drawing DA1013, the combination of the existing 2m rear boundary fence (on the adjacent property), the proposed landscaping, upper level setbacks, indentations and use of materials and finishes is considered to result in an acceptable urban design outcome.
	Other building height development standards
	As illustrated throughout the amended drawings and in particular on DA1031, the plant zone has been redesigned so that it no longer forms a 'storey' nor does it form part of the overall building height, for the purpose of this clause.
	The proposed building is now two storeys and has a maximum building height of 7.8m when measured in accordance with the definition of building height under the SEPP.
Streetscape & Character Concern is raised regarding how the proposed development responds to the streetscape/character of the area with respect	As outlined in Clause 31 of SEPP 2004, the <i>Seniors Living Policy: Urban Design Guideline for Infill Development</i> only applies to development for the purpose of in-fill self-care housing. The proposed RACF has been designed with regard to the design principles outlined in Division 2 of SEPP 2004.
to: to: the lack of breaks in built form the long unbroken roof lines the lack of structural articulation in building facades	The proposed development is a residential aged care facility. By nature, these facilities operate in a similar manner to hospitals, in that all levels need to be flush and breaks in the built form are undesirable and significantly constrain the operation and function of the RACF. The amended architectural package provided at Attachment A includes further renders which illustrates the articulated nature of the facades.



Matter for consideration

- the proximity of the car park to the street and lack of landscape screening
- the large setback between the building and Jamboree Ave
- the visual prominence of the loading dock, acoustic screen, pump room and substation
- the design of the street front fence lack of architectural design, material consistency and street front planting
- the lack of regard to the Seniors Living Urban Design Guidelines

Response

The car park and associated services within the Jamboree Avenue setback have been redesigned to address Council's concerns. In this regard, the existing 8 visitor spaces have been reduced to 4 spaces and the substation and fire sprinkler pump that were original on the eastern boundary, have been relocated, away from the streetscape. The loading dock has been designed to integrate with the façade, noting that this is substantially setback from the streetscape and is screened by the proposed mature trees, as illustrated in the below excerpt:



The amended landscaping plans provided at **Attachment B** confirms that the proposed street fence is well integrated into the landscaped setting of the site and provides for visual interest within the streetscape.



Ma	itter for consideration	Response
3.	Privacy The upper level windows of the western façade do not appear to have been designed so as to not overlook neighboring private open space. It is noted the Growth Centres DCP does not permit first floor balconies on side or rear facades.	It is noted that prior to lodgement of the development application, the applicant engaged with the owners of the Willowdale Retirement Village to ensure that any future development on the site would not result in adverse and unreasonable privacy impacts for the adjoining properties. The architect has implemented a number of design measures to alleviate potential privacy impacts. The owners of Willowdale Retirement Village have not objected to the development application. Nonetheless, the objective of clause 4.2.9 visual and acoustic privacy is to "site and design dwellings to meet user requirements for visual and acoustic privacy, while minimising the visual and acoustic impacts of development on adjoining properties." The Growths Centres DCP stipulates side setbacks of 0.9m – 2m. In this instance, it is reasonable that first floor side balconies are not permitted. However, the proposed development includes a western side setback of 6m – 10m, which significantly outperforms the requirements of the DCP and inherently, reduces the potential for direct overlooking. The substantial setbacks and separation distances, the variation in building levels between the site and the western neighbour, the provision of mature landscaping along the boundary and the existing site boundary fence combine reduce any potential adverse privacy or overlooking impacts between the site and the western neighbour. Further, the established dwellings to the west have their primary orientation to the north and south. Their eastern facades contain single high-level windows only which limits the ability for direct overlooking.



Ma	tter for consideration	Response
		The upper level balconies are limited to a select number of dwellings which are well setback from the boundary. Given that a compliant building envelope is capable of having a setback of 0.9m-2m, it is considered that the proposed design results in an acceptable outcome. Refer to DA1011 which includes detailed excerpts of the relationship between the western neighbour and the site.
4.	Ambulance bay & parking The ambulance bay and parking spaces adjacent to the driveway do not appear to be practical in terms of vehicle maneuverability e.g. single maneuver entry and exit. Swept paths showing how vehicles would use the site were not provided. The visitor parking spaces have not been line marked.	The Jamboree Avenue setback has been redesigned and the ambulance bay has been relocated. Refer to DA1002 which demonstrates the revised layout. Swept path analysis has been provided by Seca Solutions (Attachment D).
5.	Basement The end basement parking space has not been provided with a blind aisle.	The basement has been increased to accommodate additional parking that was located within the setback. A blind aisle has also been provided. Refer to Drawing DA1001.
6.	Bus stop The proposed driveway appears to conflict with the existing bus stop, and the bus stop has not been proposed to be appropriately relocated.	As illustrated on drawing number DA0004 of Attachment A , the amended plans seek to relocate the bus stop 25m south of its existing location, adjacent to the visitors parking. As confirmed within the accompanying letter prepared by SECA Solutions (Attachment D), the proposed location of the bus stop allows for an adequate bus zone, in accordance with the State Transit Bus Infrastructure Guide.



Ma	tter for consideration	Response
7.	Retaining walls The plans do not appear to indicate the finished levels of retaining walls. The walls are not clearly drawn on the elevations and sections, and a wall appears to be missing to support cut adjacent to the boundary.	The amended architectural drawings illustrate the location of the retaining walls. The landscape package in Attachment A provides details the proposed retaining walls.
8.	Doors Numerous rooms have not been provided with doors.	Plans have been updated to include doors where necessary refer to Attachment A .
9.	GFA The GFA plans and FSR have not been calculated correctly	The GFA has been recalculated in accordance with the definition under the SEPP 2004. As illustrated on Drawing DA1010, the proposed development has a GFA of 10,429m2 which equates to an FSR of 0.91:1.
10	Number of employees Please confirm the maximum number of employees on duty at any one time	The site would have staff rostered generally over 3 main shifts with there expected to be a maximum of 50 employees onsite during the busiest morning shift including managers, registered and enrolled nurses, personal carers, hotel services, maintenance, professional consultants and administration staff.
11	Health	Deceased persons are to remain within their airconditioned room and to be collected by a funeral director within a short timeframe.



Matter for consideration	Response
Please specify where deceased persons would be stored pending collection.	
 Rural Fire Service Information to demonstrate the setbacks from the proposed development to the hazard vegetation situated to the north east and south. This shall be in the form of a scaled plan showing the separation distance to the actual edge of the environmental conservation area to the north east and the southern edge of the power line easement to the south. Information demonstrating the management of the environmental conservation area to the north east of the development, including documentation related to its vegetation classification and fuel loads 	



Matter for consideration Response 13 Permissibility The SP2 zone applies to the northern part of the site. As illustrated below, part of the northern residential wing sits within the SP2 zone. Please discuss how the proposed development is permitted within the SP2 zoned land Whilst it is acknowledged that seniors living is not permitted in the SP2 zone, Clause 5.3 development near zone boundaries provides flexibility in the application of the land use zones within 50m of a zone



Matter for consideration	Response
	boundary, where the site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site.
	The surrounding area forms part of the Growth Centre and the land use zones were applied prior to the construction of roads and formal lot boundaries. Therefore, the zoning does not perfectly align with the current registered allotment boundaries.
	Given the road is fully formed and constructed, the SP2 land use zone would appear to encroach within the site boundary, which is and was always intended to be fully zoned for R2 Low Density Residential land uses. There is no intent or requirement for the road to be widened as it is a newly constructed road and therefore it is reasonable that the site be fully developed for its intended purpose, i.e. residential. The development is not inconsistent with the objectives for development in either the R2 Low Density zone or the SP2 infrastructure zone.
	This is similar to the existing seniors living to the west of the site, in which those dwellings are also permitted and constructed within the SP2 zone corridor.
	By way of application of this clause, the portions of the RACF which are wholly inside the site boundary, are permissible with consent, within the SP2 zone, as confirmed by the following assessment:
	5.3 Development near zone boundaries
	(1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more



Matter for consideration	Response
	logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.
	Assessment: The proposed Seniors Housing is permissibly within the R2 Low Density Residential zone, which adjoins the SP2 Infrastructure zone. The proposed use is located wholly within the site boundary and therefore development for the purpose of the seniors housing on the site is considered to result in a logical and appropriate use of the site.
	Council shall acknowledge that the site is located within the Growth Centre and the land use zones were mapped prior to the formal construction of lot boundaries and infrastructure. The surrounding area has been predominately developed and the immediately adjoining road is fully constructed and formed. The proposed development of the site for the purposes of seniors housing, is compatible with the planning objectives for the R2 Low Density Residential zone and is permissible with consent.
	(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 50 metres.
	Assessment: The relevant distance is less than 50 metres.
	(3) This clause does not apply to land proposed to be developed for the purpose of sex services premises or restricted premises.
	Assessment: The proposed development does not include sex services premises or restricted premises.



Matter for consideration	Response
	(4) Despite the provisions of this Precinct Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
	(a) the development is not inconsistent with the objectives for development in both zones, and
	Assessment: The stated objectives of the SP2 Infrastructure zone are as follows:
	To provide for infrastructure and related uses.
	 To prevent development that is not compatible with or that may detract from the provision of infrastructure.
	The proposed RACF is suitability setback from the recently constructed road verge and will not hinder the ability for the road to function, for its intended purpose.
	The proposed development is consistent with the objectives of the R2 Low Density Residential and is not inconsistent with the objectives of the SP2 Infrastructure zone and therefore the consent authority should be satisfied that the development meets the intent of clause (4)(a).
	(b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land, and
	Assessment: The proposed development on the site, within the SP2 zone, is desirable as it is
	permissible in the R2 zone and complies with the objectives of the R2 zone, which encompasses the majority of the site. The proposal is consistent with the intended purpose of the site, which was
	identified as a RACF within the stage 1 approvals relating to the wider masterplan of the Willowdale



Matter for consideration	Response
	Retirement Community. The proposal provides for important social infrastructure that will service the wider community and compliments the independent living units to the south and west of the site. The SP2 land use zone was identified to enable the development of the road infrastructure which has now occurred. The proposal will not inhibit the capacity of the road network to function and operate as intended.
	(c) if the land is in Zone RE1 Public Recreation, the relevant acquisition authority for any land marked "Local open space" on the <u>Land Reservation Acquisition Map</u> consents to the development being on that land.
	Assessment: The site is not located in the RE1 Public Recreation Zone.
	(5) This clause does not prescribe a development standard that may be varied under this Precinct Plan.
	Assessment: The proposal does not seek to vary a development standard under this clause.
Sydney Western City Planning Panel	
Compatibility with the character of the area is an important matter, with attention to presenting the development to the public streets and to the adjoining residential lots. Connection with the native bush elements on opposing corners of the intersection of Jamboree Avenue and Denham Court Road should be an aim of the design.	Refer to the accompanying landscape masterplan included at Attachment B which provides for a high quality landscape response which appropriately responds to the Cumberland Woodland and the surrounding environmental conservation area.



Matter for consideration	Response
The location of all of the vehicular maneuvering, garbage collection and plant at the street-front is undesirable and an adaption of the design which improves the street presentation should be considered.	As discussed above, the proposed substation has been relocated and the extent of parking within the front setback reduced. The proposal now includes a higher proportion of landscaping to break-up the hard stand nature of the servicing area.
The Panel sought confirmation that there is no residual concept plan associated with the adjoining Willowdale Retirement Village with relevance to the application.	The concept plans indicate that the site is to be developed for a multi-storey residential aged care facility.
The proposed structures on the southern boundary and the 3.5 metre boundary fence have the potential to impact on the adjacent private open space and may need to be set back from the boundary or redesigned to avoid overshadowing.	For clarification, there is no 3.5m boundary fence proposed. There is an existing 2m rear boundary fence located on the adjacent property, which will be retained. The proposed development does not seek to introduce any new fencing along this portion of the site. Landscaping is proposed within the site boundary. There is a 2.7 m tall acoustic wall proposed along a portion of the south-eastern boundary, which extends for a depth of approximately 25m. This is located along the side boundary of the adjacent dwelling and was requested by the owners of the neighbouring Stockland Village, during the preliminary consultation. The acoustic wall is therefore a pre-agreement between the applicant and the owners of the adjacent site, of which no submissions were received regarding this during the formal notification period.
While there is an advantage to having the ambulance bay and some of the disabled	As discussed above, the proposed car parking has been reduced and relocated to the basement.



Matter for consideration	Response
carspaces at grade, the other visitor spaces and some of the disabled spaces might be better relocated to the basement (presumably with some additional excavation) to reduce the size and visual prominence of the vehicular circulation areas on the street front and an increase in landscaping. The vehicular circulation areas are complicated and potentially obstructed by the visitor parking arrangements. The Panel would anticipate considered feedback from the traffic engineer on these points.	Swept path analysis has been provided within the accompanying amended traffic assessment provided at Attachment D .
The Traffic Committee will need to consider the proposed demolition of the existing bus stop, and a submission from the Applicant is required on that subject.	The applicant seeks to relocate the bus stop so that it is 25m south of the existing location. As confirmed within the accompanying letter prepared by SECA Solutions (Attachment D), the proposed location of the bus stop allows for an adequate bus zone, in accordance with the State Transit Bus Infrastructure Guide. The final location of the bus stop can be determined by the Traffic Committee as part of reasonable conditions of consent.
The Panel will need information in order to consider the potential impact on the Jemena pipeline, noting that the whole of the site is located within the Eastern Gas Pipeline and Notification Area. Jemena's response to referral to date would	Bolton Clarke have engaged Project Delivery Assurance as an independent facilitator of a Safety Management Statement (SMS) process and action plan.



Matter for consideration	Response
seem to lead to refusal of the application if accepted by the Panel. The Applicant should be asked to discuss the matter with Jemena directly to investigate whether Jemena's concerns can be resolved. The Panel will require advice as to how Jemina's response is to be considered.	Project Delivery Assurance is engaging directly with Jemena to resolve the issues raised and will liaise further with Council if input is required as part of preparation of the SMS.
The inclusion of a three storey element adjoining a single storey sensitive land use exceeding the numerical control for height is of concern noting that no clause 4.6 request is made. Both the legal permissibility of that element and its amenity impacts will need to be considered.	As discussed above, the three storey component has been deleted and the proposal now complies with the 8m height limit and 2 storey building height control, as defined under the SEPP 2004.
Articulation of the presentation to Denham Court Road might be given attention. Some vegetated insets into the boundary fence planted with ornamental small trees would be one way of softening the appearance.	Additional landscaping has been provided and the fence has been refined to provide for visual interest within the streetscape and further define the intersection of Denham Court and Jamboree Avenue.
Solar panels, storage batteries arranged for efficient use and minimum appearance from the street should be considered	Bolton Clarke will install solar panels for electricity in a non-intrusive manner on the roof.

