CONSULTING PLANNERS

APPLICANT'S RESPONSE TO MATTERS RAISED IN THE COUNCIL ASSESSMENT REPORT

OPAL RESIDENTIAL CARE FACILITY AT 94-100 EXPLORERS WAY, ST. CLAIR

Prepared for
Opal HealthCare

By
BBC Consulting Planners

Job No. 19-121A
Opal St Clair - Response to proposed grounds for refusal
August 2022

55 MOUNTAIN STREET BROADWAY NSW ~ PO BOX 438 BROADWAY NSW 2007 ~ TELEPHONE [02] 9211 4099 FAX [02] 9211 2740
EMAIL: bbc@bbcplanners.com.au ~ WEB SITE: www.bbcplanners.com.au

ABN 24 061 868 942

CONSULTING PLANNERS

Table of Contents

1. INTRODUCTION

1.1 Overview

This report provides the applicant's response to the matters raised in the Council Assessment Report

The applicant engaged with Council early in the design process undertaking a detailed character assessment to guide urban design so as to obtain urban design input and to ensure that the design responds to the attributes of the site and the desirable elements of the surrounding context. The analysis of site and context has driven the design. Engagement with Council has continued during DA assessment to ensure that matters raised by Council have been addressed. A positive working relationship with Council has been established to resolve issues leading to significant changes to the application and discussions are continuing.

The recommendation for refusal comes as a surprise to the applicant. It is considered that the issues identified have, or can be, resolved and the applicant should be given sufficient time to do so.

The panel is requested to defer determination of the application to allow outstanding matters to be resolved.

2. BIODIVERSITY DEVELOPMENT ASSESSMENT REPORT (BDAR)

This matter is addressed through discussions between Abel Ecology and Council's biodiversity officer can be addressed. Discussions are progressing and additional information will be provided to address Council concerns.

3. TREATMENT OF THE WESTERN EDGE

3.1 Western boundary landscaping

Landscaping along the western boundary has been improved significantly since the DA was lodged. A two metre wide deep soil planting zone separates the driveway from the boundary fence. Trees are located adjoining existing houses and with depth of the landscaping ensures that these trees establish to full height and provide visual screening to and from the proposed development.

The building is setback between a minimum of 10 metres from the western boundary with the upper level setbacks have been increased to between 12 and 13 metres. The boundary landscaping and setback provides an appropriate screening to the development and an appropriate relationship.

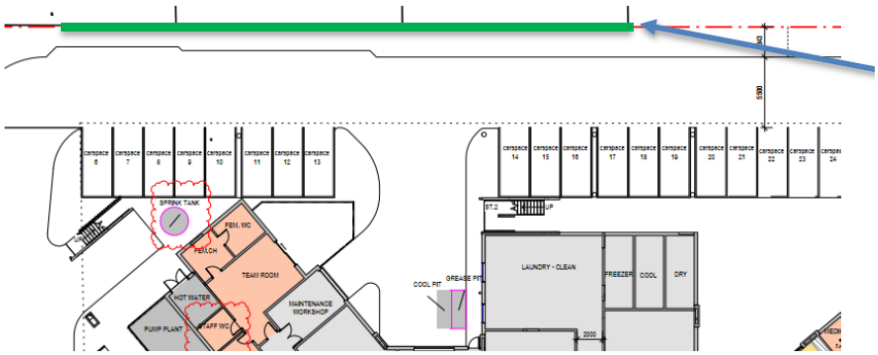
The following montages from the applicant's urban design response provide an impression of the design intent.

View 12
Artist's impression from 3D model showing proposed building and mature height of trees
Building renders are indicative only in detail and colour and reference should be made to elevations for materiality

View 13
Artist's impression from 3D model showing proposed building and mature height of trees
Building renders are indicative only in detail and colour and reference should be made to elevations for materiality

3.2 Boundary fence

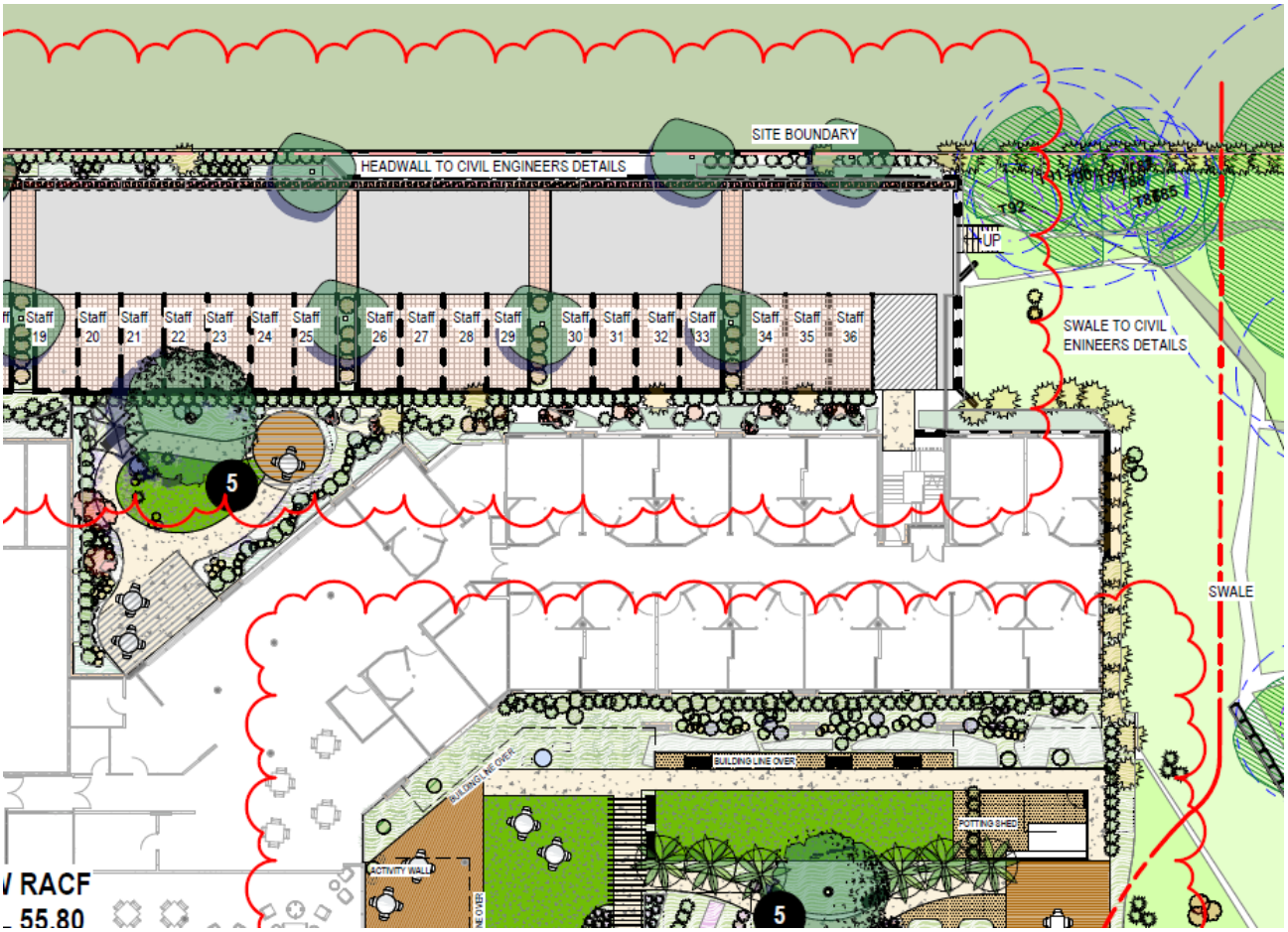
The acoustic consultant recommended a boundary fence of 2.2 metres adjacent to the loading area entry as shown in the following extract from the acoustic impact assessment to ensure that the noise criteria could be met from this activity.

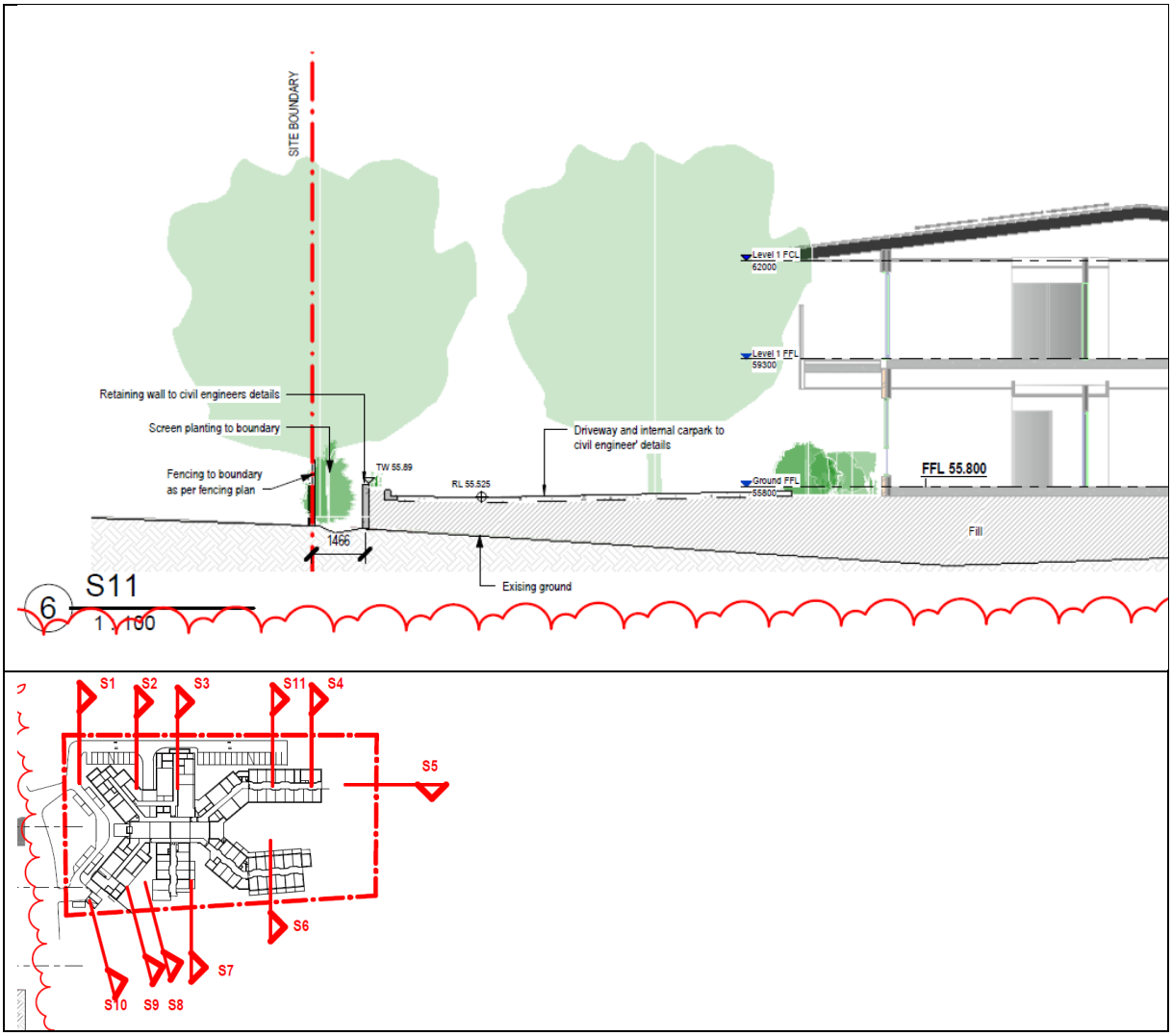


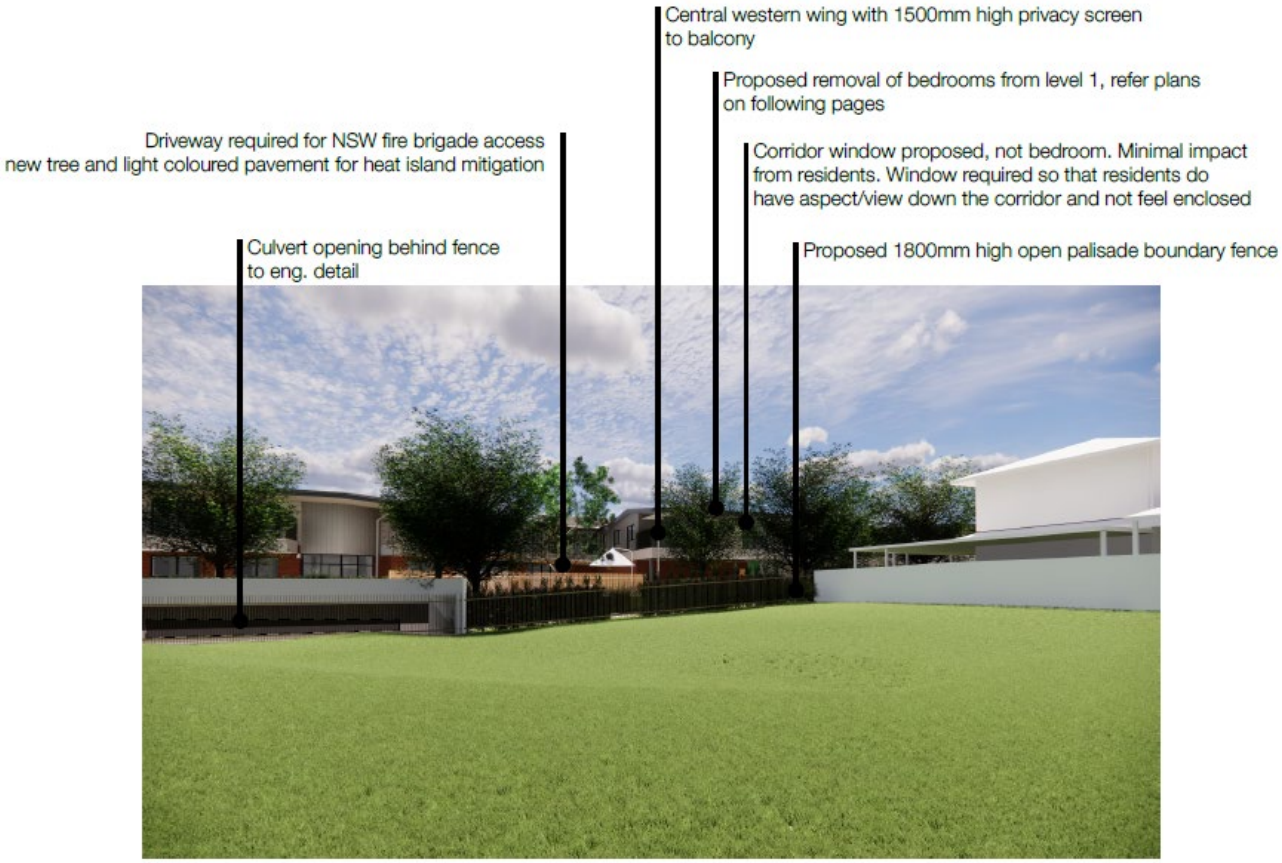
The submitted DA drawings indicate that the 2.2m high fence extends along the full length of the western boundary adjoining the three existing dwellings. A condition of consent restricting the area of the fence to that shown above is recommended. A fence of this height is higher than the typical rear boundary fence height of 1.8 metres but is considered acceptable in a residential environment.

3.3 Northern portion of the car parking

The relationship of the northern portion of the car park to the adjoining site can be seen in the following extracts from the development application drawings.


SITE BOUNDARY
HEADWALL TO CIVIL ENGINEERS DETAILS
UP
SWALE TO CIVIL ENINEERS DETAILS
SWALE
Staff 19
Staff 20
Staff 21
Staff 22
Staff 23
Staff 24
Staff 25
Staff 26
Staff 27
Staff 28
Staff 29
Staff 30
Staff 31
Staff 32
Staff 33
Staff 34
Staff 35
Staff 36
5
BUILDING LINE OVER
POTTING SHED
ACTIVITY WALL
5


SITE BOUNDARY
Level 1 FCL
62000
Level 1 FFL
59300
Retaining wall to civil engineers details
Screen planting to boundary
Fencing to boundary
as per fencing plan
TW 55.89
RL 55.525
Driveway and internal carpark to
civil engineer' details
Ground FFL
55800
FFL 55.800
Fill
1466
Exising ground
6
S11
1 : 100
S1
S2
S3
S11
S4
S5
S6
S7
S10
S9
S8



View 8
Artist's impression from 3D model showing proposed building and mature height of trees
Building renders are indicative only in detail and colour and reference should be made to elevations for materiality

4. FLOODING

The matters raised by Council have been reviewed by the project civil engineers. The information submitted with the development application including the HECRAS model, DRAINS model, civil engineering drawings and civil engineering report adequately demonstrates that there is no adverse flood impacts on neighbouring properties.

The proposed culvert and swale contain the overland flows within the subject site in the post-developed condition (as shown on drawing 19755_DA_C121). At the downstream end of the swale, the levels are tyring within the existing levels and therefore matching the existing downstream flood conditions. At the upstream part of the site, overland flows drop into the headwall (which has a width that is greater than the 1%AEP flood extent to ensure it effectively captures all flows) and then through to the culvert. The HECRAS modelling demonstrates that there is no increase in the flood level at this point, when comparing the post developed model to the predeveloped model.

Cross sections at 5m intervals have been provided in the HEC-RAS model for the pre-developed and post developed condition. Additionally, a long section has been provided through the swale on drawing C211. Additional cross sections can be provided within the civil engineering drawing set if deemed necessary, however it is believed that sufficient information has been provided to Council through the combination of the HEC-RAS model, drawings, report and DRAINS model.

Pre and post flood mapping has been provided on drawings C120 and C121 in the civil engineering DA drawing set.

It is considered that some further discussions between Council engineers and the applicant's engineers will enable any outstanding matters to be resolved.

5. DESIGN ELEMENTS

The following matters are required to be considered in the assessment of this development application under the Environmental Planning and Assessment Act 1979 and its Regulations.

5.1 External finishes

a. Elements of external finishes being unclear, including in relation to specifications of the glazed privacy screens, sections of feature brickwork and driveway pavement;

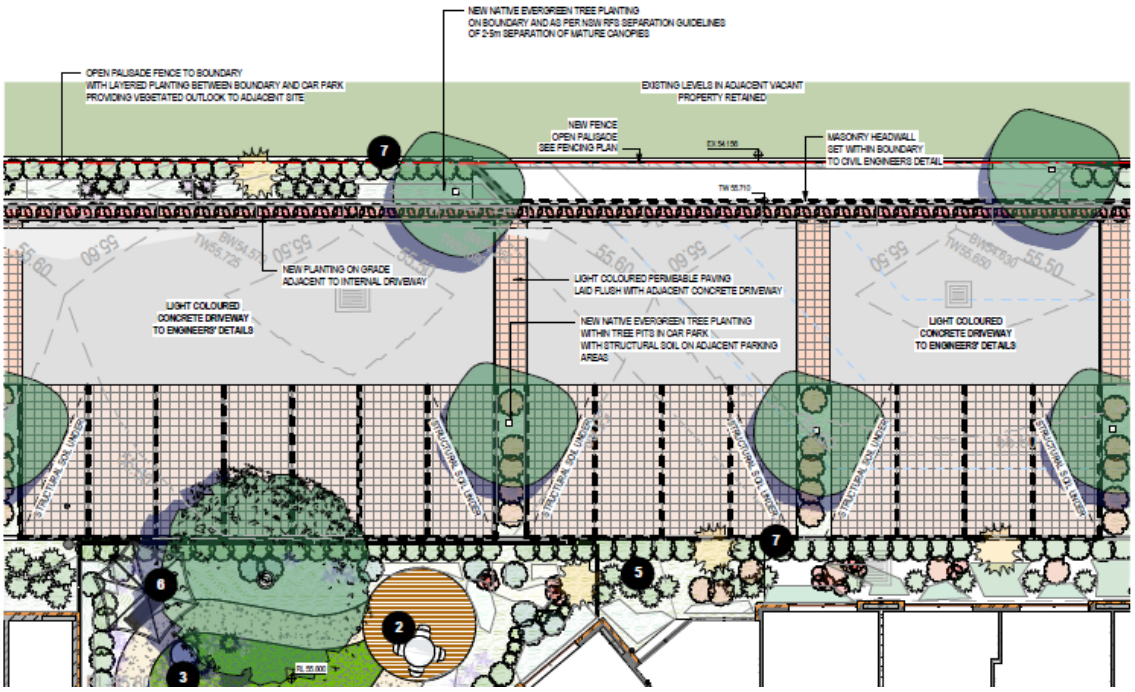
Elements of external finished are clearly shown on the DA drawings. There are no glazed privacy screens proposed.

One section of feature brickwork has been proposed and discussed with Council officers. The DA included the below design response to Council's request for further articulation of the south east wing façade. The proposed design response is as follows as shown on the DA drawings.

SOUTH EAST WALL ELEVATION

The applicant is open to further discussions on the elevational treatment if it lacks clarity.

The proposed driveway pavement is shown on the landscape drawings as indicated on the following extract.



The driveway comprises:

- light coloured concrete driveway with light coloured permeable paving sets so that heat can be reflected into the landscape and providing interest and permeability to the driveway;
- permeable paving in the car parking spaces laid flush with adjacent concrete driveway;
- native evergreen tree planting within tree pits in car park with structural soil on adjacent parking areas and spaced generously throughout the car park.

The result is a driveway and parking area design with canopy tree cover providing shade from the afternoon sun provided by landscaping along driveway verges and within parking areas. Planting alongside the western boundary includes trees capable of providing sun-shading from the western sun.

5.2 Booster pumps

b. Booster pump and other enclosures and the substation out of character;

Services are located on the street frontage in accordance with the requirements of the relevant authorities and services standards. These will be located in a landscaped setting with small scale residential screen fencing provided to enclose services against the landscaped background. This will maintain the residential character of these elements.

The equipment has either been housed behind a palisade screen and landscaping or heavier landscaping. The screening will be at a height no more than a normal residential fence and only be located around the equipment. The screening and landscaping will provide a natural appeal to the street.

5.3 Desired future character of the area

c. Inconsistent with desired future character in that the development does not reflect features or qualities of traditional detached dwelling houses.

5.3.1 Existing character

The proposed development has been designed following a careful consideration of the site and its context. This design process is outlined in the Urban Design and Architecture Report accompanying the development application. Detailed consideration was given to the surrounding low density residential context in order to ensure that the proposal recognises the desirable elements of the locality and its desired future character and is compatible with the existing streetscape character.

The immediate area is typical of suburban development of the 1970s with a curvilinear street system with a number of circuits and cul-de-sacs making wayfinding and legibility difficult. The built form is primarily detached one and two storey dwelling houses with spatial breaks between each built form and a traditional pitch roof character. Housing is generally between 30 and 50 years old with some renewal with more contemporary and larger dwellings.

The site adjoins the rear boundaries of three dwellings fronting Ashwick Circuit and of four dwellings fronting Fuller Place. Consequently, adjoining dwellings to the site on the Explorer Way frontage present side boundaries to the street. The land adjoining the south west frontage to the site presents an irregular boundary interface between the site and Explorers Way road reserve.

Otherwise, dwellings on Explorers Way have a generally consistent setback from the street frontage of 7 to 8 metres with a variety of hard paving for driveways and landscaping making up the front gardens in the area. Front driveways are often used for vehicle parking.

The site and nearby sites back onto the motorway which is a source of noise to be managed in the design.

An open space reserve at the end of Fuller Place adjoins the north eastern boundary of the site.

The residential suburb of St Clair includes a number of other land uses set in a detached residential environment including churches (St Clair Anglican, St Clair Uniting, Holy Spirit Catholic), schools (St Clair public and high schools, Clairgate public, Blackwell public, Holy Spirit), child care centres (Stepping Stones, Little Smarties, Academy, Kindana) and the shopping centres. These more institutional forms also influence the character and diversity of built form in the area.

5.3.2 Bulk and scale

The development is considered to be of a bulk and scale that is appropriate for the context for the following reasons:

- The building facades to the street and to side and rear boundaries are highly articulated and broken into different components;
- The materials of each of the building components provide further articulation with weatherboard panels, coloured fibre cement panels, glass, metal panels and brick. Sun blades and hoods provide additional articulation to the façade.

- All components are grounded by a brick base (also preferred for maintenance purposes) and the panels on level one are differentiated by contrasting elements. The sitting rooms also have their own colour that continues inside. Timber look battens and aluminium blades and screens are applied to the façade.
- Separate building components and recesses create breaks in the elevation. These changes reduce the perceived length of the building.
- Generous setbacks are provided to all boundaries and the building complies with the building controls except to the north of the site where there are no adjoining residential buildings.

The bulk and scale and visual impact of the building is acceptable having regard to the articulated façade design, the building setback and the opportunities for landscaping.

The building design and on site arrangement will result in development that is consistent with the character of the St Clair locality and will not unreasonably impact on the amenity of adjoining residential premises.

5.3.3 Streetscape impacts

Detailed consideration has been given to the street frontage treatment of the development. A significant number of trees along the street frontage are retained and additional plantings are proposed to complement the considered residential architectural entry. Services are located on the street frontage in accordance with the requirements of the relevant authorities with small scale residential screen fencing to be provided to enclose services against a landscaped background.

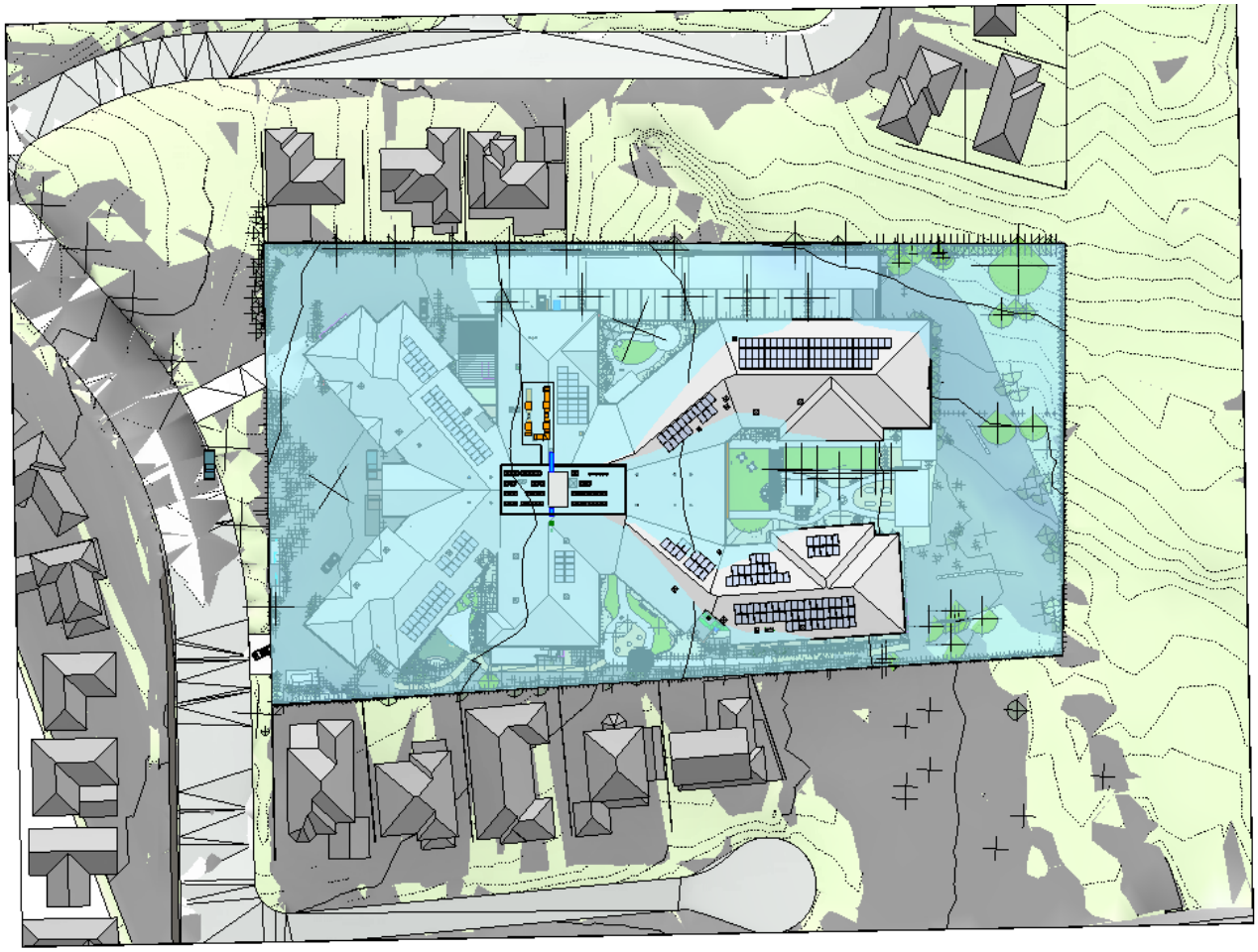
Pavement area has been minimised allowing an increase in the area of planting and additional landscaping. Feature paving is proposed to parking areas to reduce the extent of driveway.

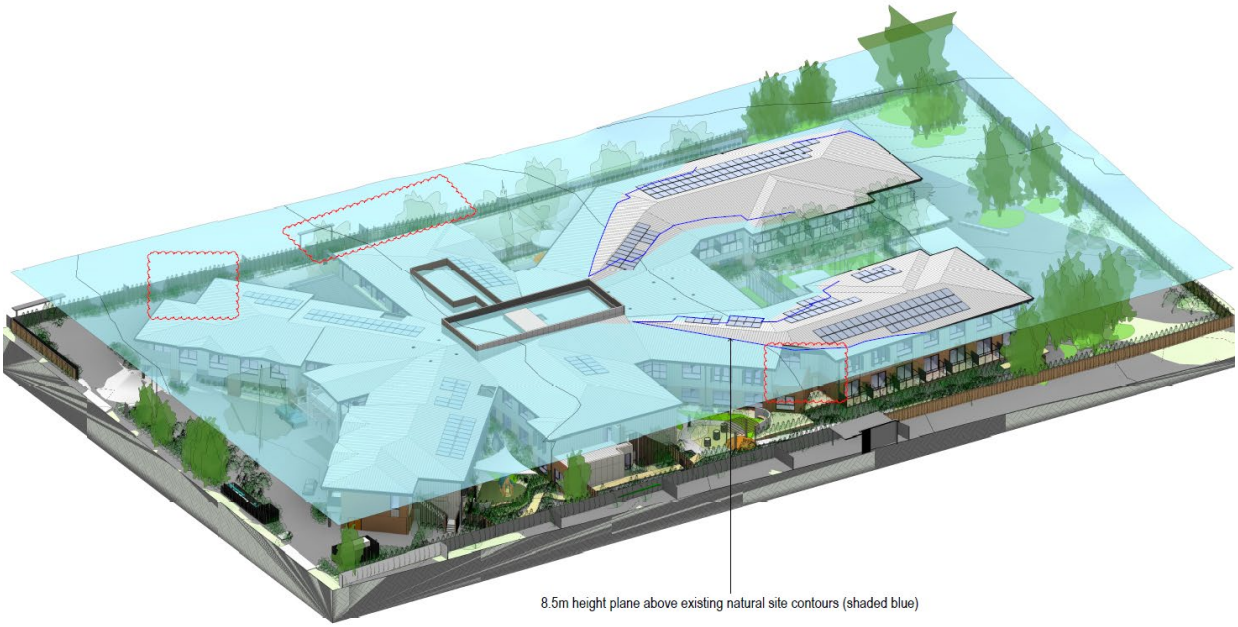
The two storey building is setback approximately 9 metres from the street frontage (with minor balcony protrusion) at the closest point. The varied building setback and articulated building elevation with a stronger brick base and lightweight cladding to the upper level results in a streetscape appearance that is residential in scale and with significant front landscaping. In this regard it is also noted that the operational, functional and economic requirements of residential care facilities, typically require a different building shape from other residential accommodation. The front façade is articulated, and the south eastern façade treated in a manner that adds articulation and visual interest.

6. VARIATION TO BUILDING HEIGHT CONTROL

Clause 4.6 not adequate because development is not consistent with the objectives of the zone or in the public interest.

The following diagram identifies those elements of the development that do not comply with the maximum building height development standard in the LEP. This is the same as the axonometric view lodged with the development application also repeated below.





The development complies with the height control to the street frontage an adjoining the existing residential properties. The non-compliance relates predominantly to the roof and roof mounted plant which are mostly recessed behind the building façade and eaves height and thus would not generally be visible from the adjoining public domain or from adjoining sites. The non-compliant plant elements are integrated into the design of the building with the plant areas recessed into the roof with roof cut-outs provided for plant areas which are to be screened. The building has been designed with a pitch roof form consistent with the residential character of the area.

The height the building in relation to street frontage is compatible with the streetscape. A two storey dwelling is allowed under the LEP, the building presents as a two storey element to the street. The new building presents as a two storey building mass predominantly along the east and west facades, with the height exceedance occurring only at the rear of the property adjacent to open space and the motorway with no impacts to neighbours regarding overshadowing or privacy.

The clause 4.6 addresses the objectives of the development standard and the zone:

> ***The objectives of the standard are achieved notwithstanding non-compliance with the standard***
>
> *The proposal is consistent with the objectives of the standard as set out in Section 4.2 above for the following reasons.*
>
> *In relation to Objective (a):*
>
> *The height, bulk and scale of development is compatible with the existing and desired future character of the locality and is appropriate for the context for the following reasons:*

- *The building facades to the street and to side and rear boundaries are highly articulated and broken onto different components:*
- *The materials of each of the building components provide further articulation with weatherboard panels, coloured fibre cement panels, glass, metal panels and brick. Sun blades and hoods provide additional articulation to the façade.*
- *All components are grounded by a brick base (also preferred for maintenance purposes) and the panels on level one are differentiated by contrasting elements. The sitting rooms also have their own colour that continues inside. Timber look battens and aluminium blades and screens are applied to the façade.*
- *Separate building components and recesses create breaks in the elevation. These changes reduce the perceived length of the building.*
- *Generous setbacks are provided to all boundaries and the building complies with the building controls except to the north of the site where there are no adjoining residential buildings.*

The bulk and scale and visual impact of the building is acceptable having regard to the articulated façade design, the building setback and the opportunities for landscaping.

The building design and on site arrangement will result in development that is consistent with the character of the St Clair locality.

In relation to Objective (b):

The proposed additional height has minimal visual impact for the following reasons:

- *The non-compliance relates predominantly to the roof and roof mounted plant;*
- *The non-compliant elements of the building are mostly recessed behind the building façade and eaves height and thus would not generally be visible from the adjoining public domain or from adjoining sites;*
- *The non-compliant plant elements are integrated into the design of the building with the plant areas recessed into the roof with roof cut-outs provided for plant areas which are to be screened;*
- *The building has been designed with a pitch roof form consistent with the residential character of the area;*
- *There is no significant loss of views created by the non-compliance;*
- *Impacts on solar access to the adjoining park and to adjoining residences have been minimised by building setbacks and orientation;*
- *Privacy of adjoining residences is maintained and is not impacted by the extent of non-compliance;*
- *The non-compliance is minimal and localised.*

In relation to Objective (c):

The development does not affect any heritage items, heritage conservation areas or areas of scenic or visual importance.

In relation to Objective (d):

The development provides an appropriate transition in urban form through the provision of generous setbacks and maintaining a two storey built form. The relationship with adjoining lands enables an appropriate transition from the proposed development to adjoining development including open space and dwelling houses.

The objectives of the R2 Zone

The site is located within an R2 Low Density Residential Zone. The objectives of this zone are as follows:

- *To provide for the housing needs of the community within a low density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.*
- *To enhance the essential character and identity of established residential areas.*
- *To ensure a high level of residential amenity is achieved and maintained.*

The proposal is consistent with the above objectives in that:-

- *the proposal meets community needs for residential care facility accommodation for frail aged within a low density residential environment;*
- *it complements the low density residential character of the surrounding area and is compatible with the character and identity of the established St Clair residential area; and*
- *it provides a high level of residential amenity to future residents and protects the amenity of adjoining residences.*

The clause 4.6 request is pressed and provides justification for varying the maximum building height development standard in the circumstances of this case.

7. PARKING

the proposal does not include parking for the 'health consulting rooms' component, in accordance with the minimum car parking requirements, pursuant to Part C10.5.1 of the Penrith Development Control Plan 2014.

Parking is provided for the proposed allied health space with three spaces provided for this purpose.

Consent is not sought for health consulting rooms which are defined in the LEP to mean: *premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.*

The allied health facility is described in the SEE to be:

> *An allied health area including treatment rooms and open therapy space is provided. This is an area where physiotherapists and exercise physiologists deliver professional services in areas of rehabilitation and exercise. The allied health service model underpins Opal's ethos to provide their residents with access to quality healthcare services ensuring they continue to live a healthy, comfortable and abundant life and maintain connections with the general community. Experience at other centres indicates significant benefits from such facilities in resident wellbeing and health.*
>
> *The facility includes a physical therapy area, a treatment room, consultation rooms, office and reception area. It has access to an external area for open air exercises. The facility is accessed from within the residential care facility with a smaller separate entry from the front of the building. The majority of the clients of the facility would be residents of the approved seniors housing development. However, it is proposed that elderly residents of the surrounding area can access the facility for rehabilitation or therapy. The facility is expected to require up to 4 additional staff at any one time.*

Parking is provided to meet the needs of this element of the development which is primarily intended to serve the residents. Similar facilities at other Opal homes are well utilised by residents and make a significant contribution to well being of the residents. The parking provision is the same as other Opal homes and has been found to be adequate to meet needs.

8. WASTE MANAGEMENT

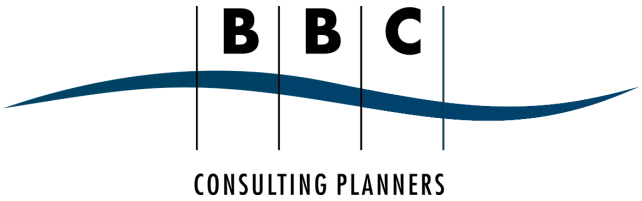
A detailed Waste Management Plan which provides specific details of demolition and construction elements, has not been provided, as required by Part 5.3.1. While comprehensive details have not been provided of the garbage storeroom and therefore it is unclear whether such provides for compliance with the requirements Part 5.3.4.

The development requires demolition of a dwelling house and some outbuildings. Waste management during demolition and construction is addressed in the Construction Management Plan accompanying the application. More details on specific demolition and waste management can be provided once a building contractor is appointed. Any requirements of council in this regard can be included as a condition of development consent.

A detailed operational waste management plan has been prepared and accompanied the application. It includes:

- including details of estimated waste generation, collection timetables and the required size of the storage room;
- access arrangements to and from the site;
- details of the design and siting of the waste room;
- management of waste storage and collection areas.

The matters in Section 5.3.4 of the DCP are fully addressed in the OWMP.


B B C
CONSULTING PLANNERS