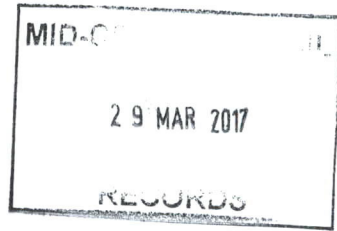


G) Planning Objection



PLANNING OBJECTION TO BUILDING HEIGHT DEVELOPMENT STANDARD FOR AMENDMENTS TO SENIOR LIVING HOUSING PROPOSAL (RACF AND APARTMENT BUILDING) LOT 83 KULAROO DRIVE FORSTER,

1 Introduction

This objection under Great Lakes Local Environmental Plan 2014 Clause 4.6 has been prepared in relation to the changed development standards that form part of the proposed amendments to the approved Residential Aged Care Facility building (RACF) and to the replacement of 8 serviced self-care duplex dwellings with 20 serviced self-care apartments. The details of the proposed changes and the justification for the changes are set out in the Statement of Environmental Effects.

2 Exceptions to Development Standards

GLLEP 2014 is a standard instrument LEP and applications for a variation to a development standard are assessed against the provisions of Clause 4.6 of that plan. The objectives of Clause 4.6 area provide an appropriate degree of flexibility in applying certain development standards to particular development and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

Clause 4.6 (4) of GLLEP 2014 provides that consent must not be granted for development that contravenes a development standard of the relevant zone unless it is demonstrated that the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives the relevant zone, and that the concurrence of the Director-General has been obtained.

Clause 4.6 (3) provides that an applicant must demonstrate that that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

3 Is the Planning Control in Question a Development Standard?

ENVIRONMENTAL PLANNING INSTRUMENTS

The Environmental Planning Instruments to which this objection relates are *Great Lakes Local Environmental Plan 2014 (GLLEP 2014)* and *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Living)*.

Great Lakes Local Environmental Plan 2014

The original development application was determined under Great Lakes Local Environment Plan 1996 (GLLEP 1996). GLLEP 1996 was superseded by GLLEP 2014 on 4 April 2014 and is therefore the plan relevant to this application. Under GLLEP 2014 the land is now zoned R2 Low Density Residential.

The objectives of this zone are –

- 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.

The use is defined as ‘seniors housing’ and that is a use permitted within R2 zone with development consent.

GLLEP 2014 further provides that the heights of buildings within a zone are not to exceed the maximum height shown for the land on the Height of Buildings Map

The objectives of the building height clause are to ensure that the scale of proposed buildings is compatible with the existing environmental character and the desired future urban character of the locality, and to encourage residential development that is consistent with AS 4299–1995, Adaptable housing.

In the case of the R2 zone the maximum building height is 8.5m (measured as the vertical distance between the existing ground level and the highest point of the building). The height is expressed as a numerical value and is therefore a development standard for the purpose of clause 4.6.

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

The SEPP Seniors Living policy specifies development standards for development on land where residential flat buildings are not permitted. Residential flat buildings are not permitted development under the current R2 Low Density Residential zoning

The relevant standards in the policy specify maximum building height of 8m (measured vertically from any point on the ceiling of the topmost floor of the building to the ground level immediately below that point) and the maximum number of storeys permitted in certain circumstances.

These are also development standards.

Streetscape means the character of a locality (whether it is a street or precinct) defined by the spatial arrangement and visual appearance of built and landscape features when viewed from the street. defines.

The proposed building heights are shown on the height analysis drawing included in the design documentation. For the RACF building the heights range from 2.4m in the north eastern corner to 9.2m in the western southern section of the building, with parts of the central corporate areas 11 to 13m height above existing ground level. That part of the RACF building adjacent to the eastern boundary remains of 1-2storeys with the south east corner part 3 storey.

The underlying objective of the 8m height requirement referred to in paragraph is to ensure that new development is of a scale consistent with its neighbours in areas where the predominant development is low rise/low density.

The purpose of the limiting number of storeys adjacent to a boundary is to avoid an abrupt change in the scale of development in the streetscape and to protect the amenity of adjoining residents in terms of overshadowing, loss of daylight and avoid a dominating effect.

4 Objection to development standards

4.1 Neighbourhood character

Kularoo Drive has a pavement width of 12m between kerbs and functions as a sub-arterial road. At its eastern end the dwelling character is predominantly that of high set or two storey dwellings. As it falls to the west the dwelling character changes to single storey brick dwellings with some scattered duplex developments. This character extends extensively over the plain to the west of the site.

Karloo Street has a pavement width of 10m between kerbs and functions as local distributor but carries some 'rat run' traffic linking Kularoo Drive with the Southern Parkway. This is likely to diminish with the extension of Karloo Street to The Southern Parkway. The drainage reserve separating the residential area to the south has a narrow concrete invert with grassed banks and no landscaping. The eastern part of the reserve is flat and used mainly as an off leash dog walking area. Adjoining the drainage reserve to the south are three single level duplex developments, four single level detached dwellings and a public reserve of some conservation significance.

To the east of the land there are three, one and two storey dwellings. The adjoining dwelling off Kularoo Drive has a significant orientation to the west with a deck at RL 14.89 setback approximately 5m from its common boundary with the land. The central dwelling has an average side boundary setback of approximately 15m and has a western facing verandah at RL 11.66 and a swimming pool within that setback. Its primary focus is towards Bangalow Place. The southernmost dwelling is setback about 7.5m from the common boundary and its major living emphasis is towards Bangalow Place and an adjoining public reserve. It also has a swimming pool partly within the setback.

The building style on the locality has a consistent low density scale and massing and its architectural character is largely unremarkable and consistent with that generally constructed in Forster in the period between 1980-2000. Any change to this character in the foreseeable future is likely to be limited to change to external brick finishes to the more recent rendered style.

4.2.1 Building heights

RACF building

To ensure economic sustainability in the face of imminent changes to Commonwealth funding arrangements, it is clear to GLACIA that additional units need to be incorporated within the RACF to make the project viable.

Given the need to maintain the RACF as a predominantly 2 storey building to the eastern boundary so that it maintain its existing relationship with the three adjoining dwellings, the option chosen was to incorporate the additional units in the north and central facing parts of the roof space of the RACF. As a result, the building will not present an increased bulk to the adjoining dwellings, and will not diminish their amenity in regard to overlooking or solar access.

In terms of the Kularoo Drive streetscape the proposed building will change from a part one and part two storey building to that of a two storey building. The overall increase in height is limited to a maximum of 2.7m above the approved building profile

While the visual massing of the building to Kularoo Drive will increase, the significant building setbacks and articulation of this façade reduce the overall impact sufficient to ensure that the scale of proposed buildings will remain compatible with the existing and likely future environmental character of the locality.

Proposed additions to the corporate areas along the central spine are contextually small and being centrally located will have a minimal visual impact.

The presently approved Pacific Cape Village project is a large integrated seniors living development that will be a major provider of specialist housing in Forster/Tuncurry and thus meets the objectives of the R2 – Low density zone.

Of necessity the RACF is a large structure but, even in its modified form, its location against the higher slopes of the land and by following the contours of the land, its scale is compatible with the existing and likely future urban character of the locality. Significantly, continues to meet its amenity obligations to its adjoining neighbours.

It is considered that the proposed changes in height to the RACF building meet the underlying objectives of its zoning and to the height standards incorporated in both GLLEP 2014 and SEPP Seniors living. Accordingly numerical compliance with the development standards would be unnecessary in the circumstances of the particular case and would not be in the public interest.

Apartment building

GLACIA has also identified a need to increase the diversity of accommodation type to meet the needs of seniors transitioning from independent living in traditional dwellings to fully assisted living. As a consequence it now proposes to replace 8 duplex units with an apartment building containing 20 units.

The preferred location is adjacent to the southern boundary which adjoins a 19m wide drainage swale. This location presents the opportunity for an extensive northerly aspect for each of the units and provides a graduated transition to the larger RACF building. Importantly the separation to the adjoining dwellings to the south is such that impacts of overlooking and solar access can easily be managed.

To the south of the drainage swale there are seven dwellings, four of which are directly opposite the proposed apartment. All of the dwellings have their own effective privacy screening from the drainage swale by way of either 1.5m or 1.8m Colorbond fences and or

significant vegetation. The actual separation distances between the proposed apartment building and the dwellings is in excess of 26m.

The apartment building has been designed promote sustainable outcomes for the living areas by facing habitable rooms to the north to capture solar access for warming and lighting and to cooling summer north easterly breezes. The southern façade incorporates access hallways to the apartments with windows screened to minimise overlooking to the southern dwellings and incorporate articulation and fenestrations to reduce any apparent building bulk.

Shadow diagrams demonstrate that the building does not restrict sunlight to the property boundaries between 9am and 3pm on the winter solstice.

The location of the apartment building is such that existing and proposed development will largely restrict views of the building from Kularoo Drive and Karloo Street other than glimpses between the duplex buildings, a 30m section of Kularoo Drive adjacent the RACF access driveway and a 45m section of Karloo Street opposite the drainage swale. The building could of course be highly visible to the dwellings to the south of the swale however their built form tends to indicate that the amenity of their outdoor spaces are internalised to their allotments. The number of people who use the drainage swale as a walkway is limited and is not considered to be a significant issue. It will also be visible at distances of 150m and beyond from high set dwellings on the northern side of Kularoo Drive and in parts of the boarder more distant visual catchment.

For the above reasons it is considered that the proposed apartment building will have only minimal impacts on the streetscapes of Kularoo Drive and Karloo Street or on the impact on the desired future character of the area generally.

As with the RACF building it is considered that the proposed development achieves the objectives of the height standard notwithstanding strict compliance meets the underlying objectives of zone and the height standards incorporated in both GLLEP 2014 and SEPP Seniors living and accordingly strict numerical compliance with the development standards would be unnecessary in the circumstances of the particular case and would not be in the public interest.

5 CONCLUSION

The proposed changes to the RACF are necessary to ensure its economic viability in the face of changing funding arrangements and the inclusion of apartments will provide additional housing choices consistent whit Council's development objectives.

In proposing these changes GLACIA has been careful to ensure that the design changes do not diminish the existing relationships between the approved development and its neighbours and retains its high level of amenity to its residents.

It is considered that the amended proposal meets the objective of the relevant planning instruments and that approval to the application is in the public interest.