



Report to Sydney Central City Planning Panel

SCCPP reference	PPSSCC-413
DA No.	1001/2022
Date of receipt	21 December 2022
Proposal	Demolition of existing buildings and structures, tree removal and remediation works and construction of a temporary club house and associated temporary car parking spaces. Construction of seven (7) buildings (3 to 8 storeys) containing 155 independent living units for the purposes of seniors housing (including people with a disability); construction and operation of a new registered club (Oatlands Golf Club); and 405 car parking spaces over 2 basement levels (200 club and 205 residential spaces); and landscaping and ancillary facilities. Torrens title subdivision into 2 lots (to separate the site from the golf course land) and further, subdivision of one of the subject lot into 17 lots in a community scheme and strata subdivision of the independent living units.
Street address	94 Bettington Road, Oatlands
Property Description	Lot 100, Deposited Plan 1243044
Applicant	Hamptons Property Services Pty Ltd
Owner	Oatlands Golf Club Ltd
Submissions	92 unique submissions objecting to the proposal 4 individual submissions in support of the proposal A 645 signature petition.
Relevant s4.15 matters	<ul style="list-style-type: none">• Environmental Planning and Assessment (EP&A) Act 1979• EP&A Regulations 2021• State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;• State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings and Apartment Design Guide (ADG)• State Environmental Planning Policy (BASIX) 2004• State Environmental Planning Policy (Transport and Infrastructure) 2021• State Environmental Planning Policy (Biodiversity and Conservation) 2021• SEPP (Planning Systems) 2021• State Environmental Planning Policy (Resilience and Hazards (2021)• Parramatta Local Environmental Plan 2011• Parramatta Development Control Plan 2011• Draft Parramatta Local Environmental Plan 20XX

Attachments	Attachment 1- Site Compatibility Certificate Attachment 2 - Design Excellence Advisory Panel Meeting Minutes
Clause 4.6 Requests	N/A
Summary of key submissions	<ul style="list-style-type: none"> • The height, bulk and scale of the development is out of character with the surrounding low density residential area • Adverse visual impact on the surrounding neighbourhood, with the proposal located on the highest point in Oatlands. • Increased traffic generation and lead to further congestion and pressure on Bettington Road and intersections. • The validity of the data contained in the Traffic report. • Safety issues with access to and from the proposed development and temporary car park. • Adverse heritage impact on Oatlands House – encroach on curtilage, dominant visual backdrop, detract from landscape setting and loss of views from Oatlands house • Development has not satisfied the requirements of the Site Compatibility Certificate to reduce bulk and scale. • Privacy, outlook and overshadowing impacts for adjoining properties to the south along Niblock Crescent and Bettington Road • Inadequate parking provided for both the club and residents which will cause overflow parking on local street. • Pressure on already oversubscribed parking and services at local shops.
Recommendation	Refusal
Report by	Bianca Lewis, Executive Planner

Summary of s4.15 matters	
Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report	Yes
Legislative clauses requiring consent authority satisfaction	
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
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (s7.24)?	No
Conditions	

Have draft conditions been provided to the applicant for comment?	No
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1. Executive summary

Assessment of the application against the relevant planning framework, including consideration of matters by Council's technical departments reveals that key matters for consideration have not been satisfactorily addressed.

The overall bulk and scale of the development is not consistent with the requirements contained in the Site Compatibility Certificate issued under the State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004 and is not supported by Council. Specifically, the proposal has not demonstrated how it has reduced scale and bulk to be responsive to the surrounding low density residential area of Oatlands. The scale of the development causes adverse impacts to the surrounding neighbourhood and on the local heritage item, Oatlands House.

The application does not satisfy the majority of design principles nominated in the State Environmental Planning Policy (SEPP) 65 (Design Quality of Residential Apartment Development) including inconsistency of its bulk, scale and height with the surrounding development, lack of integration with the public domain and public address. There are noted non-compliances with Part 3 and 4 of the Apartment Design Guide, including cross ventilation, adequate building separation, overshadowing of neighbouring properties and the development itself, and provision of adequate quality communal open space and deep soil.

Furthermore, Council considers that there are outstanding site planning matters that are required to be resolved, including flood and stormwater management, impact on significant views, overlooking and privacy impacts due to development on sloping land.

In summary, given its size and location on an existing landscaped area (a golf course), the site has the potential to provide an integrated development with the surrounding residential area, with connected pedestrian and streets set in a highly landscaped environment. The current site layout does not respond to its surrounds, nor provide appropriate design solutions to navigate the topography.

On balance the application is therefore not satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979. Accordingly, this report recommends that the application be refused, for the reasons set out in Section 20.

2. Key Issues

SEPP (Housing for Seniors or People with a Disability) 2004

- **Inconsistent with the requirements of the site compatibility certificate** – bulk and scale, view impacts, interface with adjoining properties and heritage impacts.
- **Adverse impact on neighbourhood amenity and streetscape**
- **Visual and acoustic privacy impacts**
- **Solar access and design for climate**
- **Stormwater**
- **Waste management**

SEPP65 & Apartment Design Guide

- **Design Principles** - The majority of the design principles are not met.
- **3B-1** – Orientation of buildings result in poor outcomes
- **3B-2** - overshadowing of neighbouring properties and proposed townhouses
- **3D: Communal and Public Open space** – poor quality and quantity of communal open space for a site of this size
- **3E: Deep Soil** – poor quality and quantity of deep soil zones for a site of this size
- **3F: Visual Privacy** – non-compliant distances between buildings.
- **3G: Pedestrian Access and Entries** – building entries should address the street and pathways should be direct
- **3H: Vehicle Access** – long driveway entry impacts on amenity and pedestrian movement
- **4B : Natural Ventilation** – does not comply with minimum requirements for cross ventilation.
- **4E: Private open space and balconies** – minimum depths of balconies (therefore minimum areas) may not be achieved throughout the development.
- **4F: Common circulation and spaces** – Building C has a corridor over 12m.
- **4G: Storage** - more information required to demonstrate compliance.
- **4O: Landscape Design** – the majority of landscape areas are constrained

SEPP (Biodiversity and Conservation) 2021

- **Water Quality and Quantity** – the development has not demonstrated the impacts on the water quality of Vineyards Creek; provided an adequate flood assessment; and the proposed drainage discharges have not been suitably planned or designed and are likely to cause unacceptable environmental and property impacts.

Parramatta Local Environmental Plan 2011

- **Heritage** - adverse impact on the setting and views to Oatlands House, a local heritage item.
- **Flood Planning** – has not demonstrated the development's impact on flooding and existing overland flows.
- **Earthworks** - potential for the development's earthworks to disrupt drainage patterns and to adversely impact on watercourses, environmentally sensitive areas and existing trees.
- **Water Protection** - potential for the development to impact on the water quality of Vineyards Creek.

Parramatta Development Control Plan 2011

- **Water management** – outstanding matters relating to flooding, groundwater, stormwater and WSUD.
- **Waste Management** – current waste management system is not supported
- **Subdivision** – further information is required in relation easements and access across the development
- **Tree removal** – further information is required in relation to tree removal and retention
- **Other matters:** Views and vistas, Development on Sloping Land, Building Form and Mass, Public Domain, Streetscape and Landscape, Heritage, Acoustic Amenity,

3. Site location, description and related applications

3.1 Site location and description

The land subject of this application is located on the Oatlands Golf Course at 94 Bettington Road, Oatlands. Oatlands Golf Course is an 18-hole golf course (and associated club house) which has a site area of 41.8 hectares. The development site ('subject site') is made up of the final proposed development approximately 15,870sqm (1.5ha) and located in the north-western portion of the golf course (refer Figure 1) and the additional temporary works and construction site area of approximately 14,700sqm (refer Figure 2).

The subject site has a 120m frontage to Bettington Road (a local road) along its western edge and is currently occupied by the existing Oatlands Golf Course Club House, car park and landscaping. The subject site is located on a high point of the Golf course and slopes downward to the northeast approximately 2 to 3 metres and 7 to 9 metres to the southwest. Refer Figures 3 - 5.

The golf course site is impacted by six easements, however the subject site only crosses over one, an underground electricity main favouring Oatlands House (Source: Statement of Environment Effects, Hamptons, 2022). The site is flood affected (1 in 20 year ARI) in the most southern portion of the development site (where temporary car park is proposed to be located).

Oatlands House, a locally listed heritage item under the Parramatta LEP 2011 is located approximately 55 metres to the east of the subject site. It is noted that Oatlands House is located on separate title (than that of the Golf Course). Refer Figure 1.

To the south and the west of the subject site are primarily large single storey dwellings on relatively large lots. The subject site is located 350 metres from a group of neighbourhood shops on Belmore Street East.



Figure 1: Aerial photograph indicating the development site (red thick line) and Golf Course (thin red line). Note Oatlands House within the golf course site is on separate title. (Source – Mirvac Design Architectural Plans November 2022)

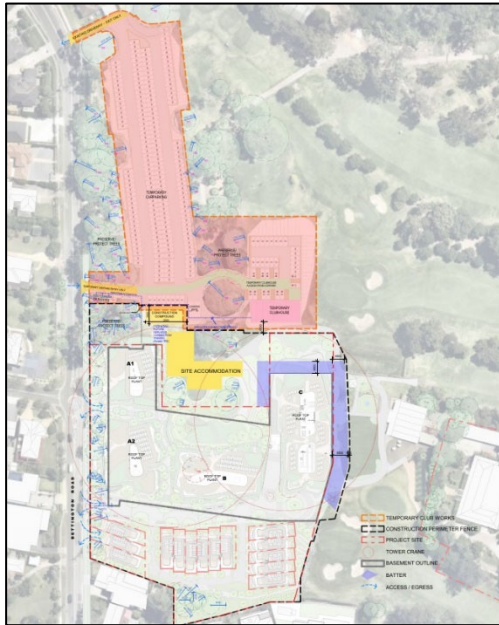


Figure 2: Temporary car park and club house site (light red) and adjoining construction compound / construction area (yellow buildings and surrounds) (Source: Construction Management Plan, Mirvac Design Architectural Plans November 2022)



Figure 3: Existing entry to golf club, existing car park and club house, Bettington Road (Authors photo January 2023)



Figure 4: View facing south from northern boundary of the development site (future location of temporary car park) (Authors photo, January 2023)

4. The proposal

In summary the application comprises the following:

- Demolition of existing buildings and structures.
- Removal of 38 trees.
- Remediation works.
- Construction of a temporary golf club house and associated 227 temporary car parking spaces for golf club visitors and construction workers to operate during the construction period. New temporary vehicular exit via existing access track (off Bettington Road) on northern boundary and new temporary entry along Bettington Road further south.
- Construction of seven (7) buildings (3 to 8 storeys) containing 155 independent living units for the purposes of seniors housing comprising:
 - Building A1 – 4 storey building containing 20 units
 - Building A2 – 4 storey building containing 20 units

- Building B – 7 storey building containing 49 units
- Building C – 8 storey building with first two storeys containing a new registered club (Oatlands Golf Club) and floors 3 to 8 containing 52 units.
- Townhouses – Fourteen (14) 3 storey townhouses over 3 buildings and associated 28 car parking spaces.
- Excavation of 2 basement levels for the provision of a total of 394 car parking spaces (200 club and 194 residential spaces for Buildings A1, A2, B and C).
- New vehicular access provided along Bettington Road and internal private road and pedestrian network.
- Landscaping, including a central communal open space to the north.
- Torrens title subdivision into 2 lots (to separate the site from the golf course land) and further, subdivision of one of the subject lot into 17 lots in a community scheme and strata subdivision of the independent living units.

Figures 5 and 6 indicates the proposal for development and temporary works.

The seniors living uses are proposed pursuant to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.



Figure 5: Proposed final development

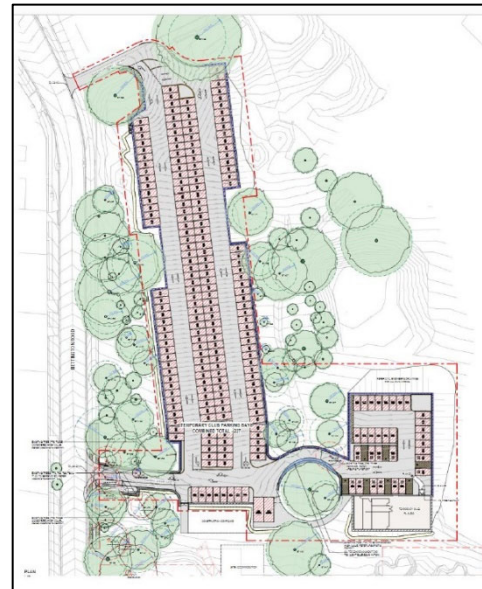


Figure 6: Proposed temporary car park and club house

4.2 Application Assessment History

4.2.1 Site Compatibility Certificate

On the 29 October 2021, the Department of Planning and Environment (DPE) received a Site Compatibility Certificate (SCC) application from Urbis on behalf of Oatlands Golf Club, seeking a seniors housing development on part of the golf club site, at 94 Bettington Road, Oatlands. The SCC application was for 193 self-contained seniors residential units across five buildings, varying in height from three to six storeys. The proposal seeks to deliver a new clubhouse, associated car parking and landscaping within the south west corner of the golf club site (refer Figure 7).

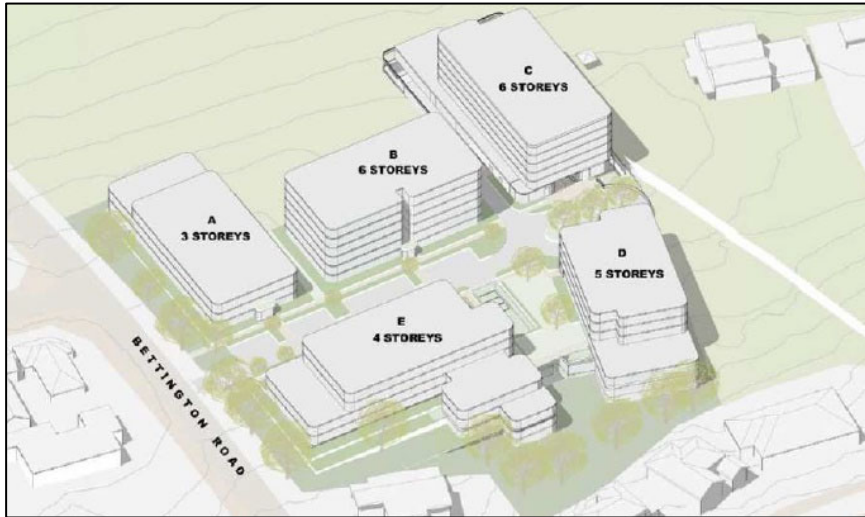


Figure: 7: Concept Built Form Massing, Mirvac Design (source: Architectural Drawing Package, Site Compatibility Certificate) 2021

The DPE prepared an assessment report for the consideration of the Sydney Central City Planning Panel's (the Panel) consideration.

The Site Compatibility Certificate (refer Attachment A) was issued by the Panel on 8 March 2022 under the provisions of the (former) SEPP (Housing for Seniors and People with a Disability) 2004 (known as the SEPP Seniors Living). As such, the application seeks to rely on SEPP Senior Living for permissibility and as such is subject to the SEPP Seniors Living's requirements.

In its reasons for decision the Panel stated, *"While the Panel agreed the site is suitable for a seniors housing development it considers the final built form needs to be refined to respect the scale of, and minimise impacts on the adjoining residential land; to minimise impacts on Oatlands House and its curtilage, and to ensure deep soil planting and communal open space requirements are met."*

The SCC is valid or current for a period of 24 months after the date on which it is issued by the Panel, that is the SCC expires on 8 March 2024.

The Panel has listed a series of requirements on the Site Compatibility Certificate as part of the determination. An assessment against each of the requirements are detailed in Section 7.2.1 of the report.

4.2.2 Pre-Lodgement Application

A pre-lodgement (PL/72/2022) application was lodged with Council on 18 July 2022 for the demolition of existing structures, five (5) apartment buildings containing 168 seniors living dwellings and a new clubhouse and construction of two basement levels containing 368 car parking spaces (refer Figure 8).

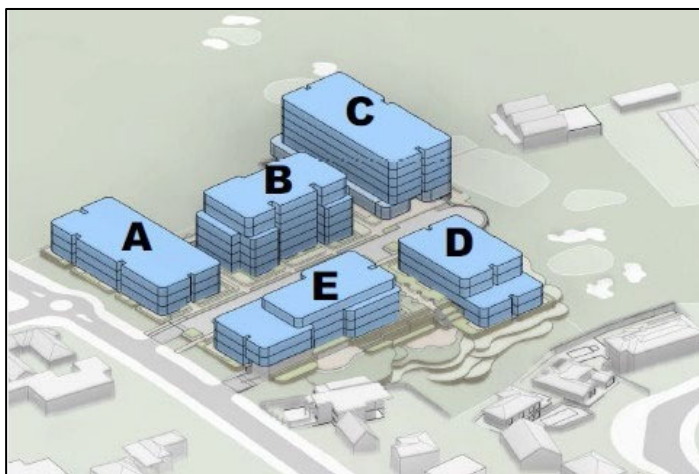


Figure 8: Pre-lodgement application - Concept Built Form Massing, Mirvac Design, 2022

A Design Excellence Advisory Panel (DEAP) was convened on 11 August 2022 to consider the PL application. DEAP raised a number of matters which were sent to the applicant with the Council Officers pre-lodgement advice.

Council Officer's pre-lodgement advice (dated 3 August 2022) and raised the following threshold issues with the proposal (in summary):

- **Bulk and Scale** – The bulk and scale of the proposed development is not in keeping with the surrounding 2 to 3 storey developments in the surrounding areas and not sympathetic in scale in an R2 – Low Density Residential zone. The proposed 4 to 7 storeys should be reduced and designed to maintain a reasonable neighbourhood amenity and appropriate residential character by reducing building bulk, overshadowing, siting buildings in relation to the sites landform, retain significant trees where reasonable and adopting building heights that are compatible in scale with adjacent buildings.
- **Accessibility** - A concern is raised in relation to the access to facilities and no banks or shops etc are located within 400m walking distance from the site. It is noted that there are two bus stops along Bettington Road which are within the 400m walking distances, however as per the access report submitted by the applicant, the Bus Stop for Parramatta bound buses does not meet the gradient requirements for people with a disability.
- **FSR and Height** –Council's calculation shows that the proposed FSR is greater than 1:2, which is more than double the maximum permissible density in the area, and it is not clear what its justification is, considering the adverse impact on the surrounding areas even more so due to the steep sloping site towards the south. A concern is also raised in relation to the impact of the proposed 4- to 7 storeys and excessive building heights which are not compatible in scale with adjacent developments and the fact that there is a significant natural slope in landform from RL 69 to RL 63m. This fall is then exacerbated through the proposed Ground floor level of Building D and E being held up and higher to be accessible from Bettington Road, resulting in a fall to the residential dwellings of about 11m. Concern is also raised in relation to the interface of Building C and D to Oatlands House. A transition in height towards the single storey heritage building should be considered to ensure a compatible interface between these buildings.
- **ADG compliance** – concerns in relation to non-compliances of proposed building separation, visual privacy, solar access and natural ventilation, communal open space.
- **Communal open space** - A concern is raised in relation to the location and useability of the space under the communal open space. A concern is also raised in relation to the likely acoustic and visual privacy impacts upon the residences along Niblick Street.
- **Heritage Impact** - The Oatlands House is a prominent heritage item set amongst a garden setting and it is considered that further consideration is to be given in relation to the proposed character, siting, bulk, height, and external appearance of the development.

Elevations and views are required to demonstrate the visual relationship between the heritage building and proposed built form.

4.2.3 Development Application

The development application was lodged with Council on 21 December 2022. The application was notified for a 28-day period between 11 January 2023 and 9 February 2023.

A DEAP meeting was held on 14 March 2023. Following a review of the Panel's advice and both external and internal referrals, Council sent a letter to the applicant requesting a revised scheme and provision of additional information on 29 March 2023.

The Application was subject to a 'kick off' briefing with the Sydney Central City Planning Panel (SCCPP) on 16 March 2023 (refer Section 12 of this report).

4.2.4 Land and Environment Court Appeal No 2023/99244

On 27 March 2023 the applicant lodged a Class 1A appeal with the NSW Land and Environment Court. The Registrar Directions Hearing was held on 27 April 2023. The Court has arranged a conciliation conference under s34 of the *Land and Environment Court Act 1979* on 7 July 2023.

5. Referrals

The following referrals were undertaken during the assessment process:

5.1 Design Excellence Advisory Panel

Council's Design Excellence Advisory Panel (DEAP) considered the application at its meeting on 14 March 2023. The following table summarises the DEAP's key concerns and conclusion in relation to the meeting.

Table 1: Summary of Key issues and recommendation – DEAP

DEAP Meeting Date	Key issues & Recommendation
14 March 2023	<p>Positive aspects of the scheme:</p> <ul style="list-style-type: none">- Secondary entrance in line with Ellis Street, providing a visual and physical connection to the adjacent neighbourhood and potential for views through the site.- The location of the common open space on the northern side of the development.- Finer grained development with Building A1 and A2 facing Bettington Road (one building in the previous scheme) and the introduction of townhouses.- Increased number of buildings from 5 to 7. This should result in smaller footprints and more common open space. <p>Bulk and Scale</p> <ul style="list-style-type: none">- Despite the previous advice by DEAP and the SCCPP to reduce the bulk and scale of the development, the current proposal has increased the height and footprint of the development with buildings up to 4 storeys adjacent to Bettington Rd, 7 storeys in the centre of the site and 8 storeys at the rear, in close proximity to Oatland House.- <u>Recommendation the following heights:</u><ul style="list-style-type: none">o Buildings A1 and A2 – maximum 4 storeyso Building B – maximum 6 storeys.o Building C – maximum 4 storeyso Townhouses – maximum 3 storeys (excluding parking level)

DEAP Meeting Date	Key issues & Recommendation
	<p data-bbox="523 172 932 203">Building Separation & Setbacks</p> <ul data-bbox="523 212 1398 728" style="list-style-type: none"> <li data-bbox="523 212 1398 392">- The Panel recommend widening the gap between buildings A1 and A2 to comply with the ADG. Privacy screens are not supported to compensate for non-complying separation in new developments. Separation distances between A2 and B and between B and C are to also comply to provide the required amenity and visual connections to the golf course. <li data-bbox="523 398 1398 607">- Buildings A1 and C have zero setbacks and basement parking levels extend beyond the footprint of the buildings and within close proximity to the side boundaries impacting the deep soil for the site. The setbacks need to comply with the relevant planning requirements for all boundaries and should provide deep soil planting and screening. Much of the planting demonstrated in the proposal is on the adjoining golf course property. <li data-bbox="523 613 1398 728">- The Panel recommends a full break in building C to align with Ellis Street to allow views through the site. The benefits of this axis will also be further realised by the recommended increase in separation distances. <p data-bbox="523 734 651 766">Deep Soil</p> <ul data-bbox="523 775 1398 987" style="list-style-type: none"> <li data-bbox="523 775 1398 898">- Less than half of the common open space comprises deep soil. Any reduction in unit numbers should translate to a reduction in the basement footprint thereby increasing deep soil. Council is looking for 30% deep soil under its DCP and not 15% as proposed. <li data-bbox="523 904 1398 987">- outline of the basement should be shown on the ground floor plan to demonstrate deep soil areas relative to ground floor uses and landscape opportunities. <p data-bbox="523 994 916 1025">Street and Pedestrian Network</p> <ul data-bbox="523 1034 1430 1646" style="list-style-type: none"> <li data-bbox="523 1034 1430 1126">- The proposed networks of streets, lanes and pathways need to look and feel like public areas as an extension of the surrounding streets and paths and not like a gated development. <li data-bbox="523 1133 1398 1216">- The pedestrian network comprising a series of narrow pathways throughout the development is convoluted, disconnected and not continuous. <li data-bbox="523 1223 1398 1305">- Access to the common open space from the Bettington Road is convoluted and does not adequately reinforce the connection from the street through to the eastern side of the development. <li data-bbox="523 1312 1398 1373">- There is no pedestrian access at the eastern end of the common open space to building C or through the gap between Building B and C. <li data-bbox="523 1379 1398 1525">- The carpark ramp conflicts with the pedestrian network. The Panel suggests the proposed ramp to the basement should be integrated within the footprint of either Building C or B and the footpath on the south east corner of Building B is to be setback to allow for continuous footpath access to Building C. <li data-bbox="523 1532 1398 1646">- Pedestrian access to townhouses 10-14 is via a zig-zag path adjacent to the eastern boundary of the site. The Panel suggests re-orientating the townhouses to face the new street in line with the proposed townhouses to the west. <p data-bbox="523 1653 730 1684">Building Entries</p> <ul data-bbox="523 1693 1398 2024" style="list-style-type: none"> <li data-bbox="523 1693 1398 1776">- Providing individual street addresses would enhance the public domain and pedestrian experience and make the development more desirable to potential owners. <li data-bbox="523 1783 1398 1928">- The Panel queried the discrete address, entry and arrival experience to the Clubhouse via the side of the residential lobby of Building C, reinforcing the idea of a gated development. Instead, all buildings and major facilities such as the Clubhouse should have a clearly visible and legible address from a public street. <li data-bbox="523 1935 1398 2024">- Buildings A1 and A2 should have entrances to the lobbies from Bettington Road and Townhouses 10-14 should have their front entrances directly accessible and visible from a public road. The

DEAP Meeting Date	Key issues & Recommendation
	<p>individual entries for the ground floor apartments from Bettington Road currently read as secondary entries with circulation leading to bedroom window walls in some instances. These layouts should be designed to allow the street addresses to have priority.</p> <p>Landscape</p> <ul style="list-style-type: none"> - The Panel is of the opinion that this should be an exemplary development with a high quality landscape setting, responding to the golf course, the unique character and identity of the existing landscape and heritage context. - The landscape plans show a 'seamless' landscape transition between the development and the golf course, which is supported by the Panel. However, it is not clear how circulation will be managed around the perimeter of the development for the safety of residents, and if and what type of fencing will be used to managed this - Landscape opportunities for the site have not been fully realised due to the constraints imposed by the site planning, minimal setbacks between buildings and the extent of the underground car park. Concerns are raised in relation to the design of the entry avenue and the compromised tree planting opportunities along its length; the footpath interruptions and lack of a substantial north south 'green link' between Buildings B and C; the design of the Clubhouse arrival sequence and the lack of substantial trees at the junction between the townhouses, Clubhouse entry and roundabout; the limitations on lawn areas and recreation amenity resulting from the steep embankments of the communal open space along the southern boundary. - Widening the setbacks between buildings to their required distances would strengthen the visual connections, landscape and circulation experience. Street tree locations should frame rather than block such vistas. <p>Materiality</p> <ul style="list-style-type: none"> - the Panel considers the response to the architectural treatment and materiality may be appropriate for the site. <p>Heritage</p> <ul style="list-style-type: none"> - The development's compatibility with the materiality and architectural language of Oatlands House is supported by the Panel. - The development impacts on the curtilage and setting and the visual impact on Oatlands House. The Panel is of the opinion that it is not sufficient to rely solely on the existing tree planting on the heritage site to minimise the potential impacts of the proposed development. More information on Oatlands House is required in any resubmission to allow for a considered review. <p>Levels</p> <ul style="list-style-type: none"> - The existing ground line should be dotted in on drawings to understand the extent and impacts of proposed cut and fill across the site. <p>Land Use Conflict</p> <ul style="list-style-type: none"> - The Club activities that may have potential conflicts with residential enjoyment of the site including overlooking, noise impacts and consideration of the hours of operation. This may require the residential component to be set back from any proposed Club related balconies given the hours of operation proposed. <p><u>Panel Recommendation</u></p> <p>The Panel conditionally supports the proposal, subject to further design development being incorporated in a revised proposal that adequately responds to the issues noted above.</p>

It is noted that there are a number of differences in relation to the recommendations from DEAP consideration of the pre-lodgement application on 11 August 2021. It is noted that two of three members of the DEAP were the same as the pre-lodgement DEAP for this application. These key differences and reason for the difference, are summarised briefly in the table below:

Table 2: Key differences in DEAP recommendations between Pre-Lodgement and DA

Key Differences in Recommendation – DEAP Panel	
DEAP Pre-lodgement Application Meeting 11 August 2021	DEAP DA Meeting 14 March 2023
Building A: 2-3 storeys Reason: Buildings with smaller footprints along Bettington Road would be more suitable and would allow for more views through the site. Buildings should be no higher than 2-3 storeys along Bettington Road with a setback for the upper storey if three storeys is proposed.	Buildings A1 and A2 – maximum 4 storeys Reason: 4 storeys (with 4th level recessed back from the street) with the proposed street setback and substantial street tree planting along with the building break and suggested widening and changes elsewhere in this report, the proposed height of 3 storeys with 4th level recessed is now considered acceptable.
Building B: maximum 4 storeys Reason: Subject to the detailed site and context analysis with sightlines and perspectives from the surrounding area, and with appropriate site layout, there may be opportunity to go to a maximum of 4 storeys in the middle of the site.	Building B – maximum 6 storeys Reason: 6 storeys with recessed top floor should provide an acceptable outcome with the current layout and suggested changes elsewhere in this report including slightly reduce footprint to achieve compliant separation, landscaping and footpath/pathway continuity around the building.
Building C: maximum 4 storeys Reason: Subject to the detailed site and context analysis with sightlines and perspectives from the surrounding area, and with appropriate site layout, there may be opportunity to go to a maximum of 4 storeys in the middle of the site.	Building C – maximum 4 storeys Reason: The impact on the golf course and Oatland House, visibility from surround neighbourhood and not in-keeping with the character, lack of deep soil landscaping due to zero setbacks, lack of permeability through the site largely due to building C bulk and scale, as well as overshadowing to the south of the site suggests a substantial re-think of Building C is necessary).
Formerly apartment Buildings E & D: (now Townhouses) Reason: Long buildings in an apartment style building typology were queried as to being the most appropriate fit? The Panel enquired if other typologies have been tested for the site to achieve a better fit with the context?	Townhouses – maximum 3 storeys (excluding parking level) Reason: These are generally acceptable in the Panel's view, subject to re-orientating townhouse 10-14 to provide direct street addresses and to increase the setback from Niblick St properties and minimise the height of retaining walls along this edge by responding to the topography).

The full comments from the DEAP of 14 March 2023 are included at Attachment B.

5.2 External

Table 3: External referrals

Authority	Comment
Rural Fire Service	Acceptable subject to conditions, refer detail below.

WaterNSW	Acceptable subject to conditions, refer detail below.
Transport for NSW	Acceptable.
NSW Police	Acceptable.
Sydney Water	Acceptable subject to conditions.
Endeavour Energy	Acceptable subject to conditions.

Integrated Development Approvals

In relation to this development application and in accordance with Clause 4.46 of the Environmental Planning and Assessment Act 1979, the following approvals are required:

- S100B of the Rural Fires Act 1997 – authorisation in respect of bush fire safety of subdivision of land that could lawfully be used for residential or rural residential purposes or development of land for special fire protection purposes; and
- S90(2) of the Water Management Act 2000, water management work approval.

Water NSW

Water NSW requested further information from the applicant (via the NSW Planning Portal) on 16 January 2023. The request for further information specifically relates to the proposed drained basement and notes that the NSW Department of Planning and Environment (DPE) require the perimeter walls and floor of the basement being constructed using a 'tanked' (waterproof) construction method (as opposed to drained basement). If a tanked basement design is not possible, Water NSW requested that additional modelled data to support a hydro-geological review and assessment of an alternative drained basement design.

The applicant submitted further information to Water NSW (via the NSW Planning Portal) on 23 January 2023. Water NSW responded on 25 January 2023 stating that the information submitted did not satisfy the minimum requirements of DPE to consider supporting a drained basement. The applicant submitted further information to Water NSW (via the NSW Planning Portal) on 14 February 2023. It is noted that a drained basement is still proposed at this time.

It is noted that the Stop the Clock provisions (dated 16 January 2023) have been used in relation specifically to this matter.

Water NSW issued general terms of approval on 26 April 2023 which in summary:

- allows dewatering to occur for the purpose of temporary construction; and
- requires that the design and construction of the development must prevent any take of groundwater and making any below ground levels that may be impacted by the water table fully watertight.

Rural Fire Service

The golf club land, but not that part which is defined as the development site, is identified as 'Vegetation Category 2' and 'Vegetation Buffer' (refer Figure 9).

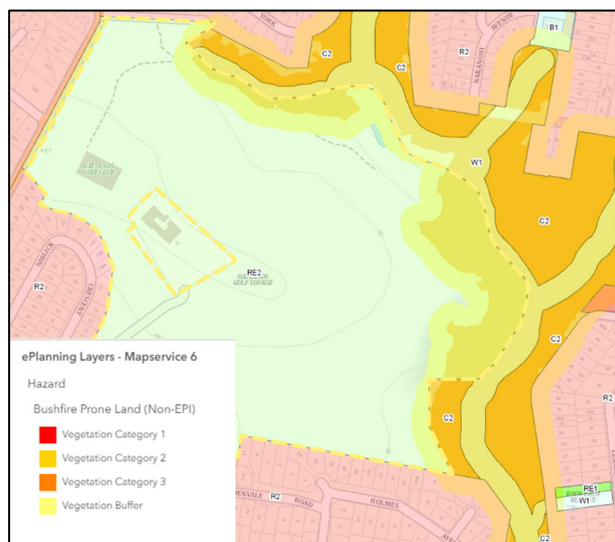


Figure 9: Extract Bushfire Prone Land Map (Categories) Oatlands Golf Course (Source: Spatial Viewer NSW Planning Portal Accessed January 2023)

General terms of approval, subject to conditions, were issued by the NSW Rural Fire Service on 14 February 2023 for the development application. These conditions relate to the creation of a) asset protection zones (primarily relating to landscape management); b) provision of water, gas and electricity in accordance with standards; and c) preparation of a Bush Fire Emergency Management and Evacuation Plan.

Landscape Plans are required to be revised to meet the RFS requirements. In relation to asset protection zones and landscape management conditions, Council would like to see how revised plans can address these requirements. In particular there is a condition that requires a 1 metre path around the building curtilages. This may not be achievable or desirable outcome, due to the private terraces and level changes. Furthermore, Council Officers are concerned with condition “shrubs should not be located under trees”. Council requests that this condition be reconsidered (in the event of an approval), instead to consider the use of fire-retardant, low growing shrubs to be planted within the garden beds located under the trees, rather than complete removal of shrubs from these areas.

5.3 Internal

Table 4: Internal referrals

Area	Comment
Heritage	Not supported, amended plans required.
Landscape	Not supported, amended plans required.
Development Engineer	Further information required, not supported.
Catchment Management Engineer	Further information required, not supported.
Open Space and Natural Areas	Supported, subject to conditions.
Public Domain	Not supported, amended plans required.
Traffic	Supported, subject to conditions.
Waste Services	Not supported, amended plans required.
Environmental Health (Waste)	Supported, subject to conditions.
Environmental Health (Acoustic)	Supported, subject to conditions, noting request for further clarification.
Environmental Health (Contamination)	Supported, subject to conditions.

Environmental Health (Food)	Supported, subject to conditions.
Social Outcomes	Not supported.
Accessibility	Supported, subject to conditions.
Crime Prevention	Supported, subject to conditions.
ESD and Reflectivity consultant	Further information required
External wind consultant	Further information required

6. Environmental Planning and Assessment Act 1979

The sections of this Act which require consideration are addressed below:

6.1 Section 1.7: Significant effect on threatened species, populations or ecological communities, or their habitats

The site is in an established urban area with low ecological significance. No threatened species, populations or ecological communities, or their habitats are impacted by the proposal.

6.2 Section 4.15(1): Evaluation

This section specifies the matters which a consent authority must consider when determining a development application, and these are addressed in the Table below:

Table 5: Matters for consideration

Provision	Comment
Section 4.15(1)(a)(i) - Environmental planning instruments	Refer to section 7 and 8 below
Section 4.15(1)(a)(ii) - Draft planning instruments	Refer to section 8 below
Section 4.15(1)(a)(iii) - Development control plans	Refer to section 9 below
Section 4.15(1)(a)(iiia) - Planning agreements	Refer to section 10 below
Section 4.15(1)(a)(iv) - The Regulations	Refer to section 13 below
Section 4.15(1)(b) - Likely impacts	Refer to section 14 below
Section 4.15(1)(c) - Site suitability	Refer to section 15 below
Section 4.15(1)(d) - Submissions	Refer section 16 below
Section 4.15(1)(e) - The public interest	Refer to section 18 below

7. Environmental Planning Instruments

7.1 Overview

The instruments applicable to this application comprise:

- State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings and Apartment Design Guide (ADG)
- State Environmental Planning Policy (BASIX) 2004
- State Environmental Planning Policy (Resilience and Hazards) (2021)
- State Environmental Planning Policy (Transport and Infrastructure) 2007
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- SEPP (Planning Systems) 2021
- Parramatta Local Environmental Plan 2011.

Compliance is addressed below.

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

7.2.1 Site Compatibility Certificate Requirements

The SCC application was for 193 self-contained seniors residential units across five buildings (refer Figure 10) as follows:

- Building A – 3 storeys containing 30 units;
- Building B – 6 storeys containing 48 units
- Building C – 6 storeys – 2 levels golf club with café and restaurant, function room, pro-store and wellness centre and offices, with levels 3-6 containing 40 independent living units.
- Building D – part 3 and part 5 storeys containing 32 units;
- Building E - part 3 and part 4 storeys containing 43 units;
- 200 club spaces and 209 residential car parking spaces over 3 levels of basement.



Figure 10 Architectural Drawings for the Site Compatibility Certificate (Mirvac Design October 2021)

A Site Compatibility Certificate (SCC) was issued by the Panel under the provisions of the (former) SEPP (Housing for Seniors and People with a Disability) 2004 (known as the SEPP Seniors Living). Schedule 7A Savings and Transitional Provisions of the current SEPP (Housing) 2021 clarifies that the repealed SEPP applies to those development applications which relies on a SCC issued under the repealed SEPP:

“(2) The repealed Seniors SEPP continues to apply to, and this Policy does not apply to, a development application made after the commencement date if—

(a) the development application relies on a site compatibility certificate, within the meaning of the repealed Seniors SEPP, and

(b) the application for the certificate was made on or before the commencement date.”

As such, the application seeks to rely on SEPP Senior Living for permissibility and as such is subject to the policy’s requirements.

In accordance with Clause 24(7) of the SEPP Seniors Living a SCC may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate. The SCC states:

“the panel certified that in its opinion.... that the development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding land uses only if it satisfied certain requirements specified in Schedule 2 of this certificate.

The Table below presents an assessment against the list of nine requirements in Schedule 2 of the SCC.

Table 6: Assessment against Schedule 2 of the Site Compatibility Certificate: Requirements imposed on determination:

Requirement	Proposal
1. The final bulk and scale of any future development must be reduced so as to ensure an acceptable built form relationship with, and minimisation of amenity impacts on, R2 Low Density Residential zoned land adjoining, in particular to the south and west.	<p>The development application has made the following key amendments since the SCC scheme:</p> <ul style="list-style-type: none"> - Reduced the number of independent living units from 193 (SSC) to 155 (DA); - Introduced 14 x 3 storey townhouses to the southern portion of the site (DA), replacing two residential flat buildings of 4 and 5 storeys each (SSC); - ‘Break up’ Building A (SSC) to Buildings A1 and A2 (DA) and increase heights from 3 storeys (SSC) to 4 storeys (4th storey recessed) - Building B increased in heights from 6 storeys (SSC) to 7 storeys (DA); and - Building C increased height from 6 storeys (SSC) to 8 storeys (DA). <p>It is Council Officers opinion that the resultant scheme, as compared to the SSC has not demonstrated a substantial reduction in bulk and scale for the following key reasons:</p> <ul style="list-style-type: none"> - Increase in height of Buildings B and C by (each) 1 storey; - Maintain Buildings B and C excessive building length; - Non-compliant building separation between apartments; - Increase in height of Buildings A1 and A2 by 1 storey; and - Largely maintains the building footprints of the SSC scheme. <p>The built form does not form an acceptable relationship with the adjoining residential area and results in a number of resultant amenity impacts, including visual impact, overshadowing and</p>

Requirement	Proposal
	overlooking. This is detailed further below.
<p>2. The final bulk and scale of any future development must be reduced so as to optimise compliance with deep soil planting requirements and the provision of high quality communal open space.</p>	<p>Compared to the SSC application, the development application delivers the following for communal open space and deep soil:</p> <ul style="list-style-type: none"> - Basement footprint reduced from 9,129sqm (57.5% of the site) SCC to 8,061sqm (50.8% of the site area) (DA). - Deep soil 15% of the total site area for the DA. Noting there is no calculation of deep soil provided for the SSC application. - SSC application proposed communal open space in long narrow area in front of Building A and Building D, and consolidated areas to the south on the steepest part of the site. - The DA proposes a consolidated communal open space on the northern boundary of the site and along the southern boundary on the steepest part of the site. The remainder is located on long narrow areas around Building A2 and C and adjacent to Townhouses 10-14. <p>Council considers the location and consolidation of communal open space to the north a positive. However, Council Officers do not consider the overall design to meet the requirement for the following reasons:</p> <ul style="list-style-type: none"> - Building footprints and inadequate building separations are largely maintained (as compared to SSC) and therefore impacts on ability of contiguous deep soil being able to be provided. - Basement footprint has not substantially reduced (specifically not commensurate to the reduction in car parking spaces) and therefore substantially impacts on the level of deep soil provided on site and therefore not consistent with design guidance of the Apartment Design Guide (Refer Section 7.3) which is to contain basement footprints under buildings. - Clarification is required that the deep soil minimum requirement is met. The proposal submits that 2,372sqm (15%) of site area is deep soil. However as defined in the ADG, deep soil excludes impervious areas. This could include the terraced area to the southern communal open space and some of the pathways.
<p>3. The urban design of the proposed housing for the seniors precinct is to address and be responsive to the neighbourhood character of existing residential areas, including streetscape character and views from local streets to the golf course, heritage features and the proposed new housing area.</p>	<p>Council Officers consider the proposal is an anomaly in the surrounding neighbourhood and has not responded to the predominant low scale environment nor its response to Oatlands House. The visual impact and responsiveness of the proposed development to neighbourhood character is detailed below.</p>
<p>4. The interface with existing residential areas must be considered in relation to the height of proposed buildings, setback to existing houses and landscaping.</p>	<p>Council Officers consider the proposal interface with the adjoining properties to the south is unacceptable in terms of visual impact, overlooking and overshadowing. This is detailed further below.</p>

Requirement	Proposal
5. A materials and finishes schedule which includes consideration of the existing setting and Oatlands House is required to be developed in conjunction with a suitably qualified heritage consultant for any future Development Application.	A material and finishes schedule has been submitted as part of the Architectural Plans and commentary is provided in the Heritage Impact Assessment. Council Officers and DEAP raises no objection to the proposed material and finishes.
6. A Heritage Impact and Archaeological Assessment is to be provided with subsequent DAs to ensure adequate consideration is given to retaining the curtilage of Oatlands House and avoiding potential heritage impacts.	A Heritage Impact Statement was prepared by Phillips Weir, the HIA includes an archaeological assessment. An assessment of the impact on Oatlands heritage matters are detailed in Section 8 of this report. Council Officers conclude that the proposed development adversely impacts on Oatlands House. Archaeology matters are adequately addressed by the DA (refer Section 9).
7. A Photographic Archival Recording is required to record the setting of Oatlands House prior to the existing golf club demolition.	This matter can be conditioned as part of any development approval.
8. The provision of documentation that demonstrates the access requirements set out in the SEPP, including suitable kerb and road crossings will be achieved.	An accessibility report was submitted with the development application. An assessment against the SEPP Seniors Living requirements are provided at Section 7.2.1 of this report.
9. A detailed Site Investigation Report and Hazardous Building Materials Survey must be submitted as part of any future DA, in order to establish the necessary remediation required to make the site suitable for the proposed development.	<p>The following documents were submitted as part of the development application:</p> <ul style="list-style-type: none"> • Complete Detailed Site Investigation (DSI) • Pre-Demolition Hazardous Building Materials Survey; and • Construction & Environmental Management Plan <p>Based on the results of DSI, it is considered that the site can be made suitable for its proposed use, however a site management strategy is required to address the identified exceedances of health criteria from asbestos contamination in soil at an isolated area. In the event of a development approval, conditions of consent relating to management of contaminants will be placed on the determination.</p>

Responding to Neighbourhood Character and Visual Impact

Requirements 1 and 3 of the SSC requires that the final bulk and scale of the development be reduced so as to form an acceptable relationship with the surrounding residential area, be responsive to the neighbourhood character of the existing residential area and minimise amenity impacts.

The residential areas along Bettington Road and streets directly to the west of the subject site between Pennant Hills Road and Kissing Point Road are characterised by single to two storey residential dwellings. This area is zoned R2 Low Density Residential, with a maximum height of buildings at 9m and maximum FSR of 0.5:1 under the Parramatta Local Environmental Plan (LEP) 2023. The area is not envisaged to increase in density or height as established in Council's Local Housing Strategy (2020), Local Strategic Planning Statement (2020) and LEP.

Council Officers undertook a visual analysis using the DA submitted 3D model. It is noted this analysis does not show existing vegetation. The applicant submitted a Visual Impact Assessment Report (Dickson Rothschild 2022) with the DA.

Figure 11 shows the view south on the corner of Pennant Hills Road and Bettington Road. This highlights the proposed development's prominence in the wider context and inconsistency with the typical built form of its surrounds. As detailed in Section 9 - Parramatta DCP this is a significant view within the local government area.

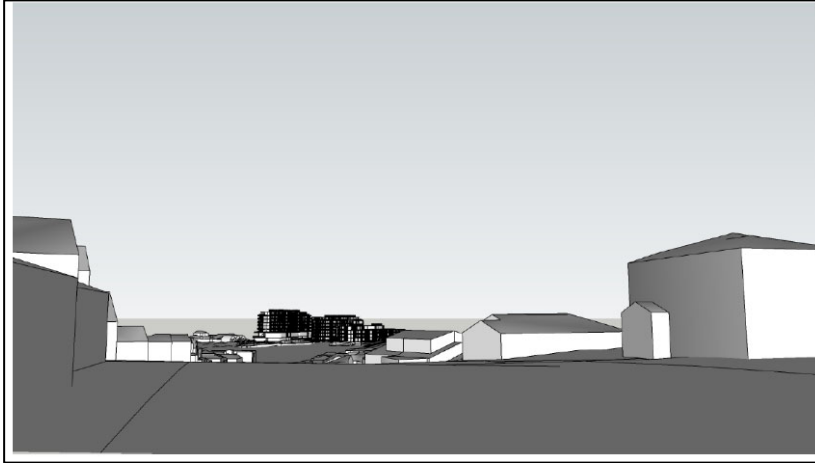


Figure 11: View looking south corner Bettington Road and Pennant Hills Road (Source Council's Visual Analysis, February 2023)

Buildings B and C (7 and 8 storeys respectively) do not provide an acceptable built form relationship with, or respond to the neighbourhood character of, existing 1 to 2 storey residential areas nor with the adjacent Oatlands House. Visibility is from Niblick Crescent to the south (refer Figure 13), around the golf course and surrounding residents along Bettington Road from the west and north (refer Figure 12). The building bulk is overwhelming to the natural landscape character of the golf course which has largely preserved its landscape setting.

Furthermore, the scale and bulk of the buildings causes overshadowing to the proposed townhouses, road and landscape areas to the south, reducing solar amenity.

Oatlands House is a prominent local heritage item set in an open landscape setting. The development significantly impacts on the existing setting of Oatlands House. The proposed height and excessive building length of Building C and B, in particular, impacts on the views to and from Oatlands House (refer Section 8.1 for more detail). In addition, the existing view along the ridgeline is disrupted by Building C.

Based on the above context analysis, it is recommended that Buildings B and C are reduced to no higher than 4 storeys in this location to minimise visual impacts and provide an acceptable and responsive built form to the context.



Figure 12: View from north (looking south) along Bettington Road (Council Officer Visual Analysis Feb 2022) Note without existing vegetation



Figure 13: View 8: Outside the front of 33 Niblick Crescent (Source Visual Impact Assessment Report, Dickson Rothschild (Dec 2022)

Buildings A1 and A2 are 3 storeys with the 4th storey recessed (refer Figures 14 and 15). The surrounding existing detached single dwellings along Bettington Road are 1 and 2 storey. Some of the larger 2 storey developments along Bettington Road and York Street range from 7.6m to 10.48m high. Building A1 and A2 have building heights at 10.1 metres (measured to 3rd storey) and 17.35m (measured to roof from existing ground floor) which is much higher than surrounding development heights. The proposed 4 storey scale is deemed to not provide an acceptable built form relationship with, or respond to the neighbourhood character of, existing 2 storey character.

Based on the above context analysis, it is recommended that building heights of Building A1 and A2 are reduced to a maximum of 2 storeys plus 1 recessive upper-level element in this location to provide an acceptable and responsive built form to the context. Building breaks and articulation should be introduced to reduce the perceived bulk along this road. Council Officers consider that the retention of trees, along with a generous landscape front setback along the Bettington Road are essential to ensure Buildings A1 and A2 sit better within the existing streetscape.



Figure 14: View along Bettington Road / Ellis Street looking west at Building A1 and A2 (Building C in background) (Source Council's Visual Analysis, February 2023)



Figure 15: View 4 Boundary of 2 Ellis St, along Bettington Road (Building A1 and A2) (Source Visual Impact Assessment Report, Dickson Rothschild (Dec 2022)

Visual Impact, overlooking and overshadowing onto adjoining properties

Requirement 4 of the SSC states that “the interface with existing residential areas must be considered in relation to the height of proposed buildings, setback to existing houses and landscaping.” As such the relationship between the properties at Niblick Crescent and the proposed development have been examined.

The townhouses located on the southern boundary of the development site are located adjacent to the rear of properties along Niblick Crescent. Recent photographs (Figures 16 and 17) show the difference in levels between the subject site and adjoining properties.

The townhouses have heights up to 10.37 metres (from existing ground level) which exceeds adjacent developments by 4 metres. Due to the natural slope of the topography, the townhouses are perceived as taller within the site, resulting in a further incompatibility with adjoining dwellings. The 4-storey height has a maximum RL level difference to adjacent residential houses from 4 metres to 13.7 metres. The building heights have impacts on views to sky, particularly from existing north facing habitable rooms of houses along Niblick Street and from the Niblick Crescent streetscape. The visual impact assessment submitted with the DA and the visual analysis undertaken by Council Officer indicates the extent of visual impact from the proposed townhouses and Buildings C and B as viewed from Niblick Crescent (refer Figure 18) and the southern boundary of the site (refer Figures 19 and 20). Figure 13 shows the visual impact from further south along Niblick Crescent.

The proposed levels and grading to the internal laneway and rear of townhouses has resulted in a large retaining wall interface to the rear of the houses along Niblick Street which interferes with the natural landform. Furthermore townhouses TH04 to TH09 have first floor balconies facing directly south. It is unclear from the plans and sections provided what potential impact this would have in terms of overlooking to adjoining properties.

The proposed development causes additional overshadowing on adjoining private open space of 21, 23 and 25 Niblick Crescent and 92 Bettington Road, this is detailed in Section 7.3 of this report. The overshadowing impact to the child care outdoor play space at 92 Bettington Road is not compliant with the DCP and Child Care Planning Guidelines requirements.

Based on this context analysis it is recommended that the townhouses be no more than 2 storeys in order to create an acceptable built form relationship and reduce impacts to neighbouring properties. Townhouses should be stepped with the natural topography to ensure they respond to the site conditions and reduce building bulk.



Figure 16 & 17: View facing south east to the southern boundary of the development site to adjoining properties at Niblick Crescent (Authors photo January 2023)

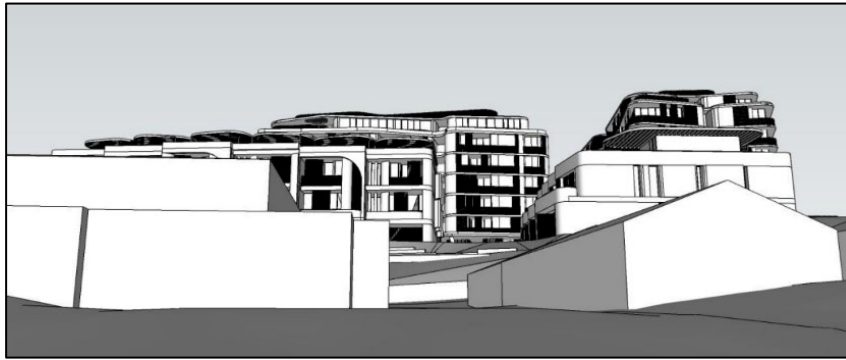


Figure 18: View looking north from Niblick Crescent (25 and 23 Niblick Cr in foreground) (Source Council's Visual Analysis, February 2023)

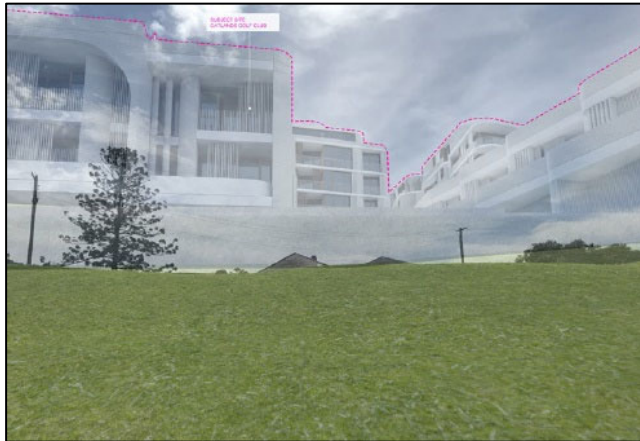


Figure 19: View 13 Front of rear fence of 25 Niblick Crescent (Source Visual Impact Assessment Report, Dickson Rothschild (Dec 2022)

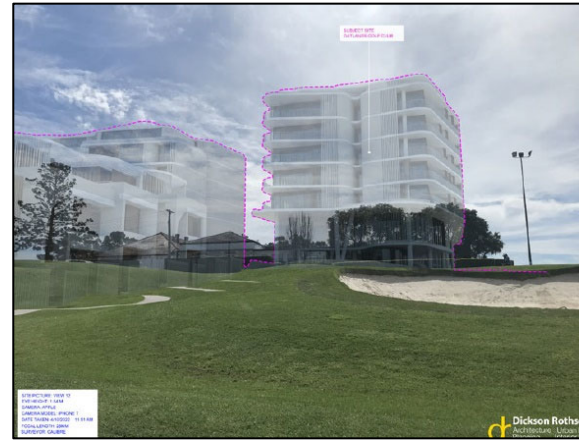


Figure 20: View 13 Front of rear fence of 21 Niblick Crescent (Source Visual Impact Assessment Report, Dickson Rothschild (Dec 2022)

The proposed communal open space located at the southern portion of the development will have the potential for overlooking and privacy impacts on the private open space on properties adjoining on Niblick Crescent (Refer Figure 21).

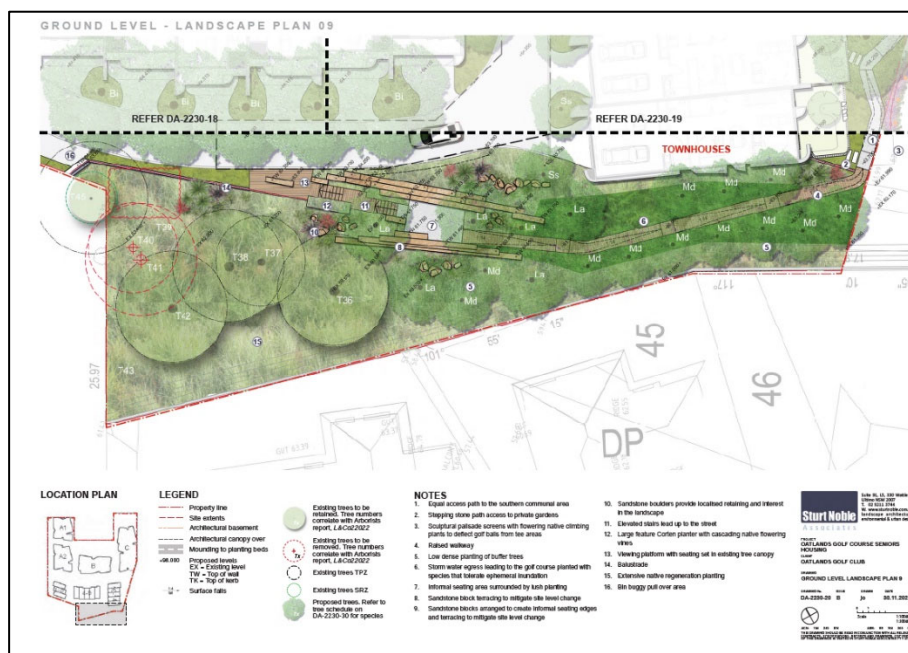


Figure 21 : Ground Level Landscape Plan 09, southern communal area (Sturt Noble Nov 2022)

The retention of the existing trees to southwestern corner will assist with providing some visual privacy to the residents at 25 Niblick Crescent, however the landscaping to the southeast is insufficient. The proposed elevated boardwalk will be positioned to enable views into the rear gardens of 21, 23 and 25 Niblick Crescent which is not supported. A section has also been provided in Landscape Plans through southern landscape (refer Figure 22). However this Section should be extended to include the boundary treatment and adjacent property outline, including sightlines, to ensure privacy and amenity of the adjacent existing properties is provided properly assess.



Figure 22: Section 05 Landscape Plans, Sturt Noble November 2022

7.2.2 Assessment of proposal against the SEPP

It is noted that currently the State Environmental Planning Policy (Housing) 2021 applies to the assessment of developments for housing for seniors and people with disability. In accordance with Schedule 7A(3)(2) Savings and Transitional provisions of the SEPP (Housing) 2021, the former SEPP, namely the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP Seniors Living), continues to apply if the development application relies on a site compatibility certificate issued under the repealed SEPP.

It is noted that the Site Compatibility Certificate was lodged on the 29 October 2021 and was issued on 8 March 2022, under the provisions of the SEPP Seniors Living 2004. Therefore, the development application relies on the SEPP Seniors Living 2004 for permissibility and as such is subject to the policy's requirements. An assessment of the proposal against the SEPP Seniors Living 2004, the repealed version 25 June 2021 to 25 November 2021 (version at the time of lodgement of the SCC) is provided in Table 7 below.

Table 7: Compliance Table – SEPP (Housing for Seniors or People with a Disability) 2004

SEPP Requirement	Proposal	Compliance
Clause 4 – Land to which Policy applies	<p>The SSC determined that the SEPP applied as:</p> <ul style="list-style-type: none"> - land is being used for the purposes of a registered club; and - most of the land to the south and west adjacent to the subject site is zoned R2 Low Density Residential which is a zone used primarily for urban purposes. - The subject site is not described as 'environmentally sensitive land' in accordance with the terms listed under 	Yes

SEPP Requirement	Proposal	Compliance
	Schedule 1 of the SEPP.	
Clause 8 Seniors Clause 9 People with a disability Clause 10 Seniors Housing Definitions of what constitutes Housing for seniors or people with a disability.	The proposal intends to be used by persons aged 55 or more or persons with a disability and if approved, relevant conditions of consent can apply to the development approval in accordance with the SEPP Seniors Living and Clause 86 of the Environmental Planning and Assessment Regulation 2021.	Yes
Clause 13 – Self-contained as urban purpose	The proposed 'Independent Living Units' constitute <i>self-contained dwellings</i> as defined by the SEPP.	Yes
Clause 18 – Restrictions on occupation of seniors housing allowed under this Chapter	The proposal intends to be used by persons aged 55 or more or persons with a disability and if approved, relevant conditions of consent can apply to the development approval which would specify the occupants of the development and a requirement to register on title of the property.	Yes
Clause 21 Subdivision	The SEPP allows for the proposed subdivision, with consent.	Yes
Clause 23 Development on land used for the purposes of an existing registered club. <ul style="list-style-type: none"> - appropriate measures to separate the club from the residential areas of the proposed development in order to avoid land use conflicts; - any separate pedestrian access points for the club and the residential areas of the proposed development, - any design principles aimed at ensuring acceptable noise levels in bedrooms and living areas in the residential areas of the proposed development. 	Within Building C, separate entry/lobbies are proposed for the golf clubhouse and the residences. The clubhouse operating hours are proposed 6am to 12am, 7 days. There is also an external north facing terrace which proposes to operate until 10pm. The apartments living areas, balconies and bedroom windows, are located directly above the terrace. The Noise and Vibration Assessment report recommends increasing slab thickness, insulation, glazing and a parapet on level 3 slab edge a reduce noise transmission impacts between the clubhouse and residents. Amended architectural plans should be provided to demonstrate the appropriateness and application of the mitigation measures. The main basement entry/exit ramp (over 25m in length) is located off the boulevard between Buildings B & C. Concerns around impacts of vehicle movement noise and headlights on adjoining units in Buildings B & C. Council Officers do not support the location of the driveway and its potential impacts on adjoining units.	No, further information required
Clause 24 - Site Compatibility Certificates required for certain development applications (3) (a) – nothing in this clause prevents a consent authority from (i) granting consent to a development application to which this clause applies that is on a	A Site Compatibility Certificate, with certain requirements, was issued by the Sydney Central City Planning Panel on 8 March 2022. Council Officers consider that the proposal is not compatible with the requirements set out in the Site Compatibility Certificate, specifically relating to reducing the intensity, bulk and scale of the development. This is detailed in Section 7.2.1 of this report.	-

SEPP Requirement	Proposal	Compliance
<p>smaller (but not larger) scale than the kind of development in respect of which a site compatibility certificate was issued; or</p> <p>(ii) Refusing to grant consent to a development application to which this clause applies by reference to the consent authority's own assessment of the compatibility of the proposed development with the surrounding environment.</p> <p>(b) otherwise limits the matters to which a consent authority may or must have regard (or of which a consent authority must be satisfied under another provision of this Policy) in determining a development application to which this clause applies.</p>	<p>In accordance with Clause 24(3) nothing prevents the Panel from determining the development that is smaller in scale nor does it place limitations on the matters to which the Panel may or must have regard to when determining the DA.</p>	
<p>Clause 25 Application for site compatibility certificate</p> <p>(7) A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfied certain requirements specified in the certificate.</p> <p>(9) a certificate remains current for a period of 24 months after the date on which it is issued by the relevant panel.</p>	<p>A Site Compatibility Certificate was issued by the Sydney Central City Planning Panel on 8 March 2022, with requirements, and is valid for 24 months (March 2024).</p> <p>Council Officers consider that the proposal is not compatible with the requirements set out in the Site Compatibility Certificate, specifically relating to reducing the intensity, bulk and scale of the development. This is detailed in Section 7.2.1 of this report.</p>	<p>No</p>
<p>Clause 26 – Location and access to facilities</p> <p>(2)(b) Residents to have access to identified services (shops, banks, retail, commercial, community and recreation facilities and general medical practitioner (GP))</p> <ul style="list-style-type: none"> - there is a public transport service that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and - that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services (shops, banks, GP etc); and - that is available both to and 	<p>The proposal satisfies these clauses for the following reasons.</p> <p>The site is currently serviced by the bus route 546 – Parramatta to Epping via Oatlands and North Rocks. The stop heading north to Epping is located directly opposite the proposed development along Bettington Road and the stop heading south to Parramatta is located 70m from the proposed development along Bettington Road.</p> <p>Notably the bus service stops at the Oatlands local shops at Belmore Street East approximately 380m south of the development site. The proposed development sits approximately 380m directly south at Belmore Street East shops (Oatlands shops), which comprises:</p> <ul style="list-style-type: none"> - Post office (provides banking services); - IGA supermarket & fruit and vegetable shop - Butcher, liquor store, bakery - Chemist, dentist, GP and hairdresser 	<p>Yes, if a condition included requiring the construction of a pedestrian refuge along Bettington Road.</p>

SEPP Requirement	Proposal	Compliance
<p>from the site at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive); and</p> <ul style="list-style-type: none"> - and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services) complies with subclause (3). <p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable—</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p> <p>(4) For the purposes of subclause (2)—</p> <p>(a) a suitable access pathway is a path of travel by means of a sealed footpath or other similar and safe means that is suitable for access by means of an electric wheelchair, motorised cart or the like, and</p> <p>(b) distances that are specified for the purposes of that subclause are to be measured by reference to the length of any such pathway.</p> <p>(5) In this clause— bank service provider means any bank, credit union or building society or any post office that provides banking services.</p>	<p>It is noted that the 546 route connects major centres of Parramatta and Epping and shopping centres at North Rocks and Carlingford.</p> <p>The timetable of Bus Route 546 reveals that buses travel along Bettington Road every 30 minutes during the AM and PM peak periods weekdays and ever hour outside the peaks.</p> <p>Council's assessment notes that the gradient (as measured from the site survey) and distances meets the SEPP requirements as follows:</p> <ul style="list-style-type: none"> - The pathway gradient to the south bound bus stop is approximately 1 in 7;and - The pathway gradient to the north bound bus stop is no more than 1 in 5. <p>The following is noted that there is no pedestrian refugee crossing associated with the Ellis Street/ Bettington Road roundabout. Therefore, to safely access the north bound bus stop, a pedestrian or person with disabilities would be required to cross Bettington Road north of Ellis, then cross Ellis Street.</p> <p>Council recommends that the Traffic and Parking Assessment Report should consider measures to facilitate pedestrian crossing Bettington Road from the site to access the bus stop and local shops. Options include construction of a pedestrian refuge island at the front of the site. However further assessment is required. In the event the application is approved, Council recommends that a pedestrian refuge island on Bettington Road, outside the development site is constructed.</p>	
<p>Clause 27- Bush fire prone land</p> <ul style="list-style-type: none"> - Applies to Bush fire prone land - vegetation category 2", "vegetation buffer" - Development complies with the requirements of the document titled Planning for 	<p>The golf club land, but not that part which is defined as the development site) is identified as 'Vegetation Category 2' and 'Vegetation Buffer' (refer Figure 9). Therefore the proposal is integrated development in accordance with 4.46 of the Environmental Planning and Assessment Act 1979 and was referred to the Rural Fire</p>	<p>Yes</p>

SEPP Requirement	Proposal	Compliance
<p>Bush Fire Protection (November 2019)</p> <p>Take into consideration</p> <ul style="list-style-type: none"> - the general location of the proposed development, - the means of access to and egress from the general location - the size of the existing population within the locality, - age groups within that population and the number of persons within those age groups, - the number of hospitals and other facilities providing care to the residents of the facilities within the locality, and the number of beds within those hospitals and facilities, - the number of schools within the locality and the number of students at those schools, - existing development within the locality that has been carried out under this Policy or SEPP No 5—Housing for Older People or People with a Disability, - the capacity of the road network to cater for traffic to and from existing development if there were a need to evacuate persons from the locality in the event of a bush fire, - the adequacy of access to and from the site of the proposed development for emergency response vehicles, - the nature, extent and adequacy of bush fire emergency procedures that are able to be applied to the proposed development and its site, - the requirements of New South Wales Fire Brigades. - a consent authority must consult with the NSW Rural Fire Service and have regard to its comments. 	<p>Service (Refer Section 5.2).</p> <p>General terms of approval, subject to conditions, were issued by the NSW Rural Fire Service on 14 February 2023 for the development application. These conditions relate to the creation of 1) asset protection zones (primarily relating to landscape management); 2) provision of water, gas and electricity in accordance with standards; and 3) preparation of a Bush Fire Emergency Management and Evacuation Plan.</p> <p>A Bushfire Assessment Report prepared by Building Code & Bushfire Hazard Solutions Pty Limited (November 2022) was submitted with the DA. It concludes:</p> <ul style="list-style-type: none"> • While the overall site is mapped as being bushfire prone land in this instance there is no bushfire or grassfire hazard located within 170 metres of the proposed buildings. • The available separation distance includes existing fairways, greens and maintenance trail. • In consideration of the previous bushfire history the likelihood of a bushfire occurring within the immediate area is considered unlikely. • Although the proposed buildings do not attract any specific construction requirements, the apartments will incorporate numerous protection measures and increased construction standards to satisfy the National Construction Code, which will enhance building resilience. • York Street and Robert Street provide direct access to the bushfire hazard, which is located >170m from the development site, for attending fire services. • Fire services can also access the bushfire hazard via Bettington Road and existing maintenance trails within the subject site. • Where necessary attending fire services can undertake property protection activities from Bettington Road, utilising the proposed onsite access road and hydrant system. • recommendation that a Bushfire Emergency Management Plan be prepared and be in place for occupation of any future dwellings. <p>Planning for Bush Fire Protection (November 2019) as prepared by the NSW Rural Fire Service in co-operation with the Department of Planning, Industry and Environment. The guide contains specifications for building on land identified as bush fire prone. The application's Bushfire Assessment Report undertook an assessment of the proposal against the requirements of the Planning for Bush Fire Protection. It concluded that the proposal</p>	

SEPP Requirement	Proposal	Compliance
	<p>satisfies the relevant specifications and requirements of Planning for Bush Fire Protection 2019.</p> <p>Council Officers has reviewed the assessment and are satisfied that the proposed development meets the requirements of the Planning for Bush Fire Protection.</p>	
Clause 28 – Water and sewer	Water and sewer are available to the site. The proposal was referred to Sydney Water who raised no objection to the proposal and recommend conditions be placed on any approval.	Yes
Clause 30 – Site Analysis <u>Consent not to be granted</u> unless site analysis prepared by the applicant has been submitted and has formed part of the assessment.	The application includes surveys, site plans, architectural and landscape plans, urban design review report and a visual impact assessment which detail the required considerations.	Yes
Clause 32 – Design of Residential Development.	Refer Clauses 33-39 below in this table.	-
Clause 33 – Neighbourhood amenity and streetscape	<p>As detailed in the assessment of the proposal against the requirement of the Site Compatibility Certificate (refer Section 7.2.1) and the Apartment Design Guide (refer Section 7.3.2), Council Officers consider the bulk and scale of the proposal to be inconsistent with the existing or future neighbourhood character and is not sensitive to the adjacent heritage item, Oatlands House.</p> <p>Reasonable amenity is not maintained as the development is located on the highest point of the surrounding neighbourhood thereby creating a high visual impact. Furthermore building heights of between 3 and 8 storeys are not comparable with the 1 to 2 storey adjacent residential area and due to the topography, the townhouses creates negative overlooking to adjacent residential properties along Niblick Crescent. Furthermore, unacceptable overshadowing occurs on the adjoining properties and townhouse development.</p>	No
Clause 34 – Visual and acoustic privacy	<p>The main basement entry/exit ramp (over 25m in length) is located off the boulevard between Buildings B & C. Concerns are raised in relation impacts of vehicle movement noise and headlights on directly adjoining units (and habitable rooms) in Buildings B & C.</p> <p>The Noise and Vibration Assessment Report submitted with the DA does not address the potential impact of the operation of the adjoining Oatlands House as function centre. It is reasonable to anticipate that if the noise impact from the proposed golf club function centre on adjoining residents has been assessed that any mitigation measures should be adequate to address any impact from Oatlands House.</p>	No

SEPP Requirement	Proposal	Compliance
	<p>However it would be prudent to undertaken this assessment.</p> <p>The proposed communal open space to the south is elevated and may cause some privacy concerns for adjoining residents. The retention of the existing trees to southern landscape will assist with providing some visual privacy to the residents at 25 Niblick Crescent. However, the landscaping to the southeast is insufficient due to the proposed location of the elevated townhouses and elevated boardwalk.</p>	
Clause 35 – Solar access and design for climate	<p>Natural ventilation is inadequate. Refer assessment under SEPP 65 – Apartment Design Guide Section 7.3.2.</p> <p>The development causes overshadowing to the private open space and living areas of proposed townhouses TH08, TH09, TH10, TH11, TH12, TH13 and TH14 so not to receive the minimum 3 hours of solar access between 9am and 3pm midwinter.</p> <p>Townhouses TH10-TH14 at ground level do not provide adequate cross ventilation as the private courtyard, living room and car park (with garage door) are located on the same level.</p>	No
Clause 36 - Stormwater	Insufficient information has been provided with the development application in order to properly assess the impact of stormwater runoff. Refer Section 8 of this report.	No
Clause 37 – Crime prevention	The proposal has been designed to have safe obvious entries to buildings. However to improve accessibility and passive surveillance entry ways should be located off streets.	Yes
Clause 38 – Accessibility	The development provides a footpath network. Some improvements are required to provide continuous and legibility to the footpath network. Council Officers recommend in the event of an approval that a safe pedestrian refuge crossing be provided along Bettington Road in order to facilitate improved access to the bus stop and local shops.	Yes, improvement required.
Clause 39 – Waste management	The proposed development provides for waste recycling facilities. However as outlined in Section 9 – Parramatta DCP. Council does not support the use of chutes to transport recyclables. A separate recycling bin is required adjacent to each garbage chute. Further information is required on the 'FOGO' (food and organic waste) system. Refer Section 9 of this report.	No
Clause 40 Development standards—minimum sizes and building height (2) The size of the site must be atleast 1,000sqm (3) the site frontage must be at	<p>The final development has a site area of 1.58ha.</p> <p>The proposed site frontage to Bettington Road is approximately 117m wide.</p> <p>The proposal is not located within a residential zone under the under the Parramatta LEP 2011.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>

SEPP Requirement	Proposal	Compliance
least 20m wide measured at the building line (4) Height in residential zones where residential flat buildings are not permitted.		
41 Standards for hostels and self-contained dwelling An assessment of the proposed self-contained dwellings against Schedule 3 of the SEPP is provided below.		

Part 7 – Development Standards that cannot be used as grounds to refuse consent

Part 7 of the Seniors SEPP contains development thresholds which, if achieved, cannot be used as grounds to refuse consent. For ease of reference these development standards as compared to the proposal are tabulated below:

Table 8: Compliance Table SEPP Seniors Living – Standards that cannot be used to refuse

Standard	Proposal
50 Standards that cannot be used to refuse development consent for self-contained dwellings	
building height: < 8m / 2 storeys	The proposal is higher than 8 storeys therefore this clause is not applicable.
density and scale: < 0.5:1	The Parramatta LEP does not allocate FSR to the site. Note the equivalent FSR is 1.56:1. This clause is not applicable.
landscaped area: > 30% site area	The proposal is for a total of 40% of landscape area and therefore insufficient landscape area cannot be used as a reason for refusal.
Deep soil zones: >15% site area Two-thirds of the deep soil should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres.	Clarification is required that the deep soil minimum requirement is met. The proposal submits that 2,372sqm (15%) of site area is deep soil. However as defined in the Apartment Design Guide (refer Section 7.3.2), deep soil excludes impervious areas. This could include the terraced area to the southern communal open space and some of the pathways. The southern and northern consolidated communal open space is provided at the rear of buildings
solar access: living rooms and private open spaces, min 70% of dwellings, > 3 hours direct sunlight, 9am-3pm, mid-winter.	The application states that 71% of dwellings achieve a minimum of three hours of direct sunlight at midwinter. The Apartment Design Guide (refer Section 7.3.2) standard is for minimum two hours for 70% of dwellings of which 79% of dwellings complies. No drawings have been provided as part of the DA to ascertain the SEPP Seniors Living more onerous standard has been complied with.
Parking: atleast 0.5 car spaces/ each bedroom (340 bedrooms = 170 parking spaces)	204 spaces are proposed to service the independent living units / self-contained dwelling. This means there is an excess of parking to service the dwellings. Considering the location of the development and the acceptable traffic generation, Council Officers do not object to the number of car parking spaces servicing the dwelling.

Schedule 3 Standards concerning accessibility and useability for hostels and self-contained dwellings

Table 9: Schedule 3 SEPP Seniors Living Compliance Table

Standard	Proposal /Compliance
2 'Siting standards'	An Access Review Report was prepared by MGAC and submitted with the DA. It concludes that: <ul style="list-style-type: none"> - all dwellings are capable of wheelchair accessibility. - However particular review is required of the ramps and walkways of the meandering pathway servicing

Standard	Proposal /Compliance
	<p>townhouses at the south-east corner of the site to ensure compliance with AS 1428.1.</p> <ul style="list-style-type: none"> - due to the good condition of the footpaths, suitable grades and the provision of kerb ramps and pedestrian refuges, it has been demonstrated that the path from the site to the bus stops is straight, direct and obvious. - There are appropriate continuous accessible paths of travel from all dwellings to all resident common areas. The paths of travel can achieve compliance with AS1428.1. <p>Council Officers consider the pathway in the southeast corner is required to be reviewed and designed to ensure compliance. Furthermore, the pathway network along the northern boundary leading from between Building A1 and A2 to Building C is required to be more direct to ensure safe access to Building C. Pathways are required to be separate from golf cart use.</p> <p>As detailed in Table 7 Council Officers consider that a pedestrian refugee island is necessary along Bettington Road in order to facilitate improved crossing to the bus stops and local shops.</p> <p>If the application had been recommended for approval a condition would have been recommended to ensure accessibility standards are met and confirmed prior to construction certificate stage.</p>
3 'Security'	If the application had been recommended for approval a condition would have been recommended.
4 'Letterboxes'	The proposal includes letterboxes which satisfy these requirements.
5 'Private car accommodation'	The proposal is required to clarify how many car parking spaces are designed to enable the width of the space to be increased to 3.8m. It is not clear from the plans or the Access Review Report (which notes that 'several' spaces can fulfill this requirement). Notwithstanding, in the event of an approval, a condition can be included requiring the criteria be implemented.
6 'Accessible entry'	The proposal satisfies this criterion and could be conditioned as part of any consent.
7 'Interior: general'	The proposal satisfies the dimensional criteria.
8 'Bedroom'	The proposal satisfies the dimensional criteria. The other criteria will be secured via condition.
9 'Bathroom'	If the application had been recommended for approval a condition would have been recommended.
10 'Toilet'	The proposal satisfies this criterion.
11 'Surface finishes'	If the application had been recommended for approval a condition would have been recommended.
12 'Door hardware'	If the application had been recommended for approval a condition would have been recommended.
13 'Ancillary items'	If the application had been recommended for approval a condition would have been recommended.
15 'Living room and dining room'	If the application had been recommended for approval a condition would have been recommended.

Standard	Proposal /Compliance
16 'Kitchen'	If the application had been recommended for approval a condition would have been recommended.
17 'Access to kitchen, main bedroom, bathroom and toilet'	The proposal complies with this criterion as all units are single level units.
18 'Lifts in multi-storey buildings'	Each multi storey building contains lift access and as such complies with this criterion. The criteria for lift standard could be secured via condition.
19 'Laundry'	The proposal satisfies the dimensional criteria. The other criteria will be secured via condition.
20 'Storage for linen'	If the application had been recommended for approval a condition would have been recommended. .
21 'Garbage'	The apartments are serviced by garbage chutes in the common corridor at the same level as the dwelling. The townhouses hold waste bins within an area of private open space. Garbage storage areas are provided in accessible locations.

For the reasons outlined above the proposal does not satisfy the requirements of the SEPP Seniors Living.

7.3 State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development

This Policy aims to improve the design quality of residential flat development. The residential flat buildings of the proposal have been assessed against the following matters relevant to SEPP 65 for consideration:

- Design Excellence Advisory Panel;
- The 9 SEPP 65 Design Quality Principles; and
- The Apartment Design Guide (ADG).

7.3.1 Design Quality Principles

Part 4 of the Policy introduces nine design quality principles. These principles do not generate design solutions but provide a guide to achieving good design and the means of evaluating the merits of proposed solutions. A response to those design principles, prepared by the project architect, supports the application as required by the Environmental Planning and Assessment Regulation.

The following table provides an assessment of the proposal against those principles having regard to the comments of the Design Excellence Advisory Panel and assessment by Council's officers:

Table 11: Response to SEPP 65 design principles

Principle	Comment
Context and neighbourhood character	<p>The proposed development height (between 3 and 8 storeys) is not responsive to the surrounding area's existing or future character. The current adjoining area is characteristic by single storey dwellings sitting within landscape setbacks. The area is not envisaged to increase in density or height as established in Council's Local Housing Strategy and Local Strategic Planning Statement and Local Environmental Plan.</p> <p>Due to the siting of the development at the highest point in the surrounding landscape, it can be viewed widely and therefore forms a dominant visual backdrop to the surrounding residential area.</p> <p>The proposal is inwardly focused due to the buildings lack of public street address and a street and pedestrian network that does not integrate with the surrounding network. This creates the sense of a gated estate.</p>

Principle	Comment
	Council Officers consider due to the size and landscape nature of the site, the development has an opportunity to respond to the high-quality landscape setting, to the golf course, Oatlands House and surrounding residential context.
Built form and scale	<p>The proposed bulk, height and scale of the development is not responsive to the adjacent low density residential area. The surrounding built form is predominantly 1 to 2 storeys (between 7.6m to 10.48m high) storey detached dwellings with landscaped rear and front setbacks and off-street parking.</p> <p>Buildings A1 and A2 are at 4 storeys (17.5m), which is substantially higher than existing single detached dwellings directly opposite. Buildings B and C are at 7 and 8 storeys respectively, which are not responsive to the neighbouring character. The buildings are widely visible due to excessive building lengths, reduced building separations, heights and their location on the highest point of the site. Proposed ground floor levels also are significantly raised above the natural ground levels. Visibility is from Niblick Crescent to the south, around the golf course and surrounding residents along Bettington Road from the west and north. The proposed apartment building height and bulk overshadows the townhouses, road and landscaped area to the south, thereby reducing solar amenity.</p>
Density	<p>The proposed scheme has a gross floor space ratio of 1.56:1 and building heights between 3 and 8 storeys. Under the Parramatta LEP, the adjacent residential area of Oatlands is R2 Low Density Residential zoning, with a maximum permissible height of 9 metres and maximum permissible floor space ratio of 0.5:1. This results in a significant variation to the established low-density built form and neighbourhood character. Furthermore, Oatlands is not an identified growth precinct in Council's Local Housing Strategy and Local Strategic Planning Statement.</p> <p>The density proposed is not consistent with the area's level of accessibility to public transport or a local centre which would provide a range of services.</p>
Sustainability	<p>The proposed apartments receive adequate sunlight and meet the criteria contained in the Apartment Design Guide.</p> <p>The proposal meets SEPP (BASIX) water and energy performance targets. Importantly additional sustainability measures that are included are supported, including all electric (no gas), electric vehicle charging infrastructure, shared rainwater tanks, minimum solar power provision and FSC certified timber.</p> <p>Cross ventilation across a number of apartments is not fully compliant and need resolution, including use of slots, inadequate opening areas, limited wind exposure and use of ventilated skylights.</p> <p>Although deep soil is provided at a minimum ADG standard, Council Officers question the inclusion of paved and terraced areas in this calculation. Council Officers considers that in light of the significant size and landscape nature of the site, that there is an opportunity to reduce the basement footprint and further increase the deep soil to provide for planting and water recharge.</p>
Landscape	<p>The proposed consolidated northern communal area has been designed to have a large consolidated area with good solar access and elevated views over the golf course and surrounds. However the majority of the principle communal open space is not on deep soil.</p> <p>The retention of many trees along the Bettington Road will aid in assisting the development to sit well within the existing streetscape and neighbourhood.</p> <p>However, many of the gardens and landscaped areas within the site are small and constrained for the size and scale of the development, especially around building A1, the southern side of Building B and around the townhouses affecting the amenity value and functionality of many of these spaces.</p> <p>The retention of the existing trees to southern landscape will assist with providing some visual privacy to the residents at 25 Niblick Crescent. However, the landscaping to the southeast is insufficient due to the proposed location of the elevated townhouses and elevated boardwalk.</p>

Principle	Comment
	<p>However, the current plans do not clearly indicate the resultant surrounding golf course layout (i.e., location of tee off areas, practice greens and fairways) and a clear outline of any resultant safety mitigation measures required. The landscaped areas within the site are fragmented, do not receive adequate solar access and constrained for the size and scale of the development, which affect the amenity value and functionality of many of these spaces.</p> <p>The proposed networks of pathways are not currently designed as an extension of the surrounding pathways. The width of accessible paths are not generous and not suitable for the development of this type. The pedestrian circulation is not continuous, particular from the pedestrian link between Buildings A1 and A2 to Building C, between Building B and C and the car park ramp conflicts with a continuous pedestrian footpath.</p> <p>It is noted that Landscape Plans are also required to be revised to meet the NSW Rural Fire Service requirements.</p>
Amenity	<p>There are noted non-compliances with Part 3 and 4 of the ADG for the proposed residential apartments, including visual privacy (building separation), street address, deep soil, communal open space and setbacks, pedestrian access and entries and vehicle access, which when improved may assist the development in being responsive to the surrounding environment and provide better amenity.</p> <p>The main basement entry/exit ramp between Buildings B and C is over 25m in length and is located in close proximity to apartment habitable rooms and balconies. The potential impact of noise, fumes and headlights from vehicle movements along the ramp is of concern.</p> <p>The golf clubhouse proposes long operating hours, including function room and outdoor terrace. The apartments living areas, balconies and bedroom windows, are located directly above the terrace. Further architectural detail is required to understand the acoustic attenuation measures.</p>
Safety	<p>The development impacts on the current layout of the golf course and the current plans do not clearly indicate the resultant layout (i.e., location of tee off areas, practice greens and fairways). This is required to properly understand the golf course interface issues between the perimeter of the development and resultant safety measures, e.g. screening.</p> <p>Buildings A1, A2 and C should address the street directly and have clearly identifiable street entries. The car ramp between Buildings B and C creates potential safety conflicts with pedestrians.</p>
Housing diversity and social interaction	<p>Apartment sizes are generous and appropriate apartment mix is achieved.</p> <p>The proposed consolidated northern communal area has been designed to have a large consolidated area with good solar access and elevated views over the golf course and surrounds. However, it should be clarified how safety from stray golf balls will be achieved.</p> <p>The remaining communal open space are fragmented, do not receive adequate solar access, and may overlook adjoining properties and therefore may limit the ability to provide social interaction.</p>
Aesthetics	<p>The architectural treatment and materiality is considered appropriate and is not in conflict with the surrounds.</p>

7.3.2 Apartment Design Guide (ADG)

The relevant provisions of the ADG are considered within the following assessment table:

Table 12: Response to ADG provisions

Standard	Requirement	Proposal	Compliance
Part 3			
3B-1:	Buildings A1 and A2 along Bettington Road are orientated to achieve adequate		

Standard	Requirement	Proposal	Compliance
<i>Orientation</i>	<p>solar access. Access to lobbies and ground floor apartments are not provided directly off Bettington Road. This is considered a poor design outcome and is detailed further in 3C Public Domain and 3G Pedestrian Access and Entries.</p> <p>Building B is a east/west orientation and addresses the internal road, including two lobby entryways. It maximises solar access with majority of (cross through) apartments facing north.</p> <p>Building C is a north/south orientation and has a small frontage to the internal street to the south due to the driveway entry and Porte cache. This results in Building C having a poor street interface.</p>		
<i>3B-2: Overshadowing</i>	<p>Overshadowing of neighbouring properties is minimised during mid winter.</p> <p>Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.</p>	<p>Buildings A2, B, C and townhouses cause additional shadowing to properties directly to the south of the site at 92 Bettington Road and 21, 23 and 25 Niblick Crescent.</p>	<p>The development causes unacceptable additional overshadowing to the childcare outdoor play space at the rear of 92 Bettington Road so not to meet the requirements under the Parramatta DCP 2011 and Child Care Planning Guidelines.</p> <p>Furthermore, the apartments overshadow proposed Townhouses TH08, TH09, TH10, TH11, TH12, TH13 and TH14 so to not receive the required solar access required under the ADG and Parramatta DCP 2011.</p> <p>This is detailed further in below.</p>
<i>3C: Public Domain Interface</i>	<p>All buildings should address the street and entries should be provided to the street. Buildings A1 and A2 lobbies and ground floor apartments should be located with direct access from Bettington Road. The proposed club house within Building C should have a street address and should be highly visible from the street. Currently, the entrance is located behind the Building C residential lobby. The residential and commercial lobby should be clearly separated with the Club house lobby having a direct entrance from the internal street.</p> <p>ADG design guidance states that where development adjoins open space that the design shall clearly define the interface through paths, low fences or planting. It is unclear if the pedestrian network located adjacent to the communal open space to the north of the site and east of Building C is associated with the golf club or the independent living units, as it is located partly within the proposed property line and partly within the golf course. Better delineation between these spaces is required.</p> <p>Design guidance states that any substations, services should integrated with building and out of view. However a substation is proposed to be located in the front setback directly outside Building A2.</p>		
<i>3D: Communal & Public Open Space</i>	<p>Min. 25% of site area (3,967.5sqm)</p>	<p>The proposal presents the following levels of communal open space: Ground level = 3,953sqm Roof top (Building B 195sqm & C 81sqm) =</p>	<p>No. The majority of the communal open space constitutes pathways and pedestrian links and it is questionable that it provides direct</p>

Standard	Requirement	Proposal	Compliance
		<p>276sqm <u>Total = 4,229sqm</u> <u>(26.75%)</u></p> <p>However Council Officers consider that the proposal only demonstrates 1,266sqm of ground floor communal open space consistent with the definition of communal open space within the ADG as follows</p> <ul style="list-style-type: none"> - 1,031ssqm to the north - 235sqm to the south of townhouses. <p>Total 1,542sqm (9.7%)</p>	recreational benefit to residents.
	Communal Open space should co-located with deep soil area.	The majority of the principle usable open space is located over the basement. Refer discussion below.	No
	Communal Open space should be consolidated into a well-designed, easily identifiable and usable area.	The majority of communal open space areas (excluding the principle communal open space) are fragmented and are made up of side setbacks and pedestrian ways.	No
	Min. 50% direct sunlight to main COS > two (2) hours 9:00am & 3:00pm, June 21	The principle usable open space receives adequate sunlight. (note that this area north of Building B constitutes 17% of the total communal open space).	Yes Note – The majority of the remaining areas of communal open space do not meet over the criteria 50% sunlight between 9am and 3pm
3E: Deep Soil	<p>Min. 7% with min. dimensions of 6m (1,107sqm). For sites greater than 1,500sqm – 15% of the site (2,371sqm).</p> <p>Basement below building footprint</p>	<p>The proposal submits that 2,372sqm (15%) of site area is deep soil. However as defined in the ADG, deep soil excludes impervious areas. This could include the terraced area to the southern communal open space and some of the pathways. Clarification is required.</p> <p>Basement is located across the site, and not contained below building footprints.</p>	<p>No, question the adequacy of some of the deep soil areas calculated.</p> <p>No</p>
3F: Visual	<u>Up to 4 storeys</u>	<u>A1 to northern boundary</u>	No

Standard	Requirement	Proposal	Compliance
<i>Privacy</i>	12m between habitable rooms	0 metre setback to boundary	
	9m between habitable and non-habitable rooms	<u>A1 to A2 (4 storeys)</u> 9m for first three storeys & 15m at 4 storeys.	No
	<u>5 to 8 storeys</u> 18m between habitable rooms (5-8 storeys)	<u>A2 (4 storeys) to B (7 storeys)</u> Required: 12/9m (first 4 storeys) Proposed: 7.7 & 8.3m at ground level and Min 9.175m (1 to 4 storeys)	No
	12m between habitable and non-habitable rooms	<u>Buildings B (7 storeys) to C (8 storeys)</u> Ground floor 11m; 1st storey 11.9m 2 - 7 storeys 12.5m & 15.42m	No
		<u>Building C to eastern boundary</u> 0 metre setback to boundary	No
	<p>Proposed angled fixed screening and blank walls are used where non-compliance between buildings.</p> <p>Furthermore an easement is proposed on the golf course land of 6m wide around the boundary of Buildings A1 and Building C for “access to light and air” and “access and maintenance” (refer Draft Plan of Subdivision, 23 November 2022). Therefore wholly burdening the golf course site to provide building separation for any future development and adequate light and air to Buildings A1 and C.</p>		
<i>3G: Pedestrian Access and Entries</i>	<p>All buildings should address the street and entries should be provided to the street. Buildings A1 and A2 lobbies and ground floor apartments should be located with direct access from Bettington Road. The proposed club house within Building C should have a street address and should be highly visible from the street. Currently, the entrance is located behind the Building C residential lobby. The residential and commercial lobby should be clearly separated with the Club house lobby having a direct entrance from the internal street.</p> <p>Pedestrian pathway between Building A1 and A2 does not provide direct connection to the eastern end of the site, including the golf club. The main driveway to the basement car park interrupts pedestrian access to Building C.</p>		
<i>3H: Vehicle Access</i>	<p>The main basement entry/exit ramp (over 25m in length) is located off the boulevard between Buildings B & C. Concerns around impacts of vehicle movement noise and headlights on adjoining units in Buildings B & C. Further assessment of the location of the driveway and the appropriateness of the mitigation measures is required.</p> <p>The driveway entry is not located behind the building line and is off the main boulevard and interrupts pedestrian access. The car park entry should be located behind the building line.</p>		
<i>3J: Bicycle and car parking</i>	<p>Proposal is providing a total of 204 car parking spaces for the Independent Living Units as follows:</p> <ul style="list-style-type: none"> • ILU (apartments) - 176 spaces (Basement level 2) • ILU townhouses – 28 spaces 		

Standard	Requirement	Proposal	Compliance
	<p>Visitors is provided at 18 spaces (Basement Levels 1 and 2) and no bicycle or motorcycle parking have been provided. There is one car share proposed on street.</p> <p>In accordance with Clause 50 of SEPP (Seniors Housing and Disability) 2004 car parking rates cannot be a reason for refusal if each self contained unit provides a minimum 0.5 spaces per bedroom, 340 bedrooms x 0.5 = 170 total spaces). It is noted that the residential parking exceeds the SEPP (Seniors Housing) by 27 spaces. This is considered acceptable. Further discussion in relation to car parking for the golf club is provided at Section 9 - Parramatta DCP 2011.</p>		
Part 4			
4A: Daylight / Solar Access	Min. 2hr for 70% of apartments living & POS 9am & 3pm mid-winter (>99 units) Max 15% apartments receiving no direct sunlight 9am & 3pm mid-winter (<21)	Buildings A1 & A2 = 85% Building B = 80% Building C = 75% Total = 79% Buildings A1, A2 & C = 0% Building B = 10% Total = 3.5%	Yes Yes
	Design incorporates shading and glare control.	The architectural drawings indicate that the western elevation for Buildings A1 and A2 have partial screening (with some movable) on balconies and main living room. It is unclear from the SEEP Report what other measures are proposed.	Further information required.
4B: Natural Ventilation	Min. 60% of apartments below 9 storeys naturally ventilated (>84)	The SEPP Design Report states 97 of 141, or 69% of apartment are naturally cross ventilated. However concerns in relation to the use of slots, inadequate effective open areas on an aspect, limited wind exposure and ventilating skylights on 26 units, reducing the number of naturally cross ventilated apartment to 71, or 50% of apartments.	No Further detail provided below.
	Overall depth of a cross-through apartment does not exceed 18m	25 of the 28 cross-through units exceed 18m in depth within Building B.	No Further detail provided below.
4C: Ceiling heights	Mixed use: 3.3m (4m for cafes and restaurants)	Building C (golf club) >3.3m	Yes
	Habitable rooms 2.7m Non-habitable 2.4m	All residential ceiling heights > 2.7m	Yes
4D: Apartment size & layout	1 bedroom 50m ² 2 bedroom (1 bath)	Apartment sizes exceed minimums	Yes

Standard	Requirement	Proposal	Compliance
	70m ² 2 bedroom (2 bath) 75m ² 3 bedroom 95m ²		
	Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room.	Complies	Yes
	Kitchens should not be located as part of the main circulation space in larger apartments (such as hallway or entry)	Complies	Yes
	Habitable room depths are limited to a maximum of 2.5 x ceiling height (7.25m).	Complies	Appears to comply
	Open plan max habitable room depth is 8m from a window.	Complies	Appears to comply
	Master bedrooms 10m ² Other bedrooms 9m ² (excluding wardrobe space).	Complies	Yes
	Bedrooms have a minimum dimension of 3m.	Complies	Yes
	Living rooms or combined living/dining rooms have a minimum width of: - 3.6m (1 bed apartments) & 4m (2+ bed apartments)	Complies	Yes
	The width of cross-through apartments are at least 4m internally	Building B	Yes, with exception of B-101 (3.2m width in middle of apartment)
4E: Private open space & balconies	1 Bedroom = 8m ² X 2m 2 Bedroom = 10m ² X 2m 3 Bedroom = 12m ² x 2.4m	Minimum depths (of 1m) are not achieved throughout the development therefore not achieving balcony area minimums.	No , required to be checked for units in buildings A1 & A2

Standard	Requirement	Proposal	Compliance
4F: Common circulation & spaces	Max. 8 apartments off circulation core on single level (if not met, no more than 12 apartments)	Levels 3 to 7 of Building C has 9 apartments off the circulation core. A1, A2 and B have <8 serviced by lift core	Building C – No
	As per the design guidance, longer corridors greater than 12m in length from the lift core should be articulated. Building C corridor is over 55m in length and is not articulated with windows or spaces for seating or wider areas at apartment doors. Daylight and natural ventilation should be provided to all common circulation spaces above ground. This is not adequately demonstrated for Building C.		
4G: Storage	1 bedroom 6m ² 2 bedroom 8m ² 3 bedroom 10m ²	Insufficient information provided to determine amount of storage space provided per unit (internal and in garage).	More information required.
	Min. 50% required in units		
	An updated storage schedule is required for Drawings DA2001 to 2108 to include associated basement storage and totals for each unit.		
4H: Acoustic Privacy	Noise and Vibration Assessment report recommends increasing slab thickness, insulation, glazing and a parapet on level 3 slab edge to reduce noise transmission impacts between the clubhouse and residents. Further assessment required in relation to the appropriateness and application of the mitigation measures. The Clubhouse operating hours are proposed 6am to 12am, 7 days. There is also an external north facing terrace which is proposed to operate 7am to 10pm and a café on ground level that is proposed to operate 6am to 10pm, 7 days. It is unclear the hours of the pro-shop and wellness centre align with that of the clubhouse. A Proposed Plan of Management has been submitted with the development application.		
4J: Noise and pollution	The site is not located in proximity to a busy road (as defined by DPE's <i>Development Near Rail Corridors and Busy Roads – Interim Guideline 2008</i> .) nor a railway line.		
4K: Apartment Mix	The proposal provides a total of 155 Independent Living Units: <ul style="list-style-type: none">• 1 bed x 12 units (7.7%)• 2 bed x 101 units (65.1%)• 3 bed x 28 units + 14 townhouses x 3 bed (27.1%) The Parramatta DCP 2011 requires 1 bed (10 – 20%); 2 bed (60 – 75%); 3 bed (10 – 20%). The minor non-compliance in the amount of 1 bedroom apartments is considered acceptable. Refer Section 9 – Parramatta DCP 2011 for discussion.		
4O: Landscape Design	The northern principle communal area has a large, consolidated area with good solar access and positively designed spaces for gathering (BBQ facilities and shelter and seating). The retention of trees along the Bettington Road will aid in assisting the development to sit well within the existing streetscape and neighbourhood. The landscape opportunities for the site have been constrained due to reduced building separations and the extent of the underground car park. For example the main boulevard is located over deep soil and therefore compromises the deep soil tree planting opportunities along its length and lack of a landscape area between Buildings B and C. The Arboricultural Impact Assessment has not considered the Civil plans regarding cut and fill, or preferably provided guidance to minimise / remove any cut any fill within the TPZ of trees to be retained and protected. Additional details are required regarding the trees, treepits and soil volume located over the basement carpark to ensure adequate soil volume and depths		

Standard	Requirement	Proposal	Compliance
	<p>meet the ADG requirements. It appears this is not achieved within the street tree planting areas. Furthermore planting to be revised to meet the Rural Fire Service Asset Protection Zone requirements (refer Section 5.2).</p> <p>It is recognised that the topography presents challenges and limits flat areas for recreation, particularly on the southern boundary. Due to the differences in levels, the proposed raised walkway to the south presents potential overlooking issues to adjoining properties in Niblick Crescent.</p>		
<i>4P: Planting on structures</i>	Provision of roof top communal space for residents on Buildings B and C provides amenity and environmental benefits. However further detail is required for the extensive rooftop planting to be provided to ensure sufficient growing medium and adequate drainage cell depth has been provided.		
<i>4Q: Universal Design</i>	20% Liveable Housing Guidelines Silver Level design features (>43)	The SEPP (Housing for Seniors & People with a Disability) 2004 provides a greater level of accessibility than the Universal design standards.	Yes
	This matter would be subject to any conditions of consent (if approved).		
<i>4S: Mixed Use</i>	<p>The proposal incorporates a new golf club (2,260sqm) comprising wellness centre, buggy store and lockers, pro-shop, café, reception, offices, function centre, and members lounge and bar. The lobby for the club house is located on the first floor, accessed via lift or stairs from the ground floor.</p> <p>Although it is understood the wish for the golf club to be orientated towards the golf course views and direct access from the golf course, it is considered that the golf club entry and lobby would benefit from have direct access from an internal street. Together with improved pedestrian footpaths, this would avoid conflict with residential access, provide a sense of entry, reduce sense of a gated estate.</p>		
<i>4T: Awnings and Signage</i>	Continuous awnings are proposed to Building C to cover lobby to residential and golf club. Building B has a small awning over entryway. It is not considered to be necessary to provide an awning to the public footway on internal streets as it is not a high foot traffic environment.		
<i>4U: Energy Efficiency</i>	The proposal demonstrates compliance with BASIX (refer Section 7.3 below), and additional ESD measures are proposed.		
<i>4V: Water management</i>	Due to the size and landscape nature of the site there is opportunity for the site to incorporate water sensitive urban design systems. Refer Section 9 discussion Parramatta DCP 2011.		
<i>4W: Waste management</i>	A waste management plan has been prepared by a qualified consultant demonstrating the location and design of the waste facilities within the basement of the development. It is proposed that Council serve the residential units. Separate (private) waste storage for the Golf Club House commercial uses is provided. Council Officers considers aspects of the proposed waste management are inadequate and requires revision. Refer Section 9 - Parramatta DCP 2011 below.		

Solar Access to Adjoining Properties

The proposed apartments cause overshadowing to properties at 92 Bettington Road, 21, 23 and 25 Niblock Crescent and the proposed townhouses to the south. The following is an assessment of these impacts.

Child Care Centre – 92 Bettington Road

The 56 place child care centre was approved by the NSW Land and Environment Court on 13 February 2007 (DA/491/2006) at 92 Bettington Road. The plans indicate that the outdoor play space is located both at the front and the rear of the child care centre (refer Figure 23). However Council Officer spoke with the child care centre manager, and through viewing on recent aerial

photographs, it is confirmed that the rear is the sole outdoor play space for the children. For this purpose, the impact of the development on solar access on the rear open space and the total rear and front open spaces are assessed.

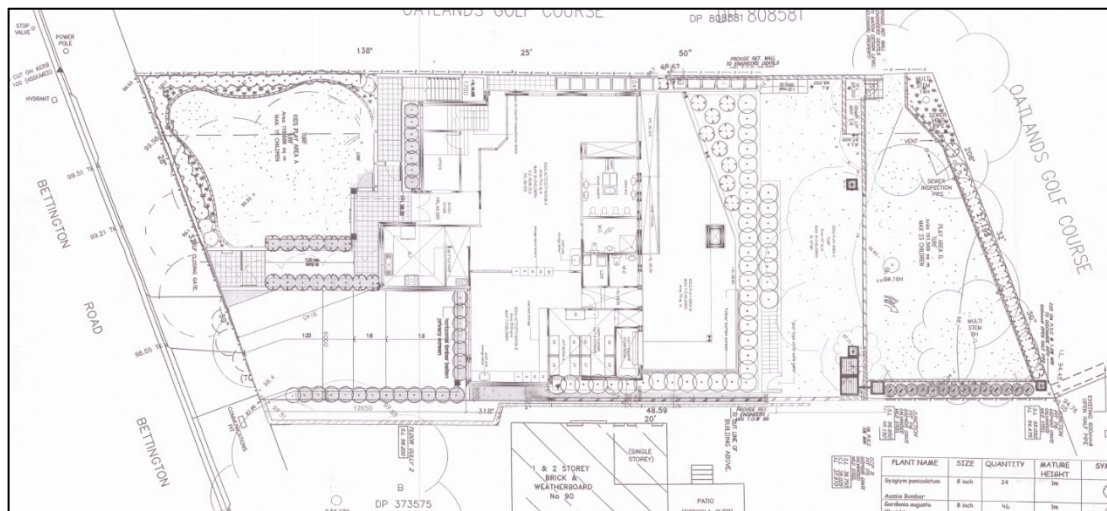


Figure 23 – Approved ground floor plans (DA/491/2006) child care centre, 92 Bettington Road

At the time the development application was lodged neither the applicable Local Environmental Plan (LEP) – Parramatta LEP 2001 or Parramatta DCP 2005 have specific child care centre controls relating to solar access. Therefore the dwelling house solar access control under Section 4.3.4 of the Parramatta DCP 2005 was used in the assessment report, as follows:

“Dwellings within the development site and adjoining properties are to receive a minimum of 3 hours sunlight in habitable rooms and in at least 50% of the private open space between 9am and 3pm on 21 June. Where existing development currently receives less sunlight than this requirement, this should not be unreasonably reduced. In order to demonstrate that this can be achieved, shadow diagrams may be required with the development application.”

Notwithstanding the above, the current solar access requirements under the Child Care Centre Planning Guidelines 2021 (as provided for under the SEPP (Infrastructure and Transport) 2021) standard: *“Outdoor play areas should have year-round solar access to at least 30 per cent of the ground area, with no more than 60 per cent of the outdoor space covered.”* Note the Guidelines Glossary of Terms defines solar access as *“the ability of a building to continue to receive direct sunlight without obstruction from other buildings or impediments, not including trees.”*

Solar access to rear child care play space

Currently, the rear play space receives solar access to over 50% of its area between 9am and 1pm (4 hours) and between 2pm and 3pm it receives solar access to less than 50% of its area. This is compliant with the DCP standard of receiving over 3 hours sunlight access to over 50% of the area.

Under the proposed development scenario, the rear outdoor play space receives solar access to less than 50% of its area between 9am-10am and 1pm and 3pm (3 hours). Between 11am and 1pm (2 hours) solar access to over 50% of its area is achieved. Therefore, the proposed development causes additional overshadowing to the rear outdoor space and does not meet the DCP standard.

Under the proposed development, the rear play space receives solar access to 30% or more of its area between 10am and 1pm. Between 9am and 10am, and 2pm and 3pm less than 30% of solar access is achieved to its area. Therefore, the Child Care Planning Guideline standard is not met.

Solar access to the total outdoor play space area (rear and front spaces)

Under the proposed development, the total outdoor area receives solar access to less than 50% of its area between 9am-10am and 1pm and 3pm (3 hours). Between 11am and 1pm (2 hours) solar access to over 50% of its area is achieved. Therefore, the DCP standard is not met.

Under the proposed development, the total outdoor area receives solar access to 30% or more of its area between 10am and 2pm (4 hours). Between 9am and 10am, and 2pm and 3pm (2 hours) less than 30% of solar access is achieved to its area. Therefore, the Child Care Planning Guideline standard is not met.

Properties 21, 23 and 25 Niblick Crescent

As per 4A of the Apartment Design Guide *“Where an adjoining property does not currently receive the required hours of solar access, the proposed building ensures solar access to neighbouring properties is not reduced by more than 20%.”*

As per the Parramatta DCP 2011 control *“adjoining properties are to receive a minimum of 3 hours sunlight in the primary living area, and in at least 50% of the private open space between 9am and 3pm on 21 June. Where existing development currently receives less sunlight than this requirement, this should not be unreasonably reduced”.*

The Parramatta DCP 2011 defines private open space as *“The portion of private land which serves as an extension of the dwelling to provide space for relaxation, dining, entertainment and recreation.”* In relation to dwelling houses, the private open space is designed to be directly accessible from the living area of the dwelling and located to maximise solar access. It is noted that the properties 19, 23 and 25 Niblick Crescent have large front setbacks, however consistent with the DCP definition, the rear private open space of the properties are assessed.

Currently the private open space at properties at 21, 23 and 25 Niblick Crescent receive good solar access. Between 9am and 3pm at mid-winter, all properties receiving solar access to their rear private open space. It is noted overshadowing occurs to the front portion of open space, due to the shadow of the dwellings itself.

Based on solar access modelling undertaken by both the applicant and Council Officers, the proposed development causes additional overshadowing in midwinter:

- 25 Niblick Crescent - Between 9am and 10am overshadowing occurs on the rear private open space. By 11am and through to 3pm no additional overshadowing occurs due to the proposed development.
- 23 Niblick Crescent - Between 9am and 12pm overshadowing occurs on the rear private open space. 12pm and 1pm less than 50% is overshadowed of the rear private open space is in shadow and between 1pm and 3pm no additional overshadowing occurs due to the proposed development.
- 21 Niblick Crescent - Between 9am and 12pm overshadowing occurs to between 30% and 40% of the rear private open space (including full shadow to the outdoor pool). At 1pm, 19% of the rear open space is in shadow and at 2pm and 3pm less than 10% of the rear private open space is in shadow.

In conclusion:

- The proposed development will cause some additional overshadowing to the properties at 23 and 25 Niblick Crescent. However the DCP control is maintained with over 3 hours of sunlight to over 50% of the private open space maintained in mid winter.
- 21 Niblick Crescent receives the most consistent overshadowing. However the development strictly complies with providing the minimum standard of 3 hours sunlight in at least 50% of the private open space between 9am and 3pm in midwinter.

Proposed Townhouses

Buildings B and C cause overshadowing to the primary living space and private open space of the 7 townhouses as follows:

- Townhouses TH10, TH11, TH12, TH13 and TH14 living area and private open space are overshadowed between 9am and 3pm. Townhouses TH10-TH14 therefore do not receive the required solar access required under the ADG and Parramatta DCP 2011.
- Townhouses TH08 and TH09 living area and private open space are overshadowed between 9am and 1pm. Townhouses TH08 and TH09 therefore do not receive the required solar access required under the ADG and Parramatta DCP 2011.

Communal Open Space & Deep Soil

The proposed northern communal area has been designed to have a large consolidated area with good solar access and elevated views over the golf course and surrounds.

The southern communal open space is situated on sloped land and comprises a raised platform and viewing area and planted landscape. This area is elevated and has potential overlooking and visual impact on into adjoining residents' properties creating privacy conflicts and overshadowed from 9am to 1pm in midwinter. A detailed section drawing is required to be provided through this area to understand the design and any potential impacts. (Refer Section 7.2.1).

The majority of communal open space sits on basement and extends to the boundaries, which is not in accordance with ADG (refer Figure 25). This compromises contiguous deep soil and large tree canopy growth.

Communal open space has been provided in highly constrained areas, such as circulation areas between buildings, on steep topography requiring convoluted pathways to the east of the townhouses and at the interface of commercial facilities to the east of the Golf Club (refer Figure 24). Council Officer question if the ADG minimum of 25% communal open space has been met.

The proposal submits that 2,372sqm (15%) of site area is deep soil. However as defined in the ADG, deep soil excludes impervious areas. It should be clarified that the terraced area to the southern communal open space and the pathways are deep soil areas.

It is recommended that basements should be reduced to sit within building envelopes. Additional communal space should be provided for the recreational benefit of residents. Communal open space should be located on deep soil. The area to the south facing the properties to Niblick Street should be a landscaped buffer to help mitigate privacy conflicts and reduce structures and excessive cut and fill.



Figure 24: Location of Communal Open Space (Extract Architectural Plans, Mirvac Design 2022)



Figure 25: Location of Deep Soil (Extract Architectural Plans, Mirvac Design 2022)

Cross ventilation

The current design has not demonstrated compliance with the ADG that at least 60% of apartments are naturally cross ventilated. The proposed design needs to be amended in some areas, and further information is required to demonstrate that the ADG criteria for natural cross-ventilation have been met for the following reasons:

a) Use of 'Slots'

Building A1 – units 105, 205, 305

Building A2 – units 105, 205, 305

Building C – units C306, 406, 506, 606, 706

The articulation of single-aspect apartments to create slots is not accepted as a means of providing natural cross ventilation. The slots restrict access to the prevailing breezes to the same wind direction as the primary face receives and therefore do not provide the necessary exposure to windward and leeward sides of the building as anticipated by the ADG natural cross ventilation guidance.

Any alternative approach to natural cross-ventilation relies on achieving sufficiently different pressure between openings over a range of wind directions and can only be demonstrated through objective testing. The testing is to confirm that the ventilation rates achieved within any single-aspect apartments to be enhanced by an indentation in the facade will be comparable to a corner or cross-through apartment under a full range of representative wind conditions.

b) Inadequate Effective Open Area on an aspect -

Building A1 – units 101, 201, 301

Building A2 – units 104, 204, 304

The current design proposes only a narrow 700mm awning sash, or similar, on one aspect relied upon for cross ventilation, which is inadequate and will restrict ventilation to the extent that the apartment cannot be considered naturally cross-ventilated.

The ADG guides that external window and opening areas on one side of the apartment are approximately equal to the window and door opening areas on the other. Whilst this balance may not be a reasonable expectation for some corner aspects, it is necessary that windows are adequately sized to support natural cross ventilation and therefore should have an Effective Open Area of no less than 2% of the apartment floor area.

The adequacy of balanced openings should be demonstrated in amended plans and a window schedule confirming Effective Open Areas, calculated in accordance with the ADG including an allowance for fly screens, is to be provided.

c) Inadequate Effective Open Area on an aspect and limited wind exposure -
Building B – units 201, 301, 401, 501, 601

The current design proposes only a single awning window, or similar, on one cross ventilation aspect, which is inadequate and will restrict ventilation to the extent that the apartment cannot be considered naturally cross-ventilated. Furthermore the opening on the western aspect of these apartments is significantly sheltered by the neighbouring apartment, limiting exposure to winds and pressures for natural cross ventilation.

d) Ventilating Skylights
Building C – units 801, 802, 803, 806

Further details are to be provided on the proposed design of the ventilation skylight, including sections indicating orientation, the opening mechanism and the Effective Open Area (EOA) provided to each apartment.

e) Depth of cross through units
Building B – units 101, 103, 104, 106, 202, 204, 205, 207, 302, 304, 305, 307, 402, 404, 405, 407, 502, 504, 505, 507, 602, 604, 605, 607, 703

Units are over 18m (measuring between 18.5m – 20m). The apartment will need to be replanned to meet cross ventilation requirements.

7.3 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The purpose of this Policy to reduce household electricity and water use by setting minimum sustainability targets for new and renovated homes. Evidence of compliance is to be demonstrated through the provision of a Certificate.

The BASIX submission has been reviewed and is acceptable, with the exception of the following errors, which may be corrected:

- a) Whilst the site enjoys good wind exposure, the development provides self-shielding of wind to several apartments. This shielding should be recognised in the NatHERS certificates for the internally facing apartments or those apartments that look onto neighbours to ensure the correct estimation of thermal loads.
- b) Skylights shown on the plans for units C-801 and C-803 are not included in the NatHERS certificates.

For the purposes of this report, the proposal meets the requirements of the SEPP (BASIX).

7.4 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4.6 of this Policy requires that the consent authority must consider if land is contaminated and, if so, whether it is suitable, or can be made suitable, for a proposed use.

A Complete Detailed Site Investigation (DSI); Pre-Demolition Hazardous Building Materials Survey; and Construction and Environmental Management Plan were submitted as part of the development application in order to evaluate the potential for contamination resulting from past site activities and to draw conclusions regarding the suitability of the site for residential

redevelopment.

Based on the results of DSI, it is considered that the site can be made suitable for its proposed use. In the event of development approval, conditions relating to provision of a site management strategy is required to address the identified exceedances of health criteria from asbestos contamination in soil at an isolated area and other conditions relating to management of contaminants will be placed on the determination.

7.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

7.5.1 Traffic Generating Development & Classified Road

Clause 2.112 – Traffic Generating Development

The proposal is considered to constitute a ‘traffic generating development’ per Schedule 3 of the SEPP (as it proposes more than 200 or more car parking spaces).

This clause requires that a consent authority must not determine a development application of a type nominated in Schedule 3 of this policy unless:

- TfNSW has been advised and its comments taken into consideration;
- The accessibility of the site has been evaluated with regard to the efficiency of movement to and from the site, the extent of multi-purpose trips, potential to minimise travel by car and to maximise movement of freight;
- Any potential traffic safety, road congestion or parking implications.

Relative to those clauses, TfNSW advises the following “[TfNSW] raises no objection as the proposed development is not expected to have a detrimental impact to the classified road network.”

7.6 State Environmental Planning Policy (Planning Systems) 2021

As this proposal has a Capital Investment Value of more than \$30 million, Part 2.4 of this Policy provides that the Sydney Central City Planning Panel is the consent authority for this application.

7.7 State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 ‘Vegetation in non-rural areas’ requires that consent be sought for the removal of vegetation on land in non-rural areas and on land in the RE2 – Private Recreation zone. Development consent is sought as part of this application for tree removal. Tree removal is detailed in Section 9 Parramatta DCP 2011.

Chapter 6 of this Policy, which applies to the whole of the Parramatta local government area, aims to maintain a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole. In relation to water quality (Clause 6.6 of the SEPP) in deciding whether to grant development consent, the consent authority must consider whether the development

- “(a) whether the development will have a neutral or beneficial effect on the quality of water entering a waterway,*
- (b) whether the development will have an adverse impact on water flow in a natural waterbody,*
- (c) whether the development will increase the amount of stormwater run-off from a site,*
- (d) whether the development will incorporate on-site stormwater retention, infiltration or reuse,*
- (e) the impact of the development on the level and quality of the water table,*
- (f) the cumulative environmental impact of the development on the regulated catchment,*

(g) whether the development makes adequate provision to protect the quality and quantity of ground water.

The northern boundary of the subject site is within the 1% AEP flow path and the northern (part), north-western and western boundaries of the golf course, following Vineyards Creek, is identified as a 'Riparian Land and Waterway' in the Parramatta LEP 2011 (Refer Section 8.1 and 9 for detail).

As detailed in Section 8.1 and 9, Council Officers consider that there is insufficient information supplied in relation to:

- Water management to determine if the proposal impacts on the water quality of Vineyards Creek.
- An adequate flood assessment to assess the impact of the proposed temporary car park and significant earthworks and filling on site. The current design may result in significant flood impacts on neighbouring properties and / or Council infrastructure.
- Proposed drainage discharges which are likely to cause unacceptable environmental and property impacts and have not been suitably planned or designed to mitigate these.

Therefore it is considered that matters contained in the SEPP are not addressed.

8. Parramatta Local Environmental Plan (LEP) 2011

8.1 Parramatta LEP 2011

The relevant objectives and requirements of Parramatta LEP 2011 have been considered in the assessment of the development application and are contained within the following table.

Table 12: Summary of Parramatta LEP 2011 compliance

Development Standard	Proposal	Compliance
2.1 Land Use zones	The subject site is zoned RE2 Private Recreation.	Yes Permissibility for the seniors housing is through the SEPP Seniors Living 2004 and the granting of a Site Compatibility Certificate (refer Section 7.2). Note: Registered clubs are permitted with development consent under the RE2 zone.
2.3 Zone Objectives <i>To enable land to be used for private open space or recreational purposes.</i> <i>To provide a range of recreational settings and activities and compatible land uses.</i> <i>To protect and enhance the natural environment for recreational purposes.</i> <i>To identify privately owned land used for the purpose of providing private recreation, or for major sporting and entertainment facilities which serve the needs of the local</i>	The proposal is for a registered club and residential accommodation (seniors living).	Yes - The proposed golf club is consistent with the zone objectives. No - The residential accommodation is not consistent with the zone objectives. However, the primacy of the SEPP Seniors Living (over the LEP) is noted.

Development Standard	Proposal	Compliance
<i>population and of the wider Sydney region.</i>		
4.3 Height of Buildings No nominated height	Heights range from 8 storeys (30.5m) to 3 storeys (11m)	Yes - The primacy of the SEPP Seniors Living (over the LEP) is noted. The Site Compatibility Certificate allows for development.
4.4 Floor Space Ratio No nominated FSR	The equivalent FSR of the final proposed development site is 1.56:1.	Yes - The primacy of the SEPP Seniors Living (over the LEP) is noted. The Site Compatibility Certificate allows for development.
Clause 5.10 Heritage Conservation	The subject site is located adjacent to Oatlands House, a local heritage item. The proposed development is not consistent with the objectives of Clause 5.10 as it impacts on the heritage significance of the local heritage item. This is detailed further below.	No
Clause 5.21 Flood Planning	<p>The northern boundary of the site is within the 1% AEP flow path (refer Figure 30) and the proposed temporary car park potentially obstructs the flow path. The current design may result in significant flood impacts on neighbouring properties (including the golf course) and / or Council infrastructure.</p> <p>There is currently insufficient information submitted to determine the extent of risk and impact. Therefore, a flood impact and risk assessment must be prepared which analyses the impacts of the proposed works to provide the necessary flood mitigation options. This must include assessment of impacts and risks allowing for increased rainfall intensity as a result of climate change.</p> <p>The buildings proposed would significantly increase the impervious areas of the sites and consequently result in increased peak flow rates and volumes of stormwater runoff and flooding therefrom unless addressed. To mitigate these impacts, Council requires the peak outflows from the site to be less than those existing pre-development. Council requires the net (total) discharge of stormwater from the</p>	No. Further information required

Development Standard	Proposal	Compliance
	<p>site to be 10% less than the pre-development net total.</p> <p>The proposed drainage discharges are likely to cause unacceptable environmental and property impacts and have not been suitably planned or designed to mitigate these. This includes erosion and scour of watercourses and concentration of stormwater onto other land.</p> <p>Further detail is discussed below.</p>	
Clause 6.1 Acid Sulphate Soils	<p>The site is Class 5 Acid Sulfate Soils. Development consent is therefore required for works within 500m of Class 1, 2, 3 or 4 land that is below 5 m AHD and by which the water table is likely to be lowered below 1 m AHD on adjacent Class 1, 2, 3 or 4 land. The proposal does not meet these requirements therefore no specific approval or management plan is required.</p>	Yes
Clause 6.2 Earthworks	<p>The proposed development proposes significant earthworks and currently the information provided does not satisfactorily address the potential for the earthworks to disrupt drainage patterns or impacts on watercourses, environmentally sensitive areas and existing trees. Refer detail below.</p>	No. Further information required
Clause 6.4 Biodiversity Protection	<p>Vineyards Creek on the north eastern and eastern boundary edge of the golf course are nominated biodiversity area under the PLEP 2011. The final proposed development is located approximately between 200m and 500m from the biodiversity areas.</p> <p>A Flora and Fauna Assessment was submitted as part of the DA. The proposed works are a sufficient distance from the biodiversity corridor areas that the proposed works will not impact on existing bushland areas, threatened species or ecology communities. It is recommended that in the event of development is approved, a condition be included which</p>	Yes

Development Standard	Proposal	Compliance
	implement the proposed mitigation measures recommended in the Flora and Fauna Assessment Report.	
6.5 Water Protection	<p>The northern (part), north-western and western boundaries of the golf course (following Vineyards Creek) is identified as a 'Riparian Land and Waterway' in the PLEP (refer Figure 31).</p> <p>Council considers that there is insufficient information supplied in relation to water management to determine if the proposal impacts on the water quality of Vineyards Creek.</p>	No , further information required.

Heritage

Oatlands House, a local heritage item listed under Schedule 5 of the Parramatta LEP 2011 is located 55 metres east from the subject development site (refer Figure 26). Oatlands House is currently surrounded by the golf course and adjacent to the existing 1 storey club house (with pitched roof).



Figure 26: Oatlands House in brown (Source Parramatta LEP Heritage layer, Council's GIS, April 2023)

The Oatlands House Conservation Management Plan (CMP, Godden Mackay Logan 2006, NSW Heritage) summarises its significance as a colonial building in terms of its the architecture and fabric and importantly its role as a farming estate supplying food to the colony – including orchards and vineyards and merino sheep farming. Therefore a key characteristic of Oatlands House is its position in the landscape, is stated in the CMP as follows:

“The position of the house on the high ground has meant it has long been a landmark in the Dundas area and a prominent feature of the landscape since its construction in the 1830s. Its setting, surrounded on all sides by the open fairways of Oatlands Park Golf Course, has meant that its traditional rural setting has been stylistically retained,

with the golf course occupying the 90 acres of the original estate and allowing for an interpretation of the original homestead and farm's setting and size.” (Godden Mackay Logan CMP 2006).

Clause 5.2 of the Parramatta LEP 2011 requires a heritage assessment to be undertaken where development occurs within the vicinity of land on which a heritage item is undertaken and assesses the extent in which the development would affect the heritage significance. A Heritage Impact Statement prepared by Weir Phillips Heritage and Planning was submitted with the development application. The report concludes that the proposed works will have an acceptable impact on Oatlands House for the following reasons:

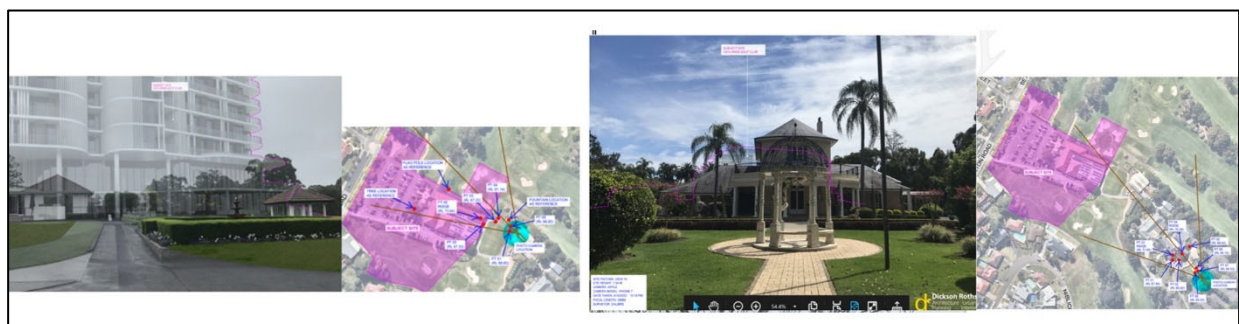
“The proposed works will have an acceptable impact on Oatlands House as the proposed buildings are screened by existing vegetation and sufficiently removed from the curtilage of the heritage item. The proposal includes buildings of varying scale which are separated from each other with substantial landscaping and open space, to help reduce its bulk and scale.

The proposed buildings have well-articulated and considered elevations that will sit comfortably in the wider setting of the item Building C will be visible to the rear of the item and will be visible within its setting, when looking to the sky. Views to the northwest have less significance and are towards a contemporary setting, however the impact of this has been minimised by the separation distance as well as existing and proposed vegetation. The proposed works will have no impact on the principal significant historic view corridors from the item to the southwest, given that part of the site will not be built on.”

In relation to the visual impact of Buildings B & C (7 & 8 storeys) the Heritage Impact Statement concludes:

“Buildings B and C will have a negligible visual impact given their distance from the heritage item. Building C will be partially visible from the rear of the heritage item but will not be considered intrusive or prominent given screening vegetation and the separation distance of at least 65m. The proposed works are located to the northwest of the item, in the opposite direction, and are well outside of significant view corridors from the item and allows for the retention of the item's original setting. The development will allow for the raising of capital to facilitate the ongoing use of the golf course, so that the traditional rural setting of the surrounding land can be retained.”

A Visual Impact Assessment (Dickson Rothschild, 2022) was also submitted as part of the development application which illustrates the visual impact of the proposal, in particular indicating the impact of Building C from Oatlands House (refer Figures 27 and 28).



Figures 27 and 28: Views 11 and 14 (Visual Impact Assessment, 2022)



Figure 29: Elevation showing Buildings C and B scale and Oatlands House, Architectural Plans, Mirvac Design 2022)

Council Heritage Advisor has considered the proposal and raises the following key concerns:

- Impact on landscape setting.
- View impacts from Oatlands House.
- The scale of development is not sympathetic to Oatlands House and blocks view lines.
- Over reliance on vegetation screening to minimise impacts.

The position of Oatlands house on the high ground has meant it has long been a landmark in the area and a prominent feature of the landscape since its construction in the 1830s. Its setting has been preserved to date due in recent history to the golf course. It is considered that the current proposal has significant impact on the views and setting of Oatlands House and that the modification of the proposal should ensure that the new buildings would have no visual impact when viewed from Oatlands House. Furthermore the scale of Building B and C are not responsive or sympathetic to the scale of Oatlands House (refer Figure 29). There is concern that there is an over reliance on the existing tree planting on the Oatlands House site to minimise the visual impact of the proposed development.

In light of the above, Council's Heritage Officer recommends that development proposal should:

- Reduce building heights of Buildings B and C to no more than 3 to 4 storeys to ensure the visual impact is negligible on Oatlands House.
- Divide Building C in two buildings to create a better articulation and backdrop of the Oatland House and outbuildings as viewed from Bettington Road and the development site. (Refer Figure 11 which indicates view obstruction from Building C).
- Identify existing vegetation within the golf club boundary which contributes to the visual buffer to Oatlands House.
- Consideration of the landscape management, including succession planting and species selection (on golf course site) to maintain and conserve the setting of Oatland House.

Therefore, in its current form, the development is not consistent with the objectives of Clause 5.2 of the Parramatta LEP 2011.

Water Management

Flooding and Overland Flow

The northern boundary of the site is within the 1% AEP flow path (refer Figure 30) and therefore the proposed temporary car park and significant earthworks and filling on site that will potentially divert the flow path. The current design may result in significant flood impacts on neighbouring properties and / or Council infrastructure. In accordance with the objectives and principles of the Parramatta DCP 2011, development must not divert flood waters nor interfere with floodwater storage or the natural function of waterways.

A flood assessment must be prepared and submitted with the development application which analysis the impacts of the proposed works to provide the necessary flood mitigation options. The assessment must also demonstrate reliable access and evacuation for pedestrians and vehicles from the site to an area above the PMF level either on site or off-site. The applicant can obtain flood information for the site via a flood enquiry with Council and an electronic model must be provided to Council.

The flood assessment shall incorporate all proposed retaining walls. All retaining wall details include top of wall, bottom of wall, wall type and cross sections. The retaining walls shall be designed to ensure that natural flows from adjoining properties are not impeded or diverted. All detail of the retaining walls shall be shown across all plans (architectural, landscape and civil).



Figure 30: Extent of flood affected land (PLEP 2011 mapping, Council GIS 2023)



Figure 31: Extent of Riparian land (PLEP 2011 Mapping, Council GIS 2023)

The subject site includes existing overland flow paths, including at the northern boundary and at the south / southwest portion of the site. The submitted Civil Stormwater Management Report (AT&L, Nov 2022) does not include impact of the proposal on the existing overland flow paths and is required to be updated. An Overland Flow impact map (post development minus pre-development) is required for 5% AEP, 1% AEP and PMF. Furthermore, the Civil Stormwater Report should also include the following information:

- The impact of climate change needs to be incorporated in the analysis, including pipe drainage design, combined piped and overland flow paths design, rainfall intensities, pit and pipe capacities and hazard analysis.
- The report should include analysis of impact on existing Council stormwater assets, nor if any proposed stormwater drainage system is intended to be Council assets.
- Blockage factors of 100% is required.
- It is mentioned that "Overland flow paths shall maintain a minimum of 100mm freeboard to all habitable floor levels". It should be 500 mm to maximum of Overland flow paths or riverine flood level with climate change.

The northern (part), north-western and western boundaries of the golf course (following Vineyards Creek) is identified as a 'Riparian Land and Waterway' in the PLEP 2011 (refer Figure 31). Council considers that there is insufficient information supplied in relation to water management to determine if the proposal impacts on the water quality of Vineyards Creek.

Stormwater

Three systems are proposed to manage stormwater – headwall (outlet), level spreader and an existing dam. Council Officers consider these methods have not adequately demonstrated that they will manage water on the site or potential impact on adjoining properties.

Further details are required in relation to stormwater infrastructure:

- The proposed headwall to the golf club is not acceptable and either a connection to Councils infrastructure must be made or an internal water recycling system must be provided. Supporting documentary evidence to Council to obtain in principle agreement to connect to Council's infrastructure is required.

- Discharge to the level spreader is not acceptable. The proposed absorption trench behind private properties is not supported and connection should be made to Council's infrastructure. Details of existing pipe capacities must be provided to show if they are adequate to cater for additional flow. Details of existing stormwater infrastructure should be provided, including pipe network behind Niblick Crescent.
- Prior to any connection to the existing dam, details (use and pipe network) and capacity of the existing dam shall be provided to hold runoff of proposed development. The safety of the dam should be investigated, including legal obligations under the Dam Safety Act 2015.
- As the dam is located on the golf course site, and the development proposes subdivision from the larger golf course lot, this will require an easement (or legal agreement) to be shown on plans, both for the existing golf club site and the new proposed lot. Details of the easement on the remaining golf club site must be accompanied by long sections and surveys and approval from the landowners.
- DRAINS model has omissions that require revision:
 - o DRAINS model does not include background. Pit and Pipe naming are different from civil drawings.
 - o ARR87 has been utilised. ARR19 should be utilised and sensitivity with ARR87 should be analysed. If ARR87 is producing significantly larger flow/levels then rainfall intensity and/or temporal pattern resulting similar flow/result should be adopted to minimise flooding risk.
 - o Climate change has not been incorporated. This should be incorporated as design case considering ultimate development.
 - o All sag pits are assumed to have 10 m³ storage volume which is unlikely. Realistic volume for each of the sag pits should be utilised.
 - o Shallow swale (0.15m depth) has been proposed while Manning's roughness of 0.035 has been used which is underestimated. If it is grass swale, then higher roughness value should be used.
 - o Catchment area to OSDs mentioned in storm water report and catchment area included in the model doesn't match and needs to be verified.
 - o It should be demonstrated that the Discharge locations are appropriate, adequate and do not cause flooding issues.
 - o DRAINS model needs to be peer reviewed and confirm if accurately reflect proposed design.
 - o Electronic copy of updated and peer reviewed DRAINS model along with brief report should be submitted for review.

The current design of the OSD tanks should be revised in light of the following comments:

- The OSD tanks should not be located under proposed roads and should be located within common areas available for access and maintenance purposes. A revised site plan showing OSD locations, relatively to buildings, are required.
- The design of OSD tanks should be revised and consistent with the Upper Parramatta River Catchment Trust Guidelines.
- The OSD systems must have an emergency flow path route to the trunk drainage system or legal discharge point.
- If the proposed OSD basin exceeds the maximum acceptable depth (300mm) pool type fencing may be required and may have other implications not engineering related.

Basement

The development proposes a drained basement. Drained tank is not a best practice and not recommended because:

- Groundwater discharge connection to existing council stormwater system is not supported due to capacity requirement, treatment requirements, monitoring requirements and continues discharge requirements.

- Groundwater is a resource, and it is not good to extract and drained out as a waste.
- It needs treatment and continues monitoring adding long term liability to obtain, maintain, monitor, and assess for both the applicant and council and other authorities.
- Continuous extraction of groundwater from basement may have long term adverse impact on groundwater environment.
- The drained basement was not supported by the relevant authorities. Water NSW General Terms of Approval issued on 26 April 2023 that allows dewatering to occur for the purpose of temporary construction dewatering and requires the design and construction any below ground levels that may be impacted by the water table fully watertight.
- If for some reason tanked basement is not feasible than a detailed Groundwater modelling and investigations are required.

Water Sensitive Urban Design (WSUD)

The applicant has submitted insufficient information in relation to the proposed WSUD and the following details are required:

- Details on the water sensitive urban design (WSUD) treatment and location on site as per MUSIC model requirements. The jellyfish or other property devices must be shown on plans in relation to their location.
- Certificate from the manufacturers is required to ensure that the design and modelling of proposed treatments devices are in accordance with manufacturers requirements
- An electronic copy of MUSIC model with a brief report and sub-catchment plans for WSUD elements should be submitted to Council for assessment.
- The bio-retention is proposed to be located at the base of OSD 3. Concern is raised in relation to the location due to the potential high maintenance requirements and damage after storm events.

Earthworks

The northern boundary of the site is within the 1% AEP flow path and therefore the proposed temporary car park and significant earthworks and filling on site that will potentially divert the flow path. The current design may result in significant flood impacts on neighbouring properties and / or Council infrastructure. There is currently insufficient information submitted to determine the extent of impact. Therefore a flood assessment must be prepared which analysis the impacts of the proposed works to provide the necessary flood mitigation options.

The stormwater discharge into the golf course via a headwall is not linked to a watercourse or otherwise properly managed and may cause adverse impacts. The ability of the existing dam to function in stormwater management and reuse is not understood and in order to function the dam and pond may need to be reformed or enlarged. This results in potentially significant earthworks, dam safety and water quality issues which are as yet unknown.

Furthermore, the proposed bulk earthworks plan is not consistent with the Landscape Plans or tree retention plans in the Arboricultural Impact Assessment in regards to the location of cut and fill required, especially to the southern and western boundaries as follows:

- Plans should be revised to delete the -0.25m cut along the western boundary to enable the trees to be successfully retained.
- The additional fill to the southern section of the landscape area to be removed and the cut and fill to reflect the Landscape Plans and marry with the existing levels along the boundary.
- Relocate all of the earthworks, batters and swales outside the Tree Protection Zones (TPZs) where possible. Where this is not possible, sensitive construction methods are to be discussed and approved in writing with the Project Arborist.

- Note no excavation, cultivation or compaction should occur within the TPZ of trees to be retained and protected unless written approval has been provided by the Project Arborist.

8.1 Draft Parramatta LEP 20XX and Parramatta LEP 2023

The Draft Parramatta Local Environmental Plan (LEP) 20XX, which is the consolidated of existing planning controls within the City of Parramatta. It is noted that the LEP was placed on public exhibition between Monday 31 August 2020 until Monday 12 October 2020, and therefore is a formal matter for consideration for the purposes of section 4.15 of the Act. This draft LEP does not propose any changes to the controls, including land use zoning (RE2 Private Recreation) and biodiversity for the Oatlands Golf Course site.

The Parramatta LEP 2023 subsequently was gazetted on 2 March 2023. In accordance with Clause 1.8A of the PLEP 2023, if a development application has been made before the commencement of the PLEP 2023 and the application has not been finally determined before that commencement, the application must be determined as if the PLEP 2023 had not commenced. Therefore, the Parramatta LEP 2011 is the applicable LEP in relation to the development application.

9. Parramatta Development Control Plan

9.1 Parramatta Development Control Plan 2011

The proposed development has been assessed having regard to the relevant desired outcomes and prescriptive requirements within Parramatta DCP (PDCP) 2011. Table 13 below provides an evaluation against the relevant controls. Note where there is conflict between PDCP 2011 and the SEPPs listed above, the SEPP controls prevail to the extent of the inconsistency and as such are not included in the evaluation.

Table 13: Parramatta DCP 2011 Compliance Table

Development Control	Comment	Comply
<i>Part 2 Site Planning</i>		
2.3 Site Analysis	A satisfactory site analysis plan has been submitted.	Yes
2.4.1 Views and Vistas	<p>The site is located within the identified Significant District view (refer Appendix 2 of the DCP). The site is captured by the view looking south from the corner Bettington Road and Pennant Hills Road. This view with the proposed development is shown at Figure 11 in the report.</p> <p>The Design Principles in the DCP state:</p> <ul style="list-style-type: none"> - P.2 Buildings should reinforce the landform of the City and be designed to preserve and strengthen areas of high visibility. In some locations, this may be achieved through uniform heights and street walls as a means of delineating the public view corridor - P.4 Building design, location and landscaping is to encourage view sharing between properties <p>It is considered that the development is not consistent with the Design Principles for the following reasons:</p> <ul style="list-style-type: none"> - The proposed development is prominent in the larger context and inconsistent with the typical built form of its surrounds. - The development does not allow for view sharing between properties, namely it does not preserve the view along the ridgeline from Bettington Road to Oatlands House due to Building C bulk and scale and siting. 	No
2.4.2 Water Management		
2.4.2.1 Flooding	This matter is addressed in Section 8.1 above.	No, further information required
2.4.2.2 Protection of Waterways	This matter is addressed in Section 8.1 above.	No, further information required

Development Control	Comment	Comply
2.4.2.3 Protection of Ground Water	This matter is addressed in Section 8.1 above.	No
2.4.3 Soil Management	An erosion and sedimentation control plan have been submitted with the application. Notwithstanding, in the event of an approval conditions would be included outlining the required soil management standards.	Yes
2.4.4 Land Contamination	Refer to assessment under SEPP (Resilience and Hazards) above.	Yes
2.4.5 Air Quality	The proposal is not likely to result in increased air pollution.	Yes
2.4.6 Development on Sloping Land	<p>The proposed development is not consistent with Design Principle P1: <i>"Buildings are to be sited and designed to take into account the slope of the land to: minimise the visual bulk of the development, particularly when viewed from down slope minimise the need for cut and fill by designs which minimise the building footprint and allow the building mass to step down the slope minimise the impact of development on the privacy of adjoining land."</i></p> <p>Due to its location along the ridgeline, the development's visibility is from Niblick Crescent to the south, around the golf course and surrounding residents along Bettington Road from the west and north. The building bulk is overwhelming to the natural landscape character of the golf course which has largely preserved its landscape setting. Refer Figure 12 and 13.</p> <p>Due to the natural slope of the topography, the townhouses are perceived as taller within the site, resulting in a further incompatibility with adjoining dwellings. The 4-storey height has a maximum RL level difference to adjacent residential houses from 4 metres to 13.7 metres. The building heights have impacts on views to sky, particularly from existing north facing habitable rooms of houses along Niblick Street and from the Niblick Crescent streetscape. Furthermore the townhouse first floor balconies and the southern communal open space's elevated boardwalk may have privacy impacts on adjoining properties, in particular 21 and 23 Niblick Crescent.</p> <p>It is recommended that the townhouses be no more than 2 stores in order to create an acceptable built form relationship and reduce impacts to neighbouring properties. Townhouses should be stepped with the natural topography to ensure they respond to the site conditions and reduce building bulk.</p>	No
2.4.7 Biodiversity	Refer to assessment in Section 8.1 above.	Yes
2.4.8 Public Domain	<p>The internal streets, although in private ownership, should be treated as public streets with footpaths and street trees in grass verges. This is to ensure the development is seen as part of the surrounding neighborhood. All internal streets must offer safe minimum 1.5-2m width pedestrian footpaths. The street tree planted verge should be a minimum 2m in width. All streets must have a Council standard kerb and gutter arrangement.</p> <p>A Public Domain Alignment Drawing package of drawings including coordinated civil and landscape architectural drawings resolving all levels and showing proposed indicative public domain treatments in accordance with the requirements outlined in the Parramatta Public Domain Guidelines (Chapter 2 & 4) is required as part of the DA submission.</p> <p>Furthermore, street cross sections showing dimensions of vehicular lanes, verges, street tree locations, and widths of public footpath are not provided and are required as part of the DA package. Through-site cross sections are also required as part of the package.</p>	No
Part 3 Development Principles		

Development Control	Comment	Comply
<p>3.1 Preliminary Building Envelope-Multi Dwelling Housing (Table 3.1.3.6)</p> <p>Minimum site frontage 24m</p> <p>Front setback 5-7m (basement not encroach)</p> <p>Side setbacks – min 3m</p> <p>Deep soil zone min. 30% (4 x 4m)</p> <p>Landscaped area – min 40% (including deep soil)</p>	<p>The following relates to the proposed townhouses:</p> <p>That portion of the site relating to the townhouses has a site frontage of over 24m.</p> <p>As the townhouses are oriented inward, the front setback is measured from the internal road and is as follows:</p> <ul style="list-style-type: none"> • TH01-03 – between 3.7-4.2m • TH04-TH09 – between 0.8 – 1.6m • TH10-14 – between 1.1-2.5m <p>The side setback are as follows:</p> <ul style="list-style-type: none"> • TH01- 3.4m to 92 Bettington Road • TH14 – 8.8m to 21 Niblick Crescent <p>Deep soil and landscape area are detailed in the SEPP Seniors Living and SEPP 65 – ADG assessment in Section 7.</p>	<p>Yes</p> <p>No</p> <p>Yes</p>
<p>3.1 Preliminary Building Envelope-Residential Flat Buildings</p> <p>Minimum site frontage 24m (18m with two street frontages)</p> <p>Front setback 5-9m (primary frontage); 3-5m (secondary)</p>	<p>The following relates to the proposed apartments:</p> <p>The site frontage is over 24 metres. An internal street is provided and provides frontage to Buildings B and C.</p> <p>Front setbacks:</p> <p>Building A1 (to Bettington Road) – 6.6m-11m</p> <p>Building A2 (to Bettington Road) – 7m-8m</p> <p>Building B (to internal Road) – 1.8m-5m</p> <p>Building C (to internal road) – 0m (Porte cache)</p> <p>Note: building separation, deep soil and landscape area relate to Apartment Design Guide and / or SEPP Senior Living 2004 standards.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>No</p> <p>No</p>
3.2.1 Building Form and Massing	The current built form does not meet the following objectives and design principles for building form and massing as it is not compatible with the predominate surrounding built form of 2 storey single dwelling houses. This matter is detailed in Section 7.2.1 and 7.3.	No
3.2.2 Building Façade and Articulation	Townhouses TH10-TH14 do not face the street and front entries are accessed via a winding step footpath, limiting pedestrian access. Therefore does not satisfy Control 3 – as they do not have a proper address.	No
3.2.3 Roof Design	The flat roof form is acceptable.	Yes
3.2.4 Energy Efficient Design	BASIX certification has been provided and additional energy efficient measures have been proposed in the application. This is assessed in Section 8 of this report and are supported by Council Officer.	Yes
3.2.5 Streetscape	<p>Design Principle is that “Development is to respond and sensitively relate to the broader urban context including topography, block patterns and subdivision, street alignments, landscape, views and vistas and the patterns of development within the area.”</p> <p>The surrounding street network is generally well-connected, with a logical block structure and size, and some cul-de-sacs typical of residential subdivision. The streets are characterised by 15.3m wide carriageways with on street parallel parking, a tree planted verge and pedestrian pathway. The prevalent front setback is 10m with</p>	No

Development Control	Comment	Comply
	<p>landscaping and driveways.</p> <p>The proposed site layout includes an internal street (cul-de-sac). The orientation of the buildings results in the isolation of several buildings from a public street frontage (Building C and townhouses TH10-TH14) which will lead to wayfinding and CPTED concerns.</p> <p>The proposed one-way 4m wide internal loop laneway servicing the townhouses has a street wall interface of predominantly large hardscaped driveways and garages. This interface appears like a laneway/service lane with limited opportunities for tree planting. This driveway structure is out of character for the area and does not align with natural site contours which increases filling of the site and consequently the perceived bulk of the development.</p> <p>It is recommended that in order to improve site legibility and permeability, and integrate the development with the local street network, a more articulated straight street network should be proposed.</p>	
3.2.6 Fences	<p>The area between Building A2 and the communal open space shows a significant amount of fencing (Refer Section 02 of the Landscape Plans). It is recommended that some or all are replaced with robust planting to reduce visual clutter and improve the landscape and pedestrian experience.</p>	Yes
3.3.1 Landscaping	<p>The overall design and imagery proposed indicate attractive landscape gardens. The northern communal area has generous open large areas with elevated views over the 12th tee and associated gardens. The retention of many trees along the Bettington Road will aid in assisting the development to sit well within the existing streetscape and neighbourhood.</p> <p>However, many of the gardens and landscaped areas within the site are small and constrained for the size and scale of the development, especially around building A1, the southern side of building B and around the townhouses affecting the amenity value and functionality of many of these spaces.</p> <p>The proposed width of the accessible linking paths are narrow and are not suited to the size and type of development (senior housing). Pathways should be designed to allow for wheelchairs and residents to pass comfortably.</p> <p>The elevated boardwalk to the southern communal open space will make it difficult to navigate without handrails for support in some parts. Increasing their width will only exacerbate the already constrained landscape amenity.</p> <p>Additional issues with the design of the landscaped southern communal open space and general landscaping are detailed in the ADG assessment at Section 7.3 of this report and Earthworks in Section 8.</p> <p>It is noted that landscape Plans are required to be revised to meet the RFS requirements.</p>	No
3.3.2 Private/ Communal Open Space	<p>Communal open space has been detailed in Section 7.2 of this report. It is noted that in accordance with the DCP, the southern communal open space should to provide additional privacy screening between neighbouring private properties. Furthermore the elevated boardwalk should be reconsidered due to its privacy and overlooking impacts onto adjoining properties</p> <p>In relation to the townhouses private open space, internal courtyards are provided at the rear of the properties. In addition, balcony and roof top areas are provided. The private terraced area show limited landscape amenity and privacy between each townhouse. Hedge screening could be considered.</p>	

Development Control	Comment	Comply
	Refer ADG Assessment in relation to the private open space assessment for residential apartments.	
3.3.3 Visual and Acoustic Privacy	Refer Section 7.2.1 in relation to concerns regarding visual privacy and impact on adjoining properties in relation to the townhouses and southern communal open space. Refer ADG Assessment (Section 7.3.2) for visual and acoustic privacy assessment in relation to the residential apartments and golf club house.	No
3.3.4 Acoustic Amenity	Refer ADG Assessment (Section 7.3.2) for visual and acoustic privacy assessment in relation to the residential apartments and golf club house.	Further information
3.3.5 Solar Access and Ventilation >3 hr sunlight in the primary living area, and >50% private open space 9am – 3pm mid-winter Dual aspect, opposing windows to provide cross ventilation Min 2.7m floor to ceiling height Max building depth 14m / 18m with courtyard Min. width 5m	Townhouses TH10, TH11, TH12, TH13 and TH14 living area and private open space are overshadowed between 9am and 3pm. Townhouses therefore do not receive the required solar access required under the DCP. The orientation of townhouses 10-14 east/west has impacts on solar amenity due to minimal north facing windows and reduced building widths. Townhouses TH08 and TH09 living area and private open space are overshadowed between 9am and 1pm. Townhouses therefore do not receive the required solar access required under the DCP. TH10-TH14 ground level does not provide adequate cross ventilation as the private courtyard, living room and car park (with garage door) are located on the same level. Building depth of townhouses is approximately 20m and width is approximately 6.4m. In relation to the residential flat building, refer Section 7 Apartment Design Guide assessment in relation to solar access and cross ventilation.	No No Adequate
3.3.6 Water Sensitive Urban Design	This matter is addressed in Section 8.1.	No, insufficient information
3.3.7 Waste Management (& Appendix 8 'Waste Management Guidelines for new Development Applications 2016'	As outlined in Appendix 8 Waste Management, 4.0 Residential Flat Buildings (including Manor Houses), 4.7 Council does not support the use of chutes to transport recyclables. The proposal is require to amend the scheme to reflect the removal of the "dual chute" system to a single chute system for general waste only, placing a recycling bin adjacent to each garbage chute point to be swapped out when full by the Building Manager or their authorised representative. The Waste Management Plan proposes "FOGO room" on basement level 2 but have not indicated how many bins they are allowing for FOGO, collection frequency, or how many litres per dwelling per week they are allowing for. The Waste Management plan must identify the generation of waste expected from the development including waste, recycling, food organics, garden organics and bulky waste. It must also include allocated waste bins for all waste types (number and size). The proposal includes a turntable for waste collection trucks. Council does not support the use of turntables, as outlined in Appendix 8 Waste Management, 4.0 Residential Flat Buildings (including Manor Houses), 4.13. Council currently only has HRV vehicles available for waste collection, which require a minimum 4.5 meters clearance. The applicant will need	No

Development Control	Comment	Comply
	to allow for this and show a swept path allowing access for a vehicle of this size, without the use of a turntable.	
3.4.1 Culture and Public Art	As the development site is over 5,000sqm, an Arts Plan is required as part of the overall development. A condition of consent is recommended that the Arts Plan is submitted to and approved by Council prior to the first construction certificate for works above ground, and that the artwork is installed prior to the final OC for the site.	Subject to conditions
3.4.2 Access for People with Disabilities	An Access Review Report has been provided which demonstrates the proposed units are capable of complying with all relevant accessibility requirements under the SEPP Seniors Living 2004. A condition of consent is recommended to ensure these requirements are met. Refer Section 7.2 above.	Yes, subject to conditions
3.4.4 Safety and Security	NSW Police was referred the application due to the Club being a licensed venue. The Police raise no issue with the application. A Crime Prevention through Environmental Design Report was prepared as part of the DA. As detailed in this report, Council Officers considers that improvement to public domain, although privately owned, and buildings addressing the street, will ensure the development is part of the existing neighbourhood and encourages interaction between residents and natural surveillance.	Yes
3.4.5 Housing Diversity and Choice <i>Mix</i> 1 bed (10 – 20%) 2 bed (60 – 75%) 3 bed (10 – 20%) <i>Adaptable Units</i> 10% (>15)	Total 155 Independent Living Units: - 1 bed x 12 units (7.7%) - 2 bed x 101 units (65.1%) - 3 bed x 28 units + 14 townhouses x 3 bed (27.1%) The requirements of the SEPP Seniors Living for design of units meet the general terms of the DCP requirements for adaptable units.	No, however housing mix is considered adequate. Yes
3.5 Heritage	Part 3.5 of the Parramatta DCP 2011 provides guidance to development in the vicinity of a heritage item, including: - New buildings should be sympathetic to the character, height and setbacks of the adjoining heritage building of the locally listed item, - Ensure that new buildings maintain the historical integrity, and do not impact the visual prominence of the existing heritage building. - the building height and setbacks must have regard to and respect the value of that heritage item and its setting. - the height of the new building compared to those nearby – the new building should be no higher than the majority of the buildings in its vicinity. - A new building near an important heritage item, such as a church or hall (which might also be a local landmark) needs to be carefully designed. It must not try to copy the heritage item or compete with it for attention. It is best if the new building fits in with the character of the surrounding neighbourhood, leaving the heritage item to stand alone. As detailed in Section 8.1, the position of Oatlands house on the high ground has meant it has long been a landmark in the area and a prominent feature of the landscape since its construction in the 1830s. Its setting has been preserved to date due recently to the golf course. Council Officers consider that the current proposal has significant impact on the views and setting of Oatlands House, including the bulk	No

Development Control	Comment	Comply
	and scale of Buildings B and C which dominate the landscape. It is recommended to modify the proposal to ensure that the new buildings would have no visual impact when viewed from Oatlands House. There is concern that there is an over reliance on the existing tree planting on the Oatlands House site to minimise the visual impact of the proposed development.	
3.5.2 Archaeology	<p>A Heritage Impact Statement was prepared by Phillips Weir, the HIA includes an archaeological assessment and concluded the following:</p> <ul style="list-style-type: none"> - an Aboriginal Heritage Information Search was undertaken for a 50 metre distance around the land and no items of archaeological significance have been identified. - A further search was undertaken for a distance of 1,000m surrounding the land and three potential items have been identified. Which are not in the direct vicinity of the proposed works. Two of these are identified as a 'shelter with deposit' in Vineyard Cree (Balgowlah Cave). <p>The site is also labelled as a low Aboriginal heritage sensitivity in Council's Aboriginal Archaeology Study and The Parramatta Historical and Archaeological Landscape Management Study (2000) and Archaeological Management Unit did not extent to that area.</p> <p>It is considered that an appropriate level of Aboriginal and non-Aboriginal cultural heritage assessment and investigations and mitigation have already been undertaken. In the event of an approved application, mitigation measures during construction would need to be included in conditions of any approval.</p>	Yes
3.6.1 Sustainable Transport	As the development site is not located within 800m of a railway station nor a frequent bus stop, car share parking space or a Green Travel Plan is not required to be included. Notwithstanding, 1 car share space is proposed to be located on street.	Yes
3.6.2 Parking and Vehicular Access	Refer discussion below.	Yes
3.7 Subdivision and Lot Consolidation	<p>The proposed subdivision is for:</p> <ul style="list-style-type: none"> - Torrens title subdivision of lot to separate the site from the golf course land. - Further community title stratum subdivision to accommodate the various uses on the site with an additional seventeen allotments. - Strata subdivision on the apartments into 141 individual strata allotments, with allocation including access to car parking and storage requirements. <p>As shown in the Draft Plans of Subdivision, the community title extends only to that area which covers the landscape area and communal open space surrounding the townhouses and the internal roads. It is unclear from the Draft Plans what the arrangements are via easement, or other means, for townhouse units to access the lots (Lot 16 & 17) containing the units and the golf course and associated communal open space.</p>	No, further information required
5.4 Preservation of Trees or Vegetation	Refer comments below.	No

Trees

An Arboricultural Impact Assessment (L&Co, November 2022) and Landscape Plans (Sturt Noble Ass November 2022) was submitted as part of the DA. There are 110 trees recorded on the site and immediately adjacent to the site. In order to facilitate the development proposal, 38 trees will be required to be removed.

Review of the submitted information indicates inconsistencies, insufficient and unclear information including:

- Plans provided by the Civil Engineer are not coordinated with the Landscape Plans.
- Arboricultural Impact Assessment has not considered the Civil plans regarding cut & fill, or preferably provided guidance to minimise / remove any cut any fill within the tree protection zone (TPZ) of trees to be retained and protected.
- Arboricultural Impact Assessment is showing an out-of-date plan for the temporary carpark area.

Council Officers do not support tree removal until the following revised information is submitted.

Council Officers consider that an amended Arboricultural Impact Assessment and Landscape Plans are required to address the following additional information.

- All trees to be retained are to be identified with a solid circle.
- All trees recommended for removal are to be identified with a dashed circle.
- The report must include a tree protection plan where trees are proposed to be retained. The tree protection plan shall identify the tree protection area for each tree and clearly identify the percentage of development encroachment to the root system and canopy of the tree.
- Review the latest Civil/Stormwater plans by AT&L and include in the report data for any trees which may be impacted by the proposed stormwater infrastructure and provide specific guidance to reduce the impact where possible.
- Include updated Tree Location Plans, Tree Retention and Removal Plans at 1:100 or 1:200 scale with a high resolution for clarity using the latest architectural drawings and civil and landscape plans.
- The tree protection management plan shall be site specific and show all proposed development works, including the location of the above and below ground structures and services.
- Where retained trees have a development setback and tree protection zone established, a recommended tree protection specification and diagram must be provided in accordance with AS4970-2009 Protection of Trees on Development Sites.
- Specific tree protection measures (including any sensitive construction method) to be located on the tree protection management plan.
- Additional details are required regarding the trees/treepits/soil volume located over the basement carpark to ensure adequate soil volume and depths meet the ADG requirements. It appears this is not achieved within the street tree planting areas.
- Planting to be revised to meet the RFS Asset Protection Zone requirements.

Furthermore the Stormwater and Civil Plans (AT&L December 2022) are to be amended to include the following:

- Plans to be updated to reflect the advice regarding the tree protection measures and exclusion zones (TPZ) provided in the Arboricultural Impact Assessment.
- Tree Protection Zones (TPZ) to be added to the plans to ensure information is coordinated with the AIA.
- Details to be provided for the (porous) surface material to the temporary carpark.
- Delete the 700mm sandstone wide walls to the temporary carpark.
- Relocate the underground services outside the TPZ of trees to be retained and protected. Where this is not possible, the installation of the services is to be installed using sensitive construction method and supervised by the Project Arborist (as per L&Co report).
- All site plans are to be amended to indicate the tree protection zone requirements as set forth in the arborist's report along with any other note requirements that the arborist deems necessary to ensure the long-term health and sustainable retention of the trees.
- Refer Section 8 for the commentary in relation to earthworks and impact on trees.

In the event of an approved development conditions will be required which ensure the retained trees will require the installation of specific tree protection measures and works within the TPZ to be over-seen by the Project arborist to ensure they are adequately retained and protected throughout the development. All plans are to be coordinated with the Project Arborists recommendations.

Parking and Vehicular Access

Car Parking

A total of 394 car parking spaces are provided on the plans including:

- 176 spaces for the residential units in basement parking.
- 18 visitor parking in basement parking.
- 200 parking spaces for golf club visitors and executive within basement.
- 28 car parking spaces (2 per) townhouse.

The SEPP Seniors Living 2004 provides the minimum standard for car parking for the seniors development, which is at least 0.5 spaces per bedroom, which equates to a total of 170 spaces. Therefore the residential parking (units and townhouses) is oversubscribed by 34 spaces. It is noted that the SEPP does not require visitor parking for seniors development.

In relation to the golf club, neither the Parramatta DCP 2011 nor the RMS Guide to Traffic Generating Development provide parking rates for a golf club. For this reason, the submitted Traffic and Parking Assessment Report undertook parking survey in order to determine the parking requirements of the existing Club day to day. The results of which were used to estimate the future parking demand of the golf club.

The layout and dimensions of parking spaces and aisle widths are acceptable, however it is recommended a condition be placed on any consent which ensure compliance with Australian Standards, including for accessibility.

1 car share space and 8 on street car parking spaces are located on main internal street. The management of these spaces will be a matter for the body corporate.

In addition 227 temporary parking spaces will be available during construction which will be shared by the construction workers and the golf club users. This is based on maintaining the existing number of car parking spaces for the club (148 spaces) and a construction worker rate of 1.6 people per car and 125 workers at peak of construction (i.e. 78 vehicles). This is considered acceptable.

Basement Car Park & Vehicular Access / Driveway

A 7.5m wide combined entry and exit driveway to the parking spaces from the internal road. A roller shutter door is not shown on plans. This requirement can be conditioned.

The basement car park and driveway is inconsistent with P1, P3, P13 and P16 of the DCP as:

- The driveway / ramp disrupts pedestrian flow and safety between Buildings B and C.
- The basement car parking is not predominantly located within the building footprint.

The length of the ramp to the driveway means it has the potential to create headlight glare onto the windows of dwellings within the site.

C.18 For townhouses and villas, a maximum of one kerb crossing, being a minimum of 3.5 metres is permissible per two dwellings, or alternately two crossings every 18 metres. C.19 For attached dwellings, all car parking is to be located at the rear of the site and accessed from a rear lane.

Pedestrian and vehicle access should be separated and distinguishable. This needs to be demonstrated to the laneway to the south where the townhouses have garage entrances.

Bicycle Parking

Bicycle parking has not been provided. It is noted that the SEPP Seniors Living does not require bicycle parking to be provided. However the golf club is required to provide a minimum of 12 bicycle parking spaces. This requirement can be conditioned.

Loading and Servicing

Two loading bays are provided for 8.8 MRV on Basement level 1. Two temporary loading bays are also provided within the temporary parking for the temporary golf club. The PDGP 2011 nor the RMS Guide provide standards for registered clubs. The provision is considered adequate for this case.

On site manoeuvring and column locations are considered to meet the requirements of the relevant Australian Standards.

Proposed Pedestrian Crossing

An at grade pedestrian crossing is proposed along the private internal road near the access to the basement car park. The Traffic and Parking Assessment Report has not provided an assessment of the proposed zebra crossing to ensure that it meets current standards. There is concern raised in relation to its close proximity to the ramp down to the basement car park, as vehicles exiting the ramp may not be able to see pedestrians crossing the road. Furthermore, there are trees and landscaping between the ramp and crossing which may further obscure sightlines. As such the Report should be revised to justify the need for a crossing and assess the crossing against Austroads Guidelines for Crossing Sight Distance and Approach Sight Distance.

9.2 Draft 'Harmonisation' Parramatta Development Control Plan 2023

The site is subject to the Draft 'Harmonisation' Parramatta Development Control Plan (DCP), which is the consolidated of existing DCP controls within the City of Parramatta. It is noted that the draft DCP was placed on public exhibition between 13 March 2023 and 1 May 2023, and therefore is not a formal matter for consideration for the purposes of section 4.15 of the Act.

10. Planning Agreements

No planning agreement is associated with the subject application.

11. Development Contributions

Council's Parramatta (Outside Parramatta CBD) Contributions Plan 2021 would be applicable for that part of the development.

12. Response to SCCPP briefing minutes

The Panel has held one 'Kick Off' briefing on this application on the 16 March 2023. Those matters raised which relate to the assessment of the application are addressed below:

Table 13: Response to SCCPP issues

Issue	Comment
The Chair noted that given the number of submissions received that a public determination meeting will be required.	Noted. Matter for the Panel Secretariat.

Issue	Comment
The Panel noted the importance of incorporation of electronic vehicle charging opportunities in developments of this nature.	The development proposes electric vehicle charging infrastructure. Council Officers support this measure.

13. The Regulations

This application satisfies relevant clauses of the Regulation as follows:

Table 14: Relevant EPA Regulations

Clause 29 Residential Apartment Development	The nominated documentation is provided being: <ul style="list-style-type: none"> ○ A design verification statement; ○ An explanation of the design in terms of the principles in SEPP 65
Clause 61 Additional matters for consideration	All building work will be carried out in accordance with the provisions of the Building Code of Australia. This matter could be conditioned.

14. The Likely Impacts of the Development

As outlined in this report, the applicant has not demonstrated that the impacts of the proposal are acceptable.

Additional amenity impacts relate to the following:

- Wind Impacts
- Solar Reflectivity

Wind Impacts

A Pedestrian Wind Environment Statement prepared by Windtech was submitted with the application. A technical review of the statement was undertaken and the following issues have been raised:

- The north facing Principal Communal Open Space' that includes recreation spaces, such as the BBQ area, has not been included in the assessment. Given the area is described as the principal communal area with stationary (sitting, standing) activities it should be included in the assessment.
- Existing landscaping and proposed landscaping are proposed to mitigate the wind impacts along the public footpath and within the site. The assessment should confirm the landscaping trees outlined in Figure 3 of their report have been included in the submitted (and any revised) landscape design and are of the specified height, width and density.
- The drawings and landscape design need to be updated to include the submitted Wind report's recommendations, for example the mitigation measures recommended for Building C Level 2 terrace and the Buildings B and C rooftop terraces. The mitigation strategies detailed in Figures in the wind report cannot be verified since the submitted documents do not include any dimensions/porosity. Furthermore, some of the trees specified in Figures of the wind report are not included in the Landscape Design.
- The wind report does not define the target comfort criterion for each areas assessed, so the general conclusion requires the responsible authority to assume their preferred target comfort criterion are satisfied. To provide a more conclusive report, it would be recommended that the report state that the various locations around the development

achieve a particular criterion e.g. the communal open space area will satisfy the long exposure (sitting) comfort criterion.

Therefore Council Officers recommend that the wind report and associated plans be updated.

Solar Reflectivity

The Solar Light Reflectivity Report submitted with the DA applies an acceptable assessment methodology and provides sufficient information that most parts are adequate. However, several points below should be addressed in a revised report:

- Trees and vegetation should not be relied upon to mitigate glare caused by the development. Mitigation of glare is to be undertaken with the site boundary.
- Where overshadowing is relied upon to mitigate glare, the adequacy of overshadowing should be objectively demonstrated.
- The report needs to analyse likely glare impacts on pedestrians objectively.

15 Site suitability

Due to the site's size and current single ownership it provides an opportunity to deliver a scale of development in keeping with the neighbourhood character, set within a landscape environment.

The Site Compatibility Certificate (SSC) provides the permissibility for seniors living housing on RE2 Private Recreation zoned land, however, the development has not demonstrated that it has addressed all of the requirements of the SSC. Council Officers consider the development is excessive in its height and bulk and is not consistent with the surrounding built form and has an adverse impact on the adjacent heritage item. Furthermore, the development has not address stormwater, groundwater and flood water management as a result of the development.

As such the applicant has not demonstrated that the proposal is suitable for the site.

16. Submissions

The application was notified and advertised in accordance with the City of Parramatta Consolidated Notification Procedure for a development application for integrated development. It is noted that the application was lodged on 21 December, and in accordance with the requirements of the Environmental Planning and Assessment Act 1979, the Christmas/New Year period was excluded (between 20 December and 10 January (inclusive)).

The advertisement ran for a 28-day period between 11 January 2023 and 9 February 2023. The following submissions were received during this notification comprising:

- 92 individual objecting to the proposal (with 4 duplicate submissions, therefore 88 unique submissions objecting to the proposal)
- 4 individual submissions in support of the proposal; and
- A 645 signature petition.

The public submission issues are summarised and commented on as follows:

Table 15: Summary of public submissions to the proposal.

Issues (approx. times issue raised)	Comment
The height, bulk and scale of the development is out of character	Council Officers consider the development is excessive in its height and bulk and is not consistent with the surrounding built form.

Issues (approx. times issue raised)	Comment
with the surrounding low density residential area (62)	
<p>Increased traffic generation and lead to further congestion and pressure on Bettington Road and intersections.</p> <p>Currently, Bettington Road is the main thoroughfare between Pennant Hills Road and Kissing Point Road. It is so narrow that even in normal traffic times, when public buses stop in the street, traffic on one side of the road comes to a halt. Bettington Road will be required to be widened. (53)</p>	<p>The submitted Traffic & Parking Assessment report with the DA (prepared by CJP Consulting Engineers dated 9 Dec. 2022) undertook intersection modelling analysis to assess the performance of the nearby intersections. The results of the modelling show that all intersections remain at the same level of service between the Existing 2022 Base Case (No Development) scenario and the Future 2032 Base Case (No Development) scenario, with the exception of the Pennant Hills Road & Bettington Road signalised intersection in the PM. In this scenario, the level of service jumps from D to E, noting that this jump is attributed entirely to background growth, not the proposed development.</p> <p>Furthermore, all intersections also remain at the same level of service between the Future 2032 Base Case (No Development) scenario and the Ultimate 2032 Case (with Development & Existing Club Redistribution) scenario, with increases in average vehicle delays of less than 1 sec/veh as a consequence of the proposal.</p> <p>On this basis, the proposed development is not expected to result in any unacceptable traffic implications on the surrounding road network, nor in any safety or operational issues.</p> <p>In relation to the bus stopping and obstructing traffic, a review of the timetable of Bus Route 546 reveals that buses travel along Bettington Road every 30 minutes during the morning and afternoon peak periods weekdays. Buses do not always stop at every stop and the stop time at bus stops are generally approximately 2 to 3 minutes. Together with the additional 47 vehicle trips per hour (equal to one vehicle every 1 minute and 16 seconds) during afternoon peak period from the proposed development, it is not expected to make a significant difference to the issue of buses stopping causing delays to motorists.</p>
Adverse visual impact on the surrounding neighbourhood, due to the proposal's location on the highest point in Oatlands (34)	Council Officer consider the development is excessive in its height and bulk and therefore creates an adverse visual impact.
Adverse heritage impact on Oatlands House – encroach on curtilage, dominant visual backdrop, detract from landscape setting and loss of views from Oatlands House (26)	Council Officer consider the development adversely impacts on the heritage item, Oatlands House and forms a reason for refusal of the application.
Development has not satisfied the requirements of the Site Compatibility Certificate to reduce bulk and scale (25)	Council Officer consider the development proposal has not addressed the requirements of the Site Compatibility Certificate and therefore forms a reason for refusal of this development.
Privacy, outlook and overshadowing impacts for adjoining properties to the south along Niblock Crescent and Bettington Road (21)	Council Officer consider the development proposal has an adverse impact on adjoining properties in Niblock Crescent and forms a reason for refusal of this application.
Inadequate parking provided for both the club and residents which will cause overflow parking on local streets (20)	It is noted that neither Parramatta DCP 2011 nor the RMS Guide to Traffic Generating Developments provide parking rates for golf club. For this reason, the submitted Traffic & Parking Assessment report undertook a parking survey in order to determine the parking requirements of the existing Club on a day-to-day level and used the results of the parking survey to estimate the future parking demand of the golf club.

Issues (approx. times issue raised)	Comment
	Based on the results of the parking survey, the provision of 200 dedicated parking spaces for staff, members and their guests on-site is considered adequate for this case.
Pressure on already oversubscribed parking and services at local shops (Oatlands Village) (18)	
<p>Queries the validity of the Traffic report due to:</p> <ul style="list-style-type: none"> - Undertaken in not yet returned traffic levels post covid lockdown and school holidays period; and - Claim that traffic generated from seniors development will be less is untrue (17) 	<p>Based on the information provided in the submitted Traffic & Parking Assessment report with the DA (prepared by CJP Consulting Engineers dated 9 Dec. 2022), updated traffic surveys were undertaken on Thursday 15th September and Saturday 17th September 2022 which were not during the school holidays.</p> <p>Based on Transport for NSW's Technical Direction TDT 2013/04a, traffic generation rate for housing for seniors is 0.4 vehicle trips per hour per dwelling. However, this traffic generation rate is related to the senior housing peak periods rather than the network peak periods.</p> <p>It is noted that the information of the senior housing survey sites of the Technical Direction demonstrates that the peak periods of Senior Housing developments do not coincide with the network peak periods and, consequently, traffic generation of a senior housing development during the network peak period is lower than its traffic generation during its peak period. On this basis, the submitted Traffic & Parking Assessment report indicates that the average trip generation rates of the surveyed sites during the road network peak periods were used to estimate the proposed development's additional traffic because the traffic implications of development proposals primarily concern the impact of additional traffic on the operational performance of the surrounding road network, particularly during the road network peak periods.</p> <p>Based on the above discussion, the traffic generation estimation of the proposed development, as indicated in the submitted Traffic & Parking Assessment report, is considered acceptable for the case.</p>
<p>Concern in relation to the safety of the proposed exit and entry points. Bettington Road is only 1 lane each way with double white lines. Any vehicle travelling south will not be able to enter the complex and those travelling the north will not be able to exit without crossing the double lines. This breaches the road rules and creates traffic congestion and hazards to other motorists on Bettington Road. (17)</p>	<p>The internal road is to be designed to allow for both left and right turns to and from the development via the proposed internal road. In the event the application is approved, a condition is recommended for a detailed design to be submitted for the intersection of Bettington Road and the new internal road. Any proposed changes in Bettington Road, such as the double barrier (BB) centrelines, will be referred to the Parramatta Traffic Committee as part of the design review process in line with this condition.</p> <p>It is further noted that in accordance with NSW Road Rules, a vehicle can cross BB lines to enter or leave a road related area such as a driveway. Refer Rule 134.</p>
<p>The proposed entry and exit points to the temporary car park is at a low point along Bettington Road, just south of the York St intersection. The location does not fully consider the narrowness of Bettington road and the size of the trucks used in construction. It is in a dangerous position. Construction traffic will also cause damage to local roads.</p>	<p>The location of the entry and exit points of the temporary driveways is satisfactory. For both driveways, there is good line of sight which will allow motorists to select safe gaps in traffic when entering or leaving the car park.</p> <p>In regards to construction vehicle access, Traffic Control Plans (TCP) have been included in the Construction Traffic Management Plan (CTMP) for the proposed construction driveways. These show that Traffic Control personnel will be on-site to ensure safe heavy vehicles access to the site.</p> <p>Swept path plans have also been provided in the CTMP which demonstrate that geometrically, heavy vehicle access to and from the driveways will be possible. Accordingly, no concerns are raised in this regard.</p>

Issues (approx. times issue raised)	Comment
	To manage construction traffic, a condition will be imposed requiring the applicant to prepare a Construction Pedestrian and Traffic Management Plan to ensure the appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.
Construction noise, dust and water quality (16)	This matter has been considered and in the event of approval of the development these matters will form part of any conditions of consent to ensure impacts are mitigated and or minimised.
Reduction in open space from the area (14)	The Golf Course is a privately owned land and although the local community may be able to walk on the course it is not intended for public use.
<p>Poor timing, disregard for concerns and lack of consultation with the adjoining residents by applicant and golf club (during site compatibility certificate and DA process) (12)</p> <p>Inconsistency with applicant brochures to residents and what is contained in the DA (1)</p>	<p>The public notification of the development application occurred in accordance with Council's City of Parramatta Consolidated Notification Procedure and the requirements of the Environmental Planning and Assessment 1979.</p> <p>In relating to the Site Compatibility Certificate process, this is a matter for the Department of Planning and Environment, the assessment authority for the SSC under the SEPP Seniors Living.</p> <p>Matters relating to the applicant's own consultation with residents are a matter for the applicant, not Council.</p>
The development is not permissible use within the zoning and height and scale are inconsistent with objectives of the Parramatta LEP (9)	The Site Compatibility Certificate provides for permissibility of the senior living development within the RE2 Private Recreation zoned land. Council considers the residential accommodation is not consistent with the zone objectives. However, the primacy of the SEPP Seniors Living (over the LEP) is noted.
Impact from development with exacerbate existing runoff and stormwater (already historic issues) (8)	This report raises concerns in relation to stormwater and runoff and considers there is inadequate information to properly assess these matters.
Inadequate level of communal open space and deep soil (9)	This report raises concerns in relation to the provision of quality communal open space and deep soil (refer Section 7).
Development will set a precedent for the area (8)	Each development is assessed on its merits against the planning framework. The surrounding area is zoned R2 Low Density Residential with a maximum permissible height of 9m under the Parramatta LEP 2023.
Impact on local fauna and on natural area Vineyards Creek (8)	The location of the proposed development is to be considered sufficient distance away from the riparian bushland along Vineyards Creek so to not cause direct impact on existing flora and fauna.
Safety issue from golf balls causing injury or damage to residents and buildings (6)	The report raises concerns in relation to clarifying safety aspects of the make good works and requires further information to assess this appropriately.
It will be dangerous for a senior resident wanting to cross the road to catch the bus or walk to local shops. (5)	<p>The proposal has been assessed in relation to its accessibility to bus stops and footpaths in the vicinity (refer Section 7.2)</p> <p>Notably, Council's assessment indicates that the gradient (as measured from the site survey) and distances to the bus stop 546 meets the SEPP Seniors Living requirements as follows:</p> <ul style="list-style-type: none"> - The pathway gradient to the south bound bus stop is approximately 1 in 7; and - The pathway gradient to the north bound bus stop is no more than 1 in 5. <p>There is no pedestrian refuge crossing associated with the Ellis Street/ Bettington Road roundabout. Therefore, to safely access the north bound</p>

Issues (approx. times issue raised)	Comment
	<p>bus stop, a pedestrian or person with disabilities would be required to cross Bettington Road north of Ellis, then cross Ellis Street.</p> <p>Council recommends that the Traffic and Parking Assessment Report should consider measures to facilitate pedestrian crossing Bettington Road from the site to access the bus stop and local shops. Options include construction of a pedestrian refuge island at the front of the site.</p>
<p>Traffic generation will place pressure on surrounding intersections:</p> <ul style="list-style-type: none"> - Pennant Hills Road/Bettington Road - Kissing Point Road / Bettington Road <p>These have not been modelled in the Traffic Report (4)</p>	<p>The results of the traffic modelling for the intersections of Pennant Hills Road/Bettington Road and Kissing Point Road/Bettington Road have been provided in the Traffic & Parking Assessment report prepared by CJP Consulting Engineers dated 9 Dec. 2022. Furthermore Transport for NSW have raised no issue with the traffic impact of the proposed development.</p>
<p>Development cause noise (from the function centre) and light impact (4)</p>	
<p>Decrease the value of properties (4)</p>	<p>There is no material presented that the development would impact on property values and is not a material planning consideration.</p>
<p>Setbacks and landscaping not consistent with surrounding houses (3)</p>	<p>An evaluation of setbacks against the Apartment Design Guide and Parramatta DCP 2011 has been undertaken and is at Section 7 and Section 9 of this report.</p>
<p>Lack of public transport to service the site (3)</p>	<p>This was a matter for consideration as part of the Site Compatibility Certificate under the SEPP Seniors Living and it was deemed to have suitable access.</p>
<p>Impact on views to the golf course (3)</p>	<p>The visual impact of the development has been considered in this report.</p>
<p>Tree removal (3)</p>	<p>The proposed tree removal has been considered in this report.</p>
<p>The development is as a result of the golf club failure to manage finances (3)</p>	<p>This is not considered to be a material planning consideration.</p>
<p>Adverse impact on the usage of the golf course members (3)</p>	<p>The report raises concerns in relation to the make good works on the golf course and requires further information to assess the interface between the golf course and the development.</p>
<p>Visual impact assessment is misleading as it is ghosted images (1)</p>	<p>Council has also undertaken its own visual analysis and provided an assessment of the visual impact as part of this report.</p>
<p>There is currently an application to the Supreme Court, questioning the legality of the vote which supposedly provided the consent of the members of the Golf Club, to the go-ahead for the development. The Council should not approve the DA until a decision is finally made in Court. (2)</p>	<p>The owners consent provided by Oatlands Golf Course, is sufficient for the assessment of the development application.</p>
<p>Concern that the Sydney City Central Planning Panel did not carry out a site visit as part of the consideration of the Site Compatibility Certificate (1)</p>	<p>Site inspections by the Panel are a matter for the Panel. However as stated in the Panel report 8 March 2022 for the site compatibility certificate, site inspections have been curtailed due to COVID-19 precautions.</p>

Issues (approx. times issue raised)	Comment
Difficulty with accessing the information in relation to the DA online (1)	Any difficulties accessing information should be directed to the Council Planner, whose details are provided on the letter of notification and the Council's website.
The development serves only residents and golf club members (1)	This report has addressed ways in which the development could be improved to ensure improved integration with the existing neighbourhood.
Townhouses are too close to the adjoining child care centre (1)	This report has assessed the impact of the development on the solar access of the child care centre at 92 Bettington Road. Refer Section 7.
The entrance to the site to be located directly across from our driveway. The chosen location for its entry has failed to take into account the impact on our ability to exit and enter our property.	It is considered that the proposed location of the driveway is acceptable and would not significantly impede accessibility of adjoining properties.
The development is for over 55s, how will this be controlled? (1)	In the event of an approved application, relevant conditions of consent can apply which would specify the occupants of the development as over 55 in age and people with a disability and, in addition, this requirement would also be registered on title of the property.
<p>What additional sustainability measures have been taken by the designers for this build?</p> <p>There is no reference to water recycling from the apartments and the use of recycled water.</p> <p>There is limited evidence of provisions for electric vehicle charging available at the car park.(1)</p>	<p>The proposal meets SEPP (BASIX) water and energy performance targets. Additional sustainability measures that are included are supported, including all electric (no gas), electric vehicle charging infrastructure, shared rainwater tanks, minimum solar power provision and FSC certified timber.</p>
<p>Concern in relation to the construction of a parking area on steep land, when subject to heavy rainfall. Concern that the impact will be on adjoining properties, roadway and operation of the car park.(1)</p>	<p>This report raises issues in relation to the impact of the temporary car park on existing overland flow paths and the flood prone land. Refer Section 8.</p>
<p>Does not demonstrate all access requirements as set out in the SEPP in particular suitable kerb and road crossings. Upgrades required to Bettington Road footpaths.</p>	<p>The proposal has been assessed in relation to its accessibility to bus stops and footpaths in the vicinity (refer Section 7.2) in accordance with the SEPP Seniors Living.</p> <p>Notably, Council's assessment indicates that the gradient (as measured from the site survey) and distances to the bus stop 546 meets the SEPP requirements as follows:</p> <ul style="list-style-type: none"> - The pathway gradient to the south bound bus stop is approximately 1 in 7;and - The pathway gradient to the north bound bus stop is no more than 1 in 5. <p>There is no pedestrian refugee crossing associated with the Ellis Street/ Bettington Road roundabout. Therefore, to safely access the north bound bus stop, a pedestrian or person with disabilities would be required to cross Bettington Road north of Ellis, then cross Ellis Street.</p> <p>Council recommends that the Traffic and Parking Assessment Report should consider measures to facilitate pedestrian crossing Bettington Road from the site to access the bus stop and local shops. Options include construction of a pedestrian refuge island at the front of the site.</p>
<p>Building C towers over Oatlands House and significantly impacts on</p>	<p>This report addresses the heritage impact on Oatlands (Refer Section 8). Council Officers consider the bulk and scale of Building C to be</p>

Issues (approx. times issue raised)	Comment
the amenity and privacy of Oatlands House. Acoustic impacts from the operations from Oatlands House (12pm Monday to Saturday and Sundays 10pm) on seniors residents.	unacceptable and recommend that Building C be no higher than 4 storeys. The Noise and Vibration Assessment Report submitted with the DA does not address the potential impact of the operation of the adjoining Oatlands House as function centre. It is reasonable to anticipate that if the noise impact from the proposed golf club function centre on adjoining residents has been assessed that any mitigation measures should be adequate to address any impact from Oatlands House. However it would be prudent for the DA to undertake this assessment.
Overshadowing impacts from Building C on Oatlands House.	Shadow diagrams submitted with the DA indicates that Building C does not overshadow Oatlands House until 3pm in midwinter.
Visual impact should have been undertaken on additional areas within Oatlands House. Prominent feature during functions and outdoor photo shoots.	These images are noted. This report addresses the heritage impact on Oatlands and concludes the visual impact is unacceptable (Refer Section 8).
Materials and finishes are inconsistent with dominant 1980s brick and tiles of the areas.	Council Officers and DEAP have no objection to the proposed materials and finishes.
Application is not in the public interest.	Refer Section 17.

17. Public interest

As outlined in this report, there are several aspects of the proposal which are not considered to be acceptable and as such are not in the public interest.

18. Disclosure of Political Donations and Gifts

No disclosures of political donations or gifts have been declared by the applicant or any organisation/persons that have made submissions in respect to the proposed development.

19. Summary and Conclusion

For the reasons outlined in this report, the proposal is not considered to satisfy the relevant considerations under s4.15 of the Environmental Planning and Assessment Act 1979. As such, refusal is recommended for the reasons outlined in the section below.

20. Recommendation

- A. **That** the Sydney Central City Planning Panel, as the consent authority, **Refuse Consent** to Development Application No. DA/1001/2022 for construction of temporary car park and gold club, and seven buildings (3 to 8 storeys) containing 155 independent living units for the purposes of seniors housing and people with a disability and a new registered club (Oatlands Golf Club), 405 car parking spaces and associated subdivision for the following reasons:

1. **SEPP (Seniors Living and People with a Disability) 2004** – the application is not satisfactory for the purposes of section 4.15(1)(a)(i) of the Environmental Planning and

Assessment Act 1979 in that the proposal does not meet the requirements 1,2, 3, 4 and 6 contained in Schedule 2 of the Site Compatibility Certificate issued on 8 March 2022.

2. **SEPP (Seniors Living and People with a Disability) 2004** – the application is not satisfactory for the purposes of section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal does not meet the development standards relating to:
 - a) Clause 23 – potential impact of registered club
 - b) Clause 25(7) – inconsistency with the requirements of the site compatibility certificate
 - c) Clause 33 – adverse impact on neighbourhood amenity and streetscape
 - d) Clause 34 – visual and acoustic privacy impacts
 - e) Clause 35 – solar access and design for climate
 - f) Clause 36 – stormwater
 - g) Clause 39 – waste management
3. **SEPP 65 (Design Quality of Residential Apartment Development)** - The application is not satisfactory for the purposes of section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal does not meet the design principles as nominated in State Environmental Planning Policy 65 (Design Quality of Residential Apartment Development).
4. **Apartment Design Guide** - The application is not satisfactory for the purposes of section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal does not meet the design guidance and criteria in relation to building orientation, public domain interface, overshadowing to adjoining properties, natural ventilation of apartments, adequate building separation, provision of quality communal open space and deep soil, private open space, vehicle access, landscape design, common circulation and spaces, mixed uses, waste management and water management; as nominated in State Environmental Planning Policy (Design Quality of Residential Apartment Development) via the Apartment Design Guide.
5. **State Environmental Planning Policy (Biodiversity and Conservation) 2021** – The application is not satisfactory for the purposes of section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal does not provide sufficient information to satisfactorily addresses Clause 6.6 of the SEPP as it may have an adverse impact on water quality of Vineyard Creek, impact the quality and quantity of ground water and may increase the amount of stormwater run off from a site.
6. **Parramatta LEP 2011** - The application is not satisfactory for the purposes of section 4.15(1)(a)(i) of the Environmental Planning and Assessment Act 1979 in that the proposal does not meet the objectives relating to:
 - a) **Clause 5.2 Heritage** - that the proposal does not meet the objectives of the clause in relation to adverse impact on the setting and views to Oatlands House, a local heritage item.
 - b) **Clause 5.21 Flood Planning** due to insufficient information relating to the flood assessment to determine the development's impact on flooding and existing overland flows and the potential impacts on neighbouring properties and Council infrastructure due to the proposed development's location within the 1% AEP flood area.

- c) **Clause 6.2 Earthworks** due to insufficient information relating to the potential for the development's earthworks to disrupt drainage patterns and to adversely impact on watercourses, environmentally sensitive areas and existing trees.
 - d) **Clause 6.5 Water Protection** due to insufficient information relating to the potential for the development to impact on the water quality of Vineyards Creek.
7. **The Parramatta DCP 2011** - The application is not satisfactory for the purposes of section 4.15(1)(a)(iii) of the Environmental Planning and Assessment Act 1979 in that the proposal does not demonstrate consistency with the principles, objectives and controls of Parts 2 and 3 of the Parramatta Development Control Plan 2011 in relation to:
- a) The proposal does not satisfactorily address water sensitive design, stormwater management and groundwater issues.
 - b) Provision of adequate and well-designed communal open space;
 - c) Additional overshadowing caused to adjoining outdoor play space of the child care centre at 92 Bettington Road so not to receive the minimum 3 hours of solar access between 9am and 3pm midwinter.
 - d) Overshadowing to the private open space and living areas of proposed townhouses TH08, TH09, TH10, TH11, TH12, TH13 and TH14 so not to receive the minimum 3 hours of solar access between 9am and 3pm midwinter.
 - e) The proposal causes unnecessary overlooking and privacy impacts on residential properties at 21, 23, 25 Niblick Crescent.
 - f) The townhouses do not meet controls relating to cross ventilation, front setbacks, building facade and articulation, development on sloping land, streetscapes.
 - g) The proposal adversely impacts the heritage value of Oatlands House in relation to view impacts, setting, visual prominence, and incompatible scale of development.
 - h) Flooding – does not meet the requirements of Part 2 of the Parramatta DCP as the current design is likely to result in flood impacts on neighbouring properties and / or Council infrastructure;
 - i) The proposal does not satisfactorily meet Council's waste management requirements.
8. The application is not satisfactory for the purposes of section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 as the following elements of the proposal are not satisfactory:
- a) Outstanding information in relation to landscape, tree assessment and protection of trees.
 - b) Outstanding information in relation to wind assessment and incorporation of proposed mitigation measures in landscape and architectural plans.
 - c) Outstanding information in relation to the glare and solar reflectivity impact of the development.
 - d) Outstanding information on Draft Plan of Subdivision and easements (or other) arrangements over shared access of communal open space.
9. **Public Interest:** The application is not satisfactory for the purposes of section 4.15(1)(e) of the Environmental Planning and Assessment Act 1979 in that, for the other reasons noted above, the development is not in the public interest.

B. That submitters be notified of the decision.