



Report to Sydney Central City Planning Panel

SCCPP reference	PPSSCC-413
DA No.	DA/1001/2022
Date of receipt	2 August 2023 (Amended Application)
Proposal (as amended)	Demolition of existing buildings and structures; tree removal and remediation works; construction of temporary club house and associated temporary car parking spaces; construction of seven (7) buildings (2 to 7 storeys) containing 140 independent living units for the purposes of seniors housing (including people with a disability); construction and operation of a new registered club; 399 car parking spaces (200 club, 190 residential, 9 on-street); landscaping and ancillary facilities; and Torrens title subdivision into 2 lots (to separate the site from the golf course land), community title subdivision of site into 16 lots and strata subdivision of the independent living units. The application is Integrated Development under the Rural Fires Act 1997 and Nominated Integrated Development under the Water Management Act 2000.
Street address	94 Bettington Road, Oatlands 2117
Property Description	Lot 100, Deposited Plan 1243044
Applicant	Hamptons Property Services Pty Ltd
Owner	Oatlands Golf Club Ltd
Submissions	<ul style="list-style-type: none">• 42 unique submissions objecting to the proposal during the August notification period.• 92 unique submissions objecting to the proposal; 4 individual submissions in support of the proposal and a 645 signature petition during the January/February 2023 notification period.
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

	<ul style="list-style-type: none"> Draft Parramatta Local Environmental Plan
Attachments	Attachment 1 – Site Compatibility Certificate Attachment 2 – Architectural Design Report (Mirvac Design, 2023) Attachment 3 – 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 leading 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

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 officers. 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 the development itself, provision of adequate quality communal open space and deep soil / planting on structures.

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

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 pathways and streets set in a highly landscaped environment. The current proposal does not appropriately integrate with 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**
- **Solar access to proposed townhouses**

SEPP65 & Apartment Design Guide

- **Design Principles** – Most design principles are not met.
- **3B: Orientation** – Orientation of buildings result in poor outcomes including overshadowing of 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 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 do not address the street and pathways are not direct.
- **3H: Vehicle Access** – Long driveway entry at the end of the roadway impacts on amenity and should be embedded in the built form.
- **4B : Natural Ventilation** – Does not comply with minimum requirements for cross ventilation.
- **4O: Landscape Design** – The majority of landscape areas are constrained.

Parramatta Local Environmental Plan 2011

- **Heritage** - Adverse impact on the setting and views to Oatlands House, a local heritage item.
- **Earthworks** - Potential for the development's earthworks to disrupt drainage patterns and to adversely impact on existing trees.

Parramatta Development Control Plan 2011

- **Groundwater management** – Drained basement not justified.
- **Waste Management** – Current waste management system is not supported.
- **Subdivision** – Further information is required in relation to 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, landscape and heritage.

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 composed of approximately 15,870sqm (1.5ha) of land located in the north-western portion of the golf course (refer Figure 1) - which will form the location of the permanent structures - and an 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 contains 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 northern 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.

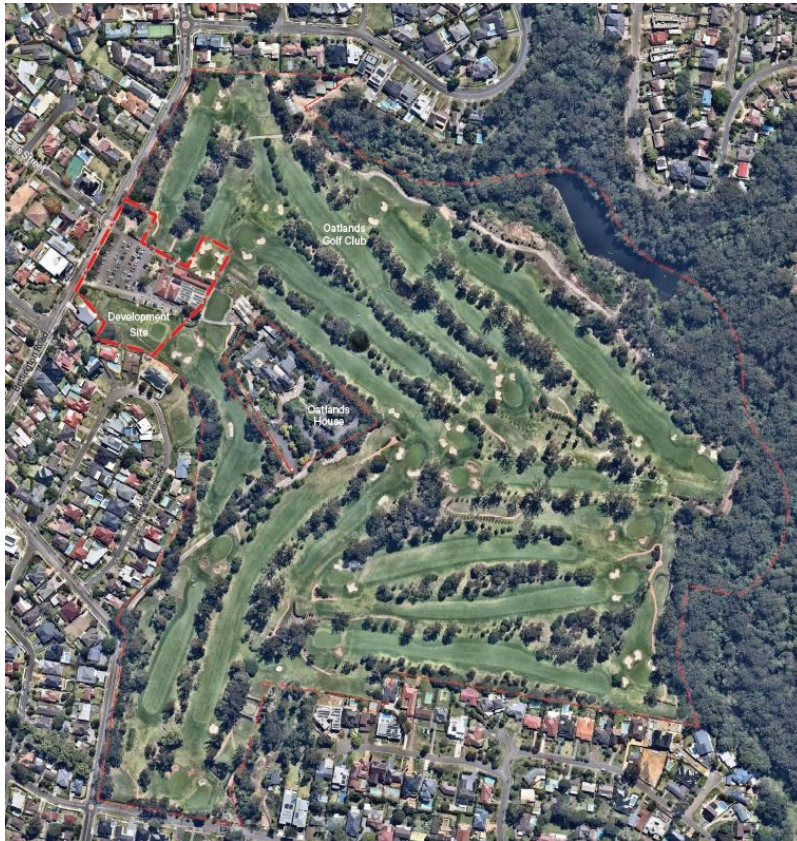


Figure 1: Aerial photograph indicating the location of the permanent works (red thick line) and Golf Course (thin red line). Note Oatlands House within the golf course site is on separate title. (Source – Mirvac Design Architectural Plans November 2022)

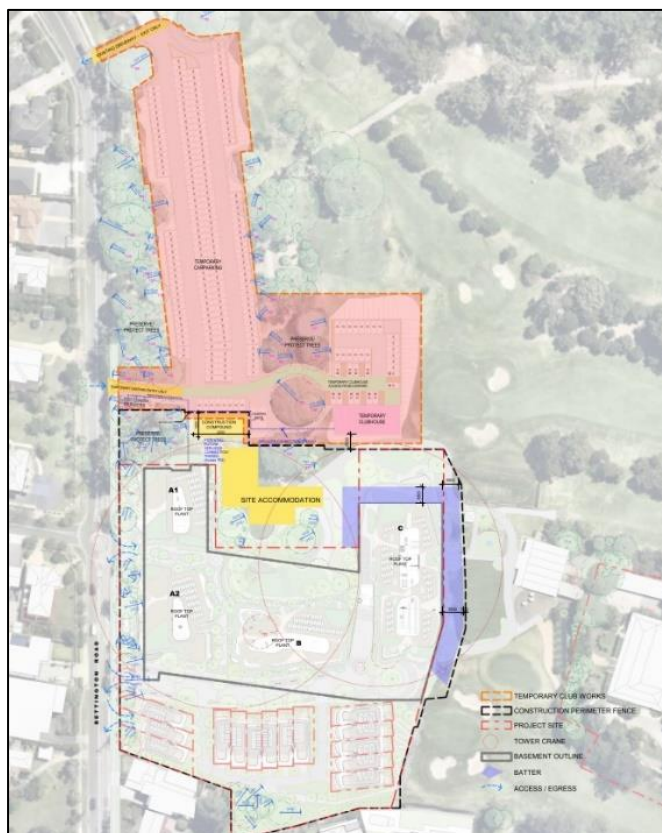


Figure 2: Temporary car park and club house site (light red) and adjoining construction compound / construction area (yellow buildings and surrounds) (Source: Construction Management Plan, Mirvac Design Architectural Plans November 2022)



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

An amended proposal was submitted to Council between June and August 2023 and in summary the application now 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. To be removed and landscaping reinstated after permanent buildings completed.
- Construction of seven (7) buildings (2 to 7 storeys):
 - Building A1 – 4 storey building containing 20 independent living units
 - Building A2 – 4 storey building containing 20 independent living units
 - Building B – 7 storey building containing 45 independent living units
 - Building C – 7 storey building with first two storeys containing a new registered club (Oatlands Golf Club) and floors 3 to 7 containing 42 independent living units.
 - Townhouses – Thirteen (13) x 2 and 3 storey townhouses¹ over 3 buildings and associated 26 car parking spaces.
- Excavation of 2 basement levels for the provision of a total of 364 car parking spaces (200 club and 164 residential spaces for Buildings A1, A2, B and C).
- New vehicular access provided along Bettington Road and internal private road, with 9 on-street parking spaces and pedestrian network.
- Landscaping, including a central communal open space to the north.
- Subdivision:
 - Torrens title subdivision into 2 lots (to separate the site from the golf course land)
 - Community title subdivision of the development lot into 16 lots and
 - Strata subdivision of the independent living units.

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

¹ Note: Some townhouses have an additional roof storey which is not counted as a full storey for the purposes of this assessment.

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 (Source: Site Plan Rev B, Mirvac Design, 23 June 2023)

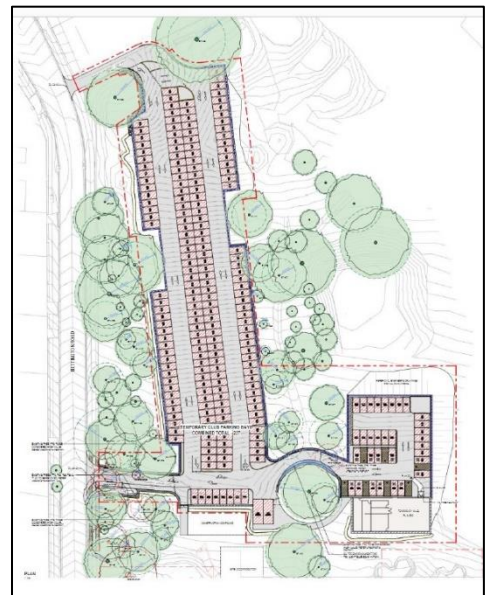


Figure 6: Proposed temporary car park and club house (Source: Architectural Plans Mirvac November 2022)

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, proposing a seniors housing development on part of the golf club site, at 94 Bettington Road, Oatlands. The SCC application was for five buildings, varying in height from three to six storeys. The buildings were to contain 193 self-contained seniors residential units, a new clubhouse, associated car parking and landscaping (refer Figure 7).

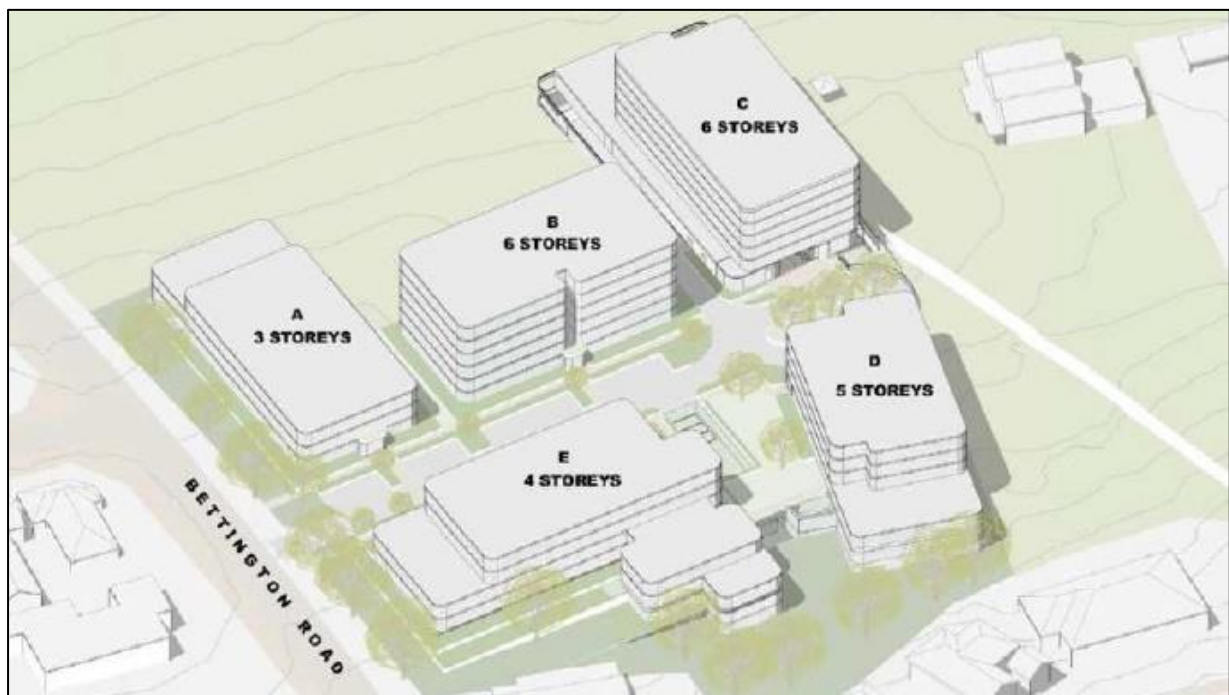


Figure 7: Concept Built Form Massing, Mirvac Design (source: Architectural Drawing Package, Site Compatibility Certificate) 2021

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 1) 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 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 this Report.

4.2.2 Pre-Lodgement Application

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

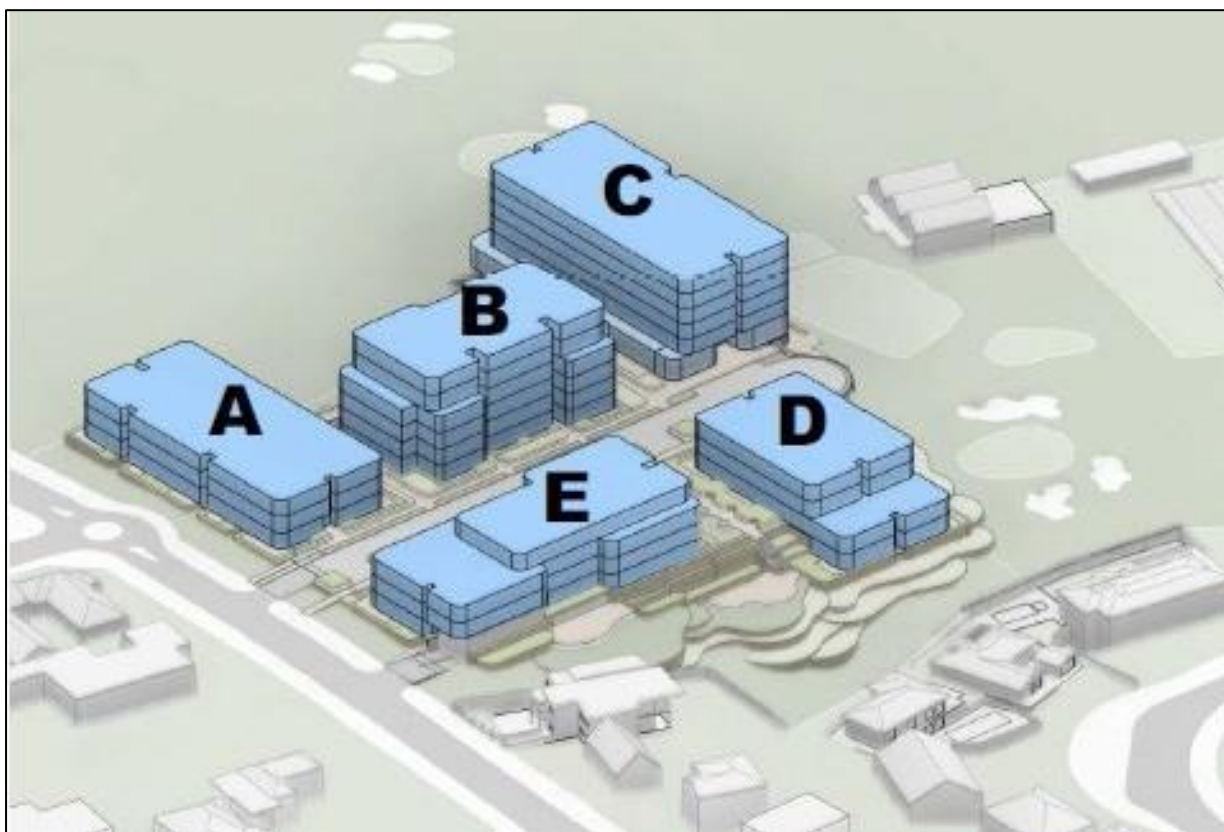


Figure 8: Pre-lodgement application - Concept Built Form Massing, Mirvac Design, 2022

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 Officers' pre-lodgement advice (dated 3 August 2022) 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 neighbourhood and 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 more than double the maximum permissible density in the area. 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. Concern is also raised in relation to the lack of transition of Building C and D to Oatlands House.
- **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

Development Application lodged 21 December 2022

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).

The application was considered by the SCCPP at a public determination meeting on 25 May 2023 who resolved to defer the matter subject the consideration of a number of matters (refer Section 12 of this report). The applicant was granted 4 weeks to submit an amended application in response to issues raised by Council and the SCCPP.

Amended Development Application 2 August 2023

Council received amended plans via the Planning Portal on 26 June 2023 in respect of the Application, however, the submission package was not complete. Council Officer wrote to the applicant on 29 June 2023 requesting additional information from the applicant to be lodged within 2 weeks. The applicant lodged further information on 18 and 24 July and 2 August 2023. On 27 July 2023 the applicant briefed the SCCPP on the proposed amendments to the

application.

The revised application was notified for a 28-day period between 2 August 2023 and 30 August 2023. A DEAP meeting was held on 1 August 2023 and advice was issued 23 August 2023 (refer Section 5.1).

In summary the key amendments are as follows:

- Reduction of dwellings from 155 to 140 independent living units.
- Removal of Townhouse 14 and the reduction of Townhouse 01 from 3 storeys to 2 storeys.
- Building C reduced from 8 storeys to 7 storeys, with a setback of level 7 on the eastern side and introduction of ground level break and a glazed articulation on upper levels.
- Reduction of residential occupant car parking spaces from 204 to 171 spaces.
- Reduction of residential visitor car parking spaces from 29 to 19 spaces.
- Increased separation between Buildings A1 and A2 and Buildings B and C; and
- Increased communal open space and deep soil areas.

The submitted Architectural Design Report (Mirvac Design, 2023) (Refer Attachment 2) provides a summary of the amendments to the application.

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 held a conciliation conference under s34 of the *Land and Environment Court Act 1979* on 7 July 2023 on-site at Oatlands Golf Club which was presided over by Commissioner Horton of the Land and Environment Court. While subsequent discussions held between Council and the applicant were productive there was ultimately failure to reach agreement on the suitability of the proposal, with the critical outstanding matter being in relation to the overall bulk and scale of the development.

The applicant filed amendments to the development application (identical to the development application amendments subject to this report) on 9 August 2023. The matter is scheduled to progress to a hearing between 27 November to 1 December 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 originally lodged application at its meeting on 14 March 2023. The DEAP subsequently considered the amended application on 1 August 2023. The DEAP concluded that design excellence has not yet been achieved and does not support the current proposal.

The following table summarises the DEAPs key concerns and conclusion in relation to these meetings.

Table 1: Summary of Key issues and recommendation – DEAP

DEAP Meeting Date	Key issues & Recommendation
14 March 2023	Positive aspects of the scheme: <ul style="list-style-type: none">- Secondary [pedestrian] entrance in line with Ellis Street, providing a visual and physical connection to the adjacent neighbourhood and potential for views through the site.

DEAP Meeting Date	Key issues & Recommendation
	<ul style="list-style-type: none"> - 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 [pre-lodgment] 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 [at SCC stage] 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 Otland House. - <u>Recommend the following heights:</u> <ul style="list-style-type: none"> o Buildings A1 and A2 – maximum 4 storeys o Building B – maximum 6 storeys. o Building C – maximum 4 storeys o Townhouses – maximum 3 storeys (excluding parking level) <p>Building Separation & Setbacks</p> <ul style="list-style-type: none"> - 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. - 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. - 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>Deep Soil</p> <ul style="list-style-type: none"> - 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. - 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>Street and Pedestrian Network</p> <ul style="list-style-type: none"> - 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. - The pedestrian network comprising a series of narrow pathways throughout the development is convoluted, disconnected and not continuous. - 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. - 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. - The carpark ramp conflicts with the pedestrian network. The Panel suggests the proposed ramp to the basement should be integrated

DEAP Meeting Date	Key issues & Recommendation
	<p>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.</p> <ul style="list-style-type: none"> - 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>Building Entries</p> <ul style="list-style-type: none"> - Providing individual street addresses would enhance the public domain and pedestrian experience and make the development more desirable to potential owners. - 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. - 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 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>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

DEAP Meeting Date	Key issues & Recommendation
	<p>information on Oatlands House is required in any resubmission to allow for a considered review.</p> <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>
1 August 2023	<p>Consideration of Amended Plans (Summary)</p> <p>The DEAP concluded that although improvements have been made to the site planning and public domain, <u>design excellence has not yet been achieved and does not support the current proposal</u> [underlined for emphasis]. Further changes are recommended to respond to the issues noted above, including;</p> <ul style="list-style-type: none"> - Building C to be lowered to 4 storeys. - Building B to be lowered to 6 storeys inclusive of a recessed top floor. - Provide a larger break in building C in line with the Ellis Street axis. - Provide entrances to the main lobbies of buildings A1 and A2 in Bettington Road. - Widen the gap between buildings A1 and A2 to comply with the ADG. - Provide individual entrances to townhouses 10-13 directly from a street. - Adjust the design of the townhouses so that there is no additional overshadowing of the adjacent childcare centre in winter. <p>Positive Aspects to the proposal</p> <ul style="list-style-type: none"> - The pedestrian access in line with Ellis Street is more legible and aligns with Building C. - Reconfiguration of the vehicular entry avenue and club house entry - Buildings A1 and A2 as two separate apartment blocks. - Building B has been modified with increased setbacks, permeability and articulation. - Building C has been lowered from 8 storey to 7 storeys and further articulated to reduce bulk and scale. - Townhouse 14 has been deleted to reduce the impact. - Townhouse 1 has been lowered from three storeys to two storeys. <p>Site context (bulk and scale)</p> <ul style="list-style-type: none"> - The proposed lowering of Building C from 8 to 7 storeys does not address the issues raised previously by the Panel. The building is not in-keeping with the scale of surrounding development and will have a significant impact on the heritage significance of Oatlands House. The Panel recommends 4 storeys with a full break in the building to align with Ellis Street. - The proposed single storey opening on the ground floor of Building C is only visible from a close range and does not achieve the desired effect. A complete break in the building would be more effective as it would be visible from Bettington Road and assist in reducing the bulk

DEAP Meeting Date	Key issues & Recommendation
	<p>and scale of the building. Alternatively, the link should be at least two stories high and be recessive in detail to allow the building to read as separate elements.</p> <ul style="list-style-type: none"> - Building B has been modified with increased permeability and articulation of the facades however the height remains 7 storeys. The Panel reiterates its previous advice to lower Building B to 6 storeys, inclusive of a recessed top floor. This will achieve a reasonable modulation of the overall built form and scale of the development. - The gap between buildings A1 and A2 is only slightly improved and continues to rely on screens for privacy. The separation of all the buildings including A1-A2, A2-B and B-C should fully comply with the ADG. <p>Public domain</p> <ul style="list-style-type: none"> - The location and extent of the raised planter beds on the Ellis Street axis unnecessarily restrict pedestrian movement and a sense of connectivity with the surrounding environment. Recommend their removal and more trees to be planted along the sides of the pathways for shade and privacy to the adjacent units. - A wider shared path would also more readily accommodate seating, disabled access and small service vehicles. - The raised planter bed adjacent to the porte cochere should allow for pedestrians to safely cross the boulevard. - A widened footpath or roundabout with a canopy tree in the middle is recommended to terminate the vista and further visually separate the driveways to the porte cochere and car park. Retaining walls to the car park should be softened by climbers. The design should also take into consideration how signage will be integrated within the landscape. - The loop road on the south side of the development has been designed as a driveway with no entrances to the townhouses. - As well, the winding pathway to the east of townhouses 10-13 is not considered appropriate as the primary access to the townhouses. - The loop road should include footpaths or be clearly designed as a shared road for pedestrian and vehicles use with entrances to townhouses 10-13. - As it is some distance to the larger communal open spaces to the north, the Panel also recommends a parklet or quiet seating area be incorporated in the open space buffer to the south. - Buildings A1 and A2 should have their own main pedestrian entrances in Bettington Road complete with letterboxes etc. <p>Open space and landscaping</p> <ul style="list-style-type: none"> - The common open space on the northern side is directly above the basement parking level. This limits the opportunity for large canopy trees. The same issue arises with the proposed street trees lining the boulevard. Where possible, introduce mounding in the open spaces over slab to allow the planting of larger trees. - The deep soil is still substantially less than 30%. Given the site context and the fact that this is a new development, there seems to be no reason not to comply with this requirement.

The full minutes from the DEAP of 1 August 2023 are included at Attachment 3.

5.2 External

Table 2: 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 integrated approvals are sought:

- s90(2) of the Water Management Act 2000 – Water management work approval from Water NSW; and
- s100B of the Rural Fires Act 1997 – Authorisation from Rural Fire Service 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.

Water NSW

General Terms of approval were issued by Water NSW for the original application on 26 April 2023. In summary, the General Terms of Approval on 26 April 2023:

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

The amended application was referred to Water NSW and a response was provided on 18 August 2023. The response clarified that the General Terms of Approval previously issued on 26 April 2023 for the original application still applies to the amended proposal.

The provision of a tanked (i.e. waterproof) basement is consistent with Council's position in relation to extraction of groundwater (refer Section 8.1).

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).

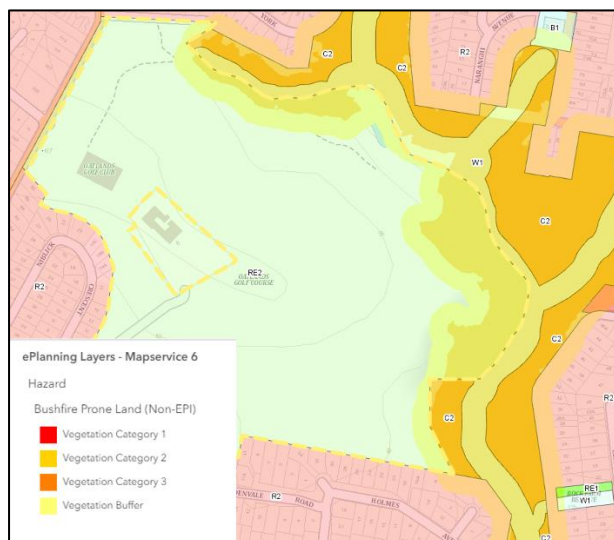


Figure 9: Extract Bushfire Prone Land Map (Categories) Oatlands Golf Course (Source: Spatial Viewer NSW Planning Portal Accessed January 2023)

General terms of approval, subject to conditions, were issued by the NSW Rural Fire Service (RFS) for the originally submitted application on 14 February 2023. These conditions relate to the creation of a) provision of water, gas and electricity in accordance with standards; b) landscaping standards consistent with the Landscape Plans submitted and c) preparation of a Bush Fire Emergency Management and Evacuation Plan.

The amended development application was referred to the RFS, and the General Terms of Approval were reissued by RFS on 2 August 2023.

5.3 Internal

Table 3: Internal referrals

Area	Comment
Heritage	Not supported, amended plans required.
Landscape	Not supported, amended plans required.
Development Engineer	Supported, subject to conditions.
Catchment Management Engineer	Not supported, amended plans required.
Open Space and Natural Areas	Supported, subject to conditions.
City Design	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.
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	Supported, subject to conditions.
External wind consultant	Supported, subject to conditions.

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

Vineyards Creek on the northeastern 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. 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 development is approved, a condition be included which implements the proposed mitigation measures recommended in the Flora and Fauna Assessment Report.

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 4: 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) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (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 25(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 5: 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>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. - Increase in height of A1 and A2 by 1 storey, or by 5 metres (albeit Building A has been broken into two buildings). - Building A1 and A2 as presented in length along Bettington Road have been increased from the SSC from 55m to 78m. - Increase in width and length of Building C. - Increase in width of Building B. - Non-compliant building separation between apartments. - 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 amenity impacts, including visual impact, overshadowing and 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>Council considers the location and consolidation of communal open space an improvement to the SCC scheme, however, Council Officers do not consider the overall design to ‘optimise compliance’ for the following reasons:</p> <ul style="list-style-type: none"> - Building footprints and inadequate building separations are largely maintained (from the SSC scheme) and thus limits contiguous deep soil zones. - Basement footprint has not substantially reduced (specifically not commensurate to the reduction in car parking spaces) and

Requirement	Proposal
	<p>therefore substantially impacts on the level of contiguous deep soil being provided on site and limits the ability of tree growth. The proposal is not consistent with the Apartment Design Guide (Refer Section 7.3) which recommends containment of basement footprints under buildings.</p> <ul style="list-style-type: none"> - There is insufficient soil volume to support the mature growth of trees on the proposed internal street and communal open space to the north as the basement structure has not indicated slab set down to accommodate planting. - The northern communal open space is of poor design as it is fragmented and segregated through a fence and change in levels. - The southern communal open space is steep in topography and serves primarily as a landscape buffer to the residents of Niblick Crescent, has not been designed to accommodate any passive or active recreation, therefore is not able to serve as a useable communal open space. - The remaining communal open space is fragmented and comprises pedestrian pathways and setbacks.
<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 Oatlands House. The amendments to the application, including the reduction in 1 storey from Building C and Townhouse 1 has not substantially altered the scale of the development. 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. This is detailed further below.</p>
<p>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.</p>	<p>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.</p>
<p>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.</p>	<p>A Heritage Impact Statement was prepared by Weir Phillips, 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).</p>

Requirement	Proposal
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 and remediation action plan 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>

Reduction in Bulk and Scale

The proposed scheme has not demonstrated that it has reduced in scale as required by the Site Compatibility Certificate.

Figures 11 and 12 and Table 6 provide a comparison between the scale of the proposed scheme under the Site Compatibility Certificate and the current scheme proposed as part of the development application. These comparative images illustrate that the proposed scheme has not demonstrably reduced in scale, as required by Schedule 2 of the SSC. Notably the following Buildings have increased in scale:

- Building A, although split across two buildings have increased in units, storeys and overall building width and length;
- Building B, increased in number of storeys and building width; and
- Building C, increased in number of storeys, width and length.

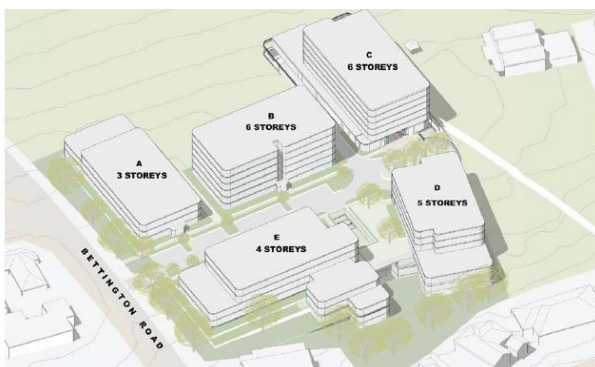


Figure 11: Indicative Built Form - Site Compatibility Certificate (Source: Architectural Drawings, Site Compatibility Certificate, Mirvac Design 26 October 2021)



Figure 12: Proposed scheme (Source: 3D sketch up model Mirvac Design, August 2023).

Table 6: Comparison of SSC proposal and amended development application proposal (Source: Architectural Drawings, Site Compatibility Certificate, Mirvac Design June/July 2023)

Site Compatibility Certificate (noting that the Panel did not consider this bulk acceptable and required reductions)	DA
Building A 30 units and 3 Storeys Approx 25m Width x 55m Length	Buildings A1 and A2 20 units each (40 total) and 4 storeys (4 th storey recessed) 31m Width x 78m Cumulative Length (with 9m link)
Building B 48 units and 6 storeys Approx 23m Width x 46m length	Building B 45 units and 7 storeys Approx 28m Width x 36m Length
Building C 40 units and 6 storeys Approx 25m Width x 50m Length	Building C 42 units and 7 storeys Approx 24m-32m Width x 70m Length
Building D 32 units (Part 3 and part 5 storeys) Approx Width 25m x Length 50m	4 Townhouses 3 storeys TH10-TH13 Approx Width 24m x 26m Length
Building E 43 units (Part 2, 3 and 4 storeys) Approx Width 24m/46m x Length 62m	9 Townhouses 1 x 2 storey, 8 x 3 storey TH01-TH03 Approx Width 16m x Length 20m TH 04-09 Approx Width 18m x 38m Length

The SSC proposal included 193 units, and the current development application includes 140 units. In addressing the matter of reduction of bulk and scale, the submitted Statement of Environmental Effects (Hamptons Property Services, August 2023) contends that the reduction in units from 193 proposed in the SSC application, to 155 units in the originally submitted DA to 140 in the current scheme has contributed to a reduction in bulk and scale.

It is noted that the reduction in the number of units from the SSC scheme is largely attributed to the introduction of townhouses and deletion of Buildings D and E (removal of 59 units) and not attributed to any reduction in scale of the proposed Buildings A1, A2, B and C (9 units have been added across the apartment buildings).

Furthermore, as described in the submitted Supplementary Architectural Design Report (Mircac Design, June 2023), the applicant contends that,

“the proposed bulk and scale has been reduced through a design-led process and with careful consideration of the impacts to surrounding context. Reduced bulk and scale has been achieved through the following: Reduced building height to Building C; Tapering of the upper levels to Building C; A new glazed building break to Building C; Improved articulation and sculpting of built form (particularly Buildings B and C); Reduced building floorplates and increased building separation distances (between A1, A2, B and C); Improvements to ground plane permeability and activation with updates to building facades and an increased public domain; and the removal of one Townhouse (#14) and reduced building height of Townhouse #1”

These amendments do not result in significant reductions in building height and scale. For example, the proposed ‘building break’ in Building C provides an open break at ground level only, with a glazed articulated feature in the middle of the building from storeys 2 to 7 (refer Attachment 2). It is Council’s and DEAP’s view that the glazing maintains a continuous built form that does not reduce apparent bulk and scale, especially when viewed from Bettington Road. Alternatively, a complete break should be considered.

Furthermore, the amendments do not demonstrate that the development forms an acceptable relationship with the adjoining low density residential area (which is discussed below).

Furthermore, these amendments listed are as compared to the originally submitted application in December 2022, not as compared to the SSC scheme, for which the requirements to reduce bulk and scale relate.

Responding to Neighbourhood Character

Requirements 1 and 3 of the SSC requires that the final bulk and scale of the development be reduced 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 and the Architectural Drawings provided at Site Compatibility Certificate stage and current application. It is noted the 3D analysis does not show existing vegetation. The applicant submitted a Visual Impact Assessment Report and Addendum Report (Dickson Rothschild 2022 and 2023) with the DA.

Figure 13 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 13: View looking south corner Bettington Road and Pennant Hills Road (Source Council's Visual Analysis, August 2023)

Council's Visual Analysis at Figures 14 and 15 illustrates the height of the proposed development and the height of the SCC scheme against the 9 metre maximum building height and surrounding built form. These Figures illustrate clearly:

- the inconsistency of the proposal with existing and future built form (9m); and
- that the bulk and scale of the SSC scheme has not been substantially reduced to ensure an acceptable built form relationship; and
- that the rhythm of spacing between existing residential buildings along the street creates pockets of landscaping compared to the continuous wall of development proposed (also shown in Figure 16).



Figure 14: West Elevation along Bettington Road, Comparison of Proposed DA, SCC Scheme and 9m PLEP 2011 height (Source: Council's View Study, August 2023).



Figure 15: Section through the proposed development, existing built form with comparison of Proposed DA, SCC Scheme and 9m PLEP 2011 height (Source: Council's View Study, August 2023).



Figure 16: View from north (looking south) along Bettington Road (Council Officer Visual Analysis 2023) Note without existing vegetation

Buildings B and C at 7 storeys 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. 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 Buildings 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.

Buildings A1 and A2 are 3 storeys with the 4th storey recessed. 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, the 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 generously landscaped front setback along the Bettington Road frontage, are essential to ensure Buildings A1 and A2 sit better within the existing streetscape.

Visual Impact, overlooking and overshadowing

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.”*

Visibility of the proposed development 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.

The townhouses proposed on the southern boundary of the development site are located adjacent to the rear of properties along Niblick Crescent. Recent photographs (Figures 17 and 18) show the current difference in levels between the subject site and adjoining properties.



Figure 17 & 18: View facing south east to the southern boundary of the development site to adjoining properties at Niblick Crescent (Authors photo January 2023)

The proposed 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, resulting in a further incompatibility with adjoining dwellings. Including the recessed 4th storey, the proposed townhouses have 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. Figures 19 and 20 illustrate how the development will be perceived from Niblick Crescent. The views highlight the continuous building lengths and lack of clear breaks creating linear view corridors across the site. Due to the taller buildings sitting on the higher topography on the site, Building B and C sit much higher than surrounding 1-2 storey dwellings. The increase in heights, relative to the SCC, further exacerbate this bulk.



Figure 19: View 8: Amended proposal with landscape outside the front of 33 Niblick Crescent (Source Visual Impact Assessment Addendum Report, Dickson Rothschild (2023))

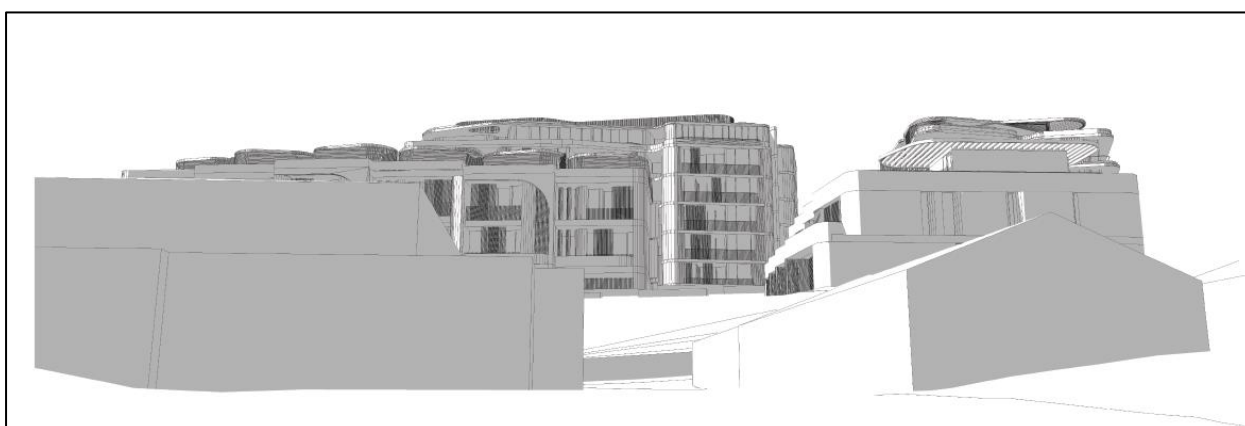


Figure 20: View looking north from Niblick Crescent (25 and 23 Niblick Cr in foreground) (Source Council's Visual Analysis, February 2023)

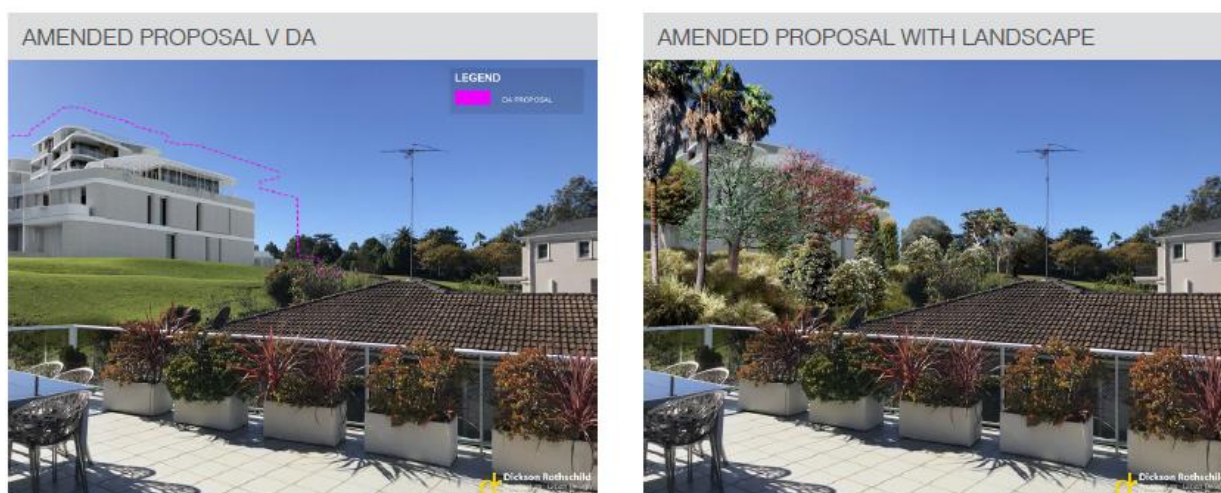


Figure 21: View D2: Amended proposal with landscape from outdoor terrace of no. 25 Niblick Crescent looking east (Source Visual Impact Assessment Addendum Report, Dickson Rothschild (2023))

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.

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.

The introduction of additional landscaping on the southern perimeter of the site will go some way in buffering the visual and privacy impact for residents (as shown in Figures 21 and 22). However, per the Planning Principle in *Super Studio v Waverley Council*[2004] NSWLEC 91 (at paragraph 6), it is not appropriate to rely on landscaping as the primary means of ensuring privacy. It will take some time for vegetation to mature to the extent where there is a dense and tall buffer provided and it will be fully reliant on the future body corporate to ensure that the vegetation is properly maintained and reaches its potential.

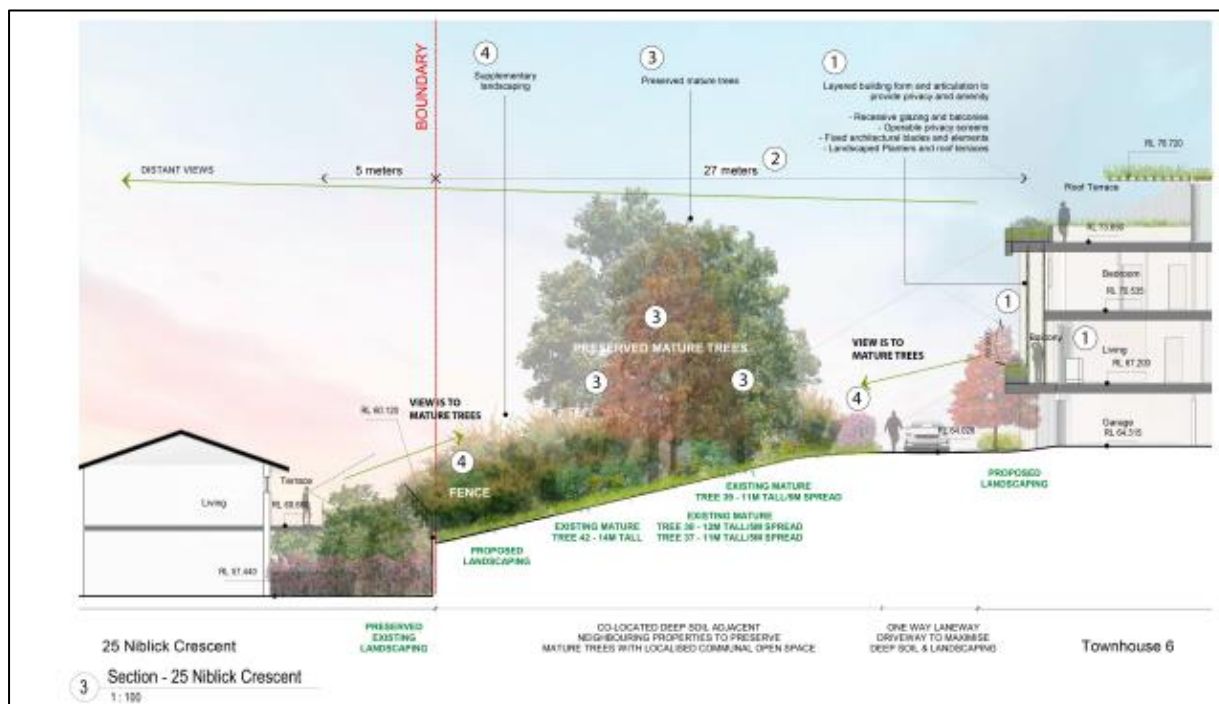


Figure 22: Section Landscape Plans, Sturt Noble and Ass 2023

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

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 amended 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	The SSC determined that the SEPP applied as: - land is being used for the purposes of a	Yes

SEPP Requirement	Proposal	Compliance
	<p>registered club; and</p> <ul style="list-style-type: none"> - 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 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 include a requirement to register the specification on the 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. 	<p>Within Building C, separate entry/lobbies are proposed for the golf clubhouse and the residences.</p> <p>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. Apartments living areas, balconies and bedroom windows are located directly above the terrace.</p> <p>The revised Noise and Vibration Assessment report (28 July 2023) recommends mitigation measures to address noise from the licensed area of the golf club to the upper level residents in Building C. These include increasing slab thickness, insulation, glazing and a parapet on level 3 slab edge to reduce noise transmission impacts between the clubhouse and residents. Operational measures include no music or outdoor speakers on the outdoor terrace, signage and staff and club management. The architectural plans have demonstrated a planter setback on Level 3 to separate residential balconies from the Level 2 terrace below.</p> <p>Council is satisfied that the club noise impacts can be appropriately managed, and in the event of an approved development relevant conditions</p>	Yes, subject to conditions

SEPP Requirement	Proposal	Compliance
	<p>would be included in any consent.</p> <p>The main basement entry/exit ramp has been relocated from between Building B and C to the end of the main internal roadway. Therefore the relocation alleviates the impacts of vehicle movements (noise and headlights) on future residents located in Buildings B and C.</p>	
<p>Clause 24 - Site Compatibility Certificates required for certain development applications</p> <p>(3) (a) – nothing in this clause prevents a consent authority from</p> <p>(i) granting consent to a development application to which this clause applies that is on a 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>A Site Compatibility Certificate, with certain requirements, was issued by the Sydney Central City Planning Panel on 8 March 2022.</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>In accordance with Clause 24(3) the Panel cannot consent to a development larger than that anticipated by a SCC and it does not place limitations on the matters to which the Panel may or must have regard to when determining the DA.</p>	No
<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>	No
<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</p>	<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</p>	Yes, if a condition included requiring the construction of a

SEPP Requirement	Proposal	Compliance
<p>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 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 - 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>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. Belmore Street East shops (Oatlands shops), comprise:</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>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>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>pedestrian refuge along Bettington Road.</p>

SEPP Requirement	Proposal	Compliance
<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>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 Bush Fire Protection (November 2019) <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, 	<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). The applicant chose to submit the application as integrated development in accordance with 4.46 of the Environmental Planning and Assessment Act 1979. As such the application was referred to the Rural Fire Service (Refer Section 5.2).</p> <p>General terms of approval, subject to conditions, were issued by the NSW Rural Fire Service on 2 August 2023 for the amended 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. 	Yes

SEPP Requirement	Proposal	Compliance
<ul style="list-style-type: none"> - 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. 	<ul style="list-style-type: none"> • 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) was 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 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 31 – Design of in-fill self-care housing	<p>This clause requires consideration of the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004.</p> <p>These provisions are similar to other controls contained in the various applicable documents. As such they have been considered in other sections of this report.</p>	No (reasons addressed under other similar controls through this report)
Clause 32 – Design of Residential Development.	Refer Clauses 33-39 below in this table.	-
Clause 33 – Neighbourhood amenity and streetscape	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/future neighbourhood character and is not sensitive to the adjacent heritage item, Oatlands House.	No

SEPP Requirement	Proposal	Compliance
	<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 2 and 7 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, the flat buildings create unacceptable overshadowing of the proposed townhouses. The extent of basement and proposed earthworks to be carried out comprises retention of existing trees and the promotion of health new tree growth.</p>	
<p>Clause 34 – Visual and acoustic privacy</p>	<p>The main basement entry/exit ramp has been relocated from between Building B and C to the end of the main internal roadway. The relocation alleviates the impacts of vehicle movements (noise and headlights) on future residents located in Buildings B and C.</p> <p>The Noise and Vibration Assessment Impact Report (July 2023) recommends mitigation measures to address potential noise impact from the registered club on residents, including both operational and building measures.</p> <p>Noise from the adjacent child care centre and Oatlands House function centre would have been picked up in the background noise monitoring that was undertaken to inform the recommendations for acoustic treatments in the Noise Impact Assessment.</p> <p>In the event the application is approved, Council would recommend conditions requiring the recommended noise attenuation measures be implemented.</p> <p>As outlined previously, the proposal does not satisfactorily address overlooking of the adjacent Niblick Crescent dwellings.</p> <p>Proposed townhouse TH01 is directly adjacent an adjoining child care centre. However, it's primary views are to the street and to the southern communal open space of the subject development.</p> <p>Townhouses TH04 or TH05 include balconies in close proximity to the child care play space (~9.5m). The landscape plans include planting to act as a screen. However, , screen planting cannot be fully relied upon. As such, were approval to be recommended a condition would be included requiring privacy screening to direct views away from the adjoining child care play space.</p>	<p>Part, subject to conditions</p>
<p>Clause 35 – Solar access and design for climate</p>	<p>Natural ventilation is inadequate. Refer assessment under SEPP 65 – Apartment Design Guide Section 7.3.2.</p>	<p>No</p>

SEPP Requirement	Proposal	Compliance
	<p>The development causes overshadowing to the ground level private open space and living areas of proposed townhouses TH08, TH09, TH10, TH11, TH12 and TH13, which do not receive the minimum 3 hours of solar access between 9am and 3pm midwinter.</p> <p>Townhouses TH11-TH12 do not provide adequate cross ventilation as the private courtyard, living room and car park (with garage door) are located on the same level with no side windows.</p>	
Clause 36 - Stormwater	The amended application has provided adequate information which adequately considers stormwater management and therefore will not cause adverse stormwater runoff impacts. Refer Section 8 of this report.	Yes, subject to conditions
Clause 37 – Crime prevention	The proposal has, for the most part, been designed to have safe obvious entries to buildings. However, to improve accessibility and passive surveillance of townhouses 10-13, entry ways should be located off streets.	Part
Clause 38 – Accessibility	<p>Council considers the proposed footpaths are not wide enough for a development for seniors and should be assessed for two wheelchairs to pass. The winding path and stepping stones to access townhouses 10-13 are not accessible.</p> <p>The proposed zebra crossing is obscured by the 1m high planters and requires revision to ensure safety for pedestrians.</p> <p>Some improvements are required to provide continuous and legibility to the external 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.</p>	No
Clause 39 – Waste management	The proposed development provides for waste and 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. Furthermore, the scheme has not demonstrated that Council's waste vehicles (HRV) has adequate vertical clearance and area for manoeuvrability in the basement without the use of a turntable. Refer Section 9 of this report.	No
Clause 40 Development standards—minimum sizes and building height (2) The size of the site must be at least 1,000sqm	<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</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>

SEPP Requirement	Proposal	Compliance
(3) the site frontage must be at least 20m wide measured at the building line (4) Height in residential zones where residential flat buildings are not permitted.	zone under the under the Parramatta LEP 2011.	
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 1.33:1. This clause is not applicable.
landscaped area: > 30% site area	The proposal is for a total of 55% of landscape area (as defined by the SEPP) and therefore insufficient landscape area cannot be used as a reason for refusal.
Deep soil zones: >15% site area <ul style="list-style-type: none"> Area that is not built on, paved or otherwise sealed, There is soil of sufficient depth to support the growth of trees and shrubs 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. 	<p>The proposal submits that 3,174sqm (20%) of site area is deep soil and therefore insufficient deep soil area cannot be used as a reason for refusal.</p> <p>However, due to the basement extent, the deep soil areas are highly fragmented which limits the ability to provide larger contiguous areas of deep soil and therefore impacts the management of water and healthy potential for tree growth</p> <p>Furthermore, pathways included in calculated within the deep soil area, and shown in the Landscape Plans as compacted granite pathways. Council considers that these types of pathways are not porous and therefore do not constitute permeable areas.</p>
<ul style="list-style-type: none"> solar access: living rooms and private open spaces, min 70% of dwellings, > 3 hours direct sunlight, 9am-3pm, mid-winter. 	<p>The application material provides measurements for solar access in accordance with the Apartment Design Guide (refer Section 7.3.2) standard which is for minimum two hours for 70% of dwellings (for which the proposal complies at 81%). No amended material has been provided as part of the DA to ascertain the SEPP Seniors Living more onerous standard of 3 hours to 70% of dwellings has been complied with. As such it is assumed that the applicant does not seek to rely on this clause.</p>
<ul style="list-style-type: none"> Parking: at least 0.5 car spaces/ each bedroom (300 bedrooms = 150 parking spaces) 	<p>171 spaces (excluding the visitor spaces) are proposed to service the independent living units / self-contained dwellings. As such the application cannot be refused on the grounds of parking.</p>

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'	<p>An Access Review Report was prepared by MGAC and submitted with the DA. It concludes that:</p> <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 townhouses at the south-east corner of the site to ensure compliance with AS 1428.1. - 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 winding pathway and stepping stones to access the 'front' of Townhouses 10-13 are not accessible and require revision. Council queries the width of pathways between all buildings and should allow for wheelchairs and residents to pass comfortably.</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

Standard	Proposal /Compliance
	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.
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 on entry level'	The proposed flat building units comply with this criterion as they are single level units. The townhouses do not strictly comply with this requirement. The townhouses do not satisfy this criteria. Instead, they appear to propose a lift in each townhouse as an alternative. Notwithstanding, the drawings do not clearly demonstrate that the townhouse lifts will access each level.
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	The proposed flat buildings are large bulky buildings, with excessive length and width and heights ranging from 4 to 7 storeys which are not responsive to the surrounding area's existing or future character.

Principle	Comment
Built form and scale	<p>The current adjoining area is characteristic by single and double storey dwellings sitting within landscape setbacks. The area is not envisaged to increase in 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. This is exacerbated by proposed ground floor levels significantly raised above the natural ground levels.</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 separate to the existing neighbourhood.</p> <p>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.</p> <p>The proposal's interface with Niblick Crescent comprises three groups of townhouses, located on a steep slope, which exacerbates their apparent scale and impacts to the south. Further discussion is provided under the SCC assessment at section 7.2.1 above.</p> <p>As detailed in Section 7.2.1 Buildings have increased in bulk and scale as compared to the previous scheme at Site Compatibility Certificate stage.</p>
Density	<p>The proposed scheme has a gross floor space ratio of 1.33:1. Under the Parramatta LEP, the adjacent residential area of Oatlands is R2 Low Density Residential zoning, with a 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 broader 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 to Buildings A1, A2, B and C are not ADG compliant due to the introduction of privacy blades on corner apartments restricting ventilation, excessive building depth, inadequate opening areas, limited wind exposure and inadequate information regarding the use of ventilated skylights to facilitate cross ventilation.</p> <p>Although deep soil is provided in excess of the minimum ADG quantum, Council Officers question the ability of the development to retain existing trees and provide environment to foster the growth of canopy trees. Council Officers consider, 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 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 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, the landscaped design does not optimise useability, privacy and opportunities for social interaction and equitable access areas within the site. The other gardens are fragmented, small and are constrained for the size and scale of the development - especially around Building A1, the southern side of Building B and</p>

Principle	Comment
	<p>around the townhouses - affecting the amenity value and functionality of many of these spaces.</p> <p>A fence is proposed through the centre of the northernmost communal open space. The fence has divided the lawn area in half and created a smaller communal open space, detached from the viewing platform over-looking the golf course. Proposed fencing appears unaligned with the form of adjacent paths and landscaped parcels. Furthermore, the fenced area appears to be only associated with Building B and therefore disadvantaging the residents within the other buildings, A1, A2, C and the townhouses.</p> <p>The southern communal open space is densely planted with trees and shrubs to create the landscaped buffer aimed at providing privacy to the adjacent properties within Niblick Crescent. This communal open space as it has limited access, does not provide any useable space to cater for groups of people, limits the range of activities that can be catered for and only has an access path and seat.</p> <p>There is insufficient soil volume to support the mature growth of the proposed internal street trees. The basement structure has not indicated any slab set-down within the structure to accommodate planting. Instead, the design indicates a 1m high planter within the parking bays and either side of the pedestrian crossing, impacting pedestrian visibility. The raised planter does not meet the required soil volume as per the ADG requirements.</p> <p>The retention of the existing trees in the southern landscape will assist with providing some visual privacy to the residents at 25 Niblick Crescent. However, the proposed earthworks will raise this area by 2 metres and the survivability of trees in this location has not been addressed.</p> <p>The proposed circulation pathways are not well-designed. They are convoluted and excessive, making it unclear what is circulation and what is communal open space. This has led to a limited availability of usable spaces to cater for a range of activities, group sizes and social interaction.</p> <p>The accessible paths to the western periphery and south-east corner are not suitable for this type of seniors living development. The 1 metre width put members of the ageing community at a disadvantage. For example, it does not allow enough room to enable two wheelchairs to pass.</p> <p>The pedestrian circulation is not continuous, particularly from the pedestrian link between Buildings A1 and A2 to Building C and noting that the continuous pedestrian footpath along the main internal road is interrupted by the Building B lobby and drop-off loop.</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, public domain, setbacks, pedestrian access and entries and vehicle access, which if improved may assist the development in being responsive to the surrounding environment and provide better amenity.</p>
Safety	<p>The development impacts on the current layout of the golf course and the current plans indicate the resultant layout (make good works) and the location of tee off areas, practice greens and fairways. The architectural plans clearly show the location of safety nets to protect residents/buildings from stray golf balls.</p> <p>Buildings A1, A2 and C should address the street directly and have clearly identifiable street entries.</p> <p>The sole publicly accessible thoroughfare – the Boulevard – fails to achieve contiguous housing and discrete residential entrances along its length, thereby compromising its passive surveillance and apparent safety.</p> <p>The main boulevard has 1m high planters within the parking bays and either side of the pedestrian crossing, impacting pedestrian and motorist visibility.</p>
Housing diversity and social interaction	<p>Apartment sizes are generous and appropriate apartment mix is achieved.</p> <p>As outlined in Landscape above, the main communal open spaces at the northern and southern portions of the site present access issues which limits activities to cater for seniors. Only two roof terraces – to Building B and Building C – are</p>

Principle	Comment
	proposed for exclusive secure seniors' use, which is inadequate given the scale of the proposal and the number of residents being catered for.
Aesthetics	DEAP and Council officers consider architectural treatment and materiality is appropriate and is not in conflict with the surrounds.

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: Orientation	<p>Buildings A1 and A2 along Bettington Road are orientated to achieve adequate 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 an 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>The proposed Club House within Building C of the proposed development fails to provide a clear address or legibility in the development and from the street. Instead, the entry to the club is located behind the Building C residential lobby and vehicular ramp and does not have direct entrance from the internal street.</p> <p>Rather Buildings B, C and the townhouses should address the main boulevard, which would assist in integrating with the surrounding neighbourhood and achieve consistent building alignments, contiguous clearly marked entries and vistas through to the east.</p>		
3B-2: Overshadowing	<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>	Buildings B and C causes overshadowing to the primary living spaces and ground level private open space of TH08, TH09, TH10, TH11, TH12 and TH13.	No, these townhouses do not receive the required solar access under the ADG and Parramatta DCP 2011. This is detailed further below.
		Some additional shadowing to properties directly to the south of the site at 92 Bettington Road and 21, 23 and 25 Niblick Crescent is caused by the development. However as detailed below, the scheme has been amended to comply with the relevant controls.	Yes
		The development causes additional overshadowing to the childcare outdoor play space at the rear of 92 Bettington Road, however the requirements of the Parramatta DCP 2011 and	Yes

Standard	Requirement	Proposal	Compliance
		Child Care Planning Guidelines are met. This is detailed further in below.	
3C: <i>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 (as opposed to from the internal pathway network). 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 and porte cochere.</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>		
3D: <i>Communal & Public Open Space</i>	Min. 25% of site area (3,967.5sqm)	The proposal presents the following levels of communal open space: Ground level = 3,953sqm Roof top (Building B 195sqm & C 81sqm) = 276sqm <u>Total = 4,229sqm (26.75%)</u>	Yes
	Communal Open space should be co-located with deep soil area.	6% of the principle usable open space is located over the basement.	No
	Communal Open space should be consolidated into a well-designed, easily identifiable and usable area.	The majority of communal open space areas are fragmented and are made up of side setbacks and pedestrian ways. The southern communal open space is located on steep topography and serves as a landscape buffer to the adjoining residents.	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.	Yes
3E: <i>Deep Soil</i>	Min. 7% with min. dimensions of 6m (1,107sqm). For sites greater than 1,500sqm – 15% of the site (2,371sqm).	The proposal provides 2,535sqm (16%) of site area is deep soil.	Yes
	Basement below building footprint.	Basement is located across the site, and not contained below building footprints.	No
	Co-location with other deep soil to create larger contiguous areas	Deep soil areas are highly fragmented.	No
3F: <i>Visual</i>	Up to 4 storeys	A1 to northern boundary	No (easement proposed to

Standard	Requirement	Proposal	Compliance
Privacy	12m between habitable rooms 9m between habitable and non-habitable rooms	0 metre setback to boundary <u>Buildings A1 and A2</u> 9m-10m between building envelope and 12m between balconies.	ensure separation to any future development) Yes
	<u>5 to 8 storeys</u> 18m between habitable rooms (5-8 storeys) 12m between habitable and non-habitable rooms	<u>A2 (4 storeys) to B (7 storeys)</u> Proposed: 8-10m at ground level and min 9.3m (3rd storey)	No
		<u>Building C to eastern boundary (golf course)</u> 0 metre	No
		<u>Buildings B (7 storeys) to C (8 storeys)</u> Ground floor 11m; 1st storey 11.9m 2 - 7 storeys 12.5m & 16.5m	No
		<u>Building C to eastern boundary</u> 0 metre setback to boundary	No
	<p>Minimal building separation has resulted in a need to use blank walls, minimal window openings and angled fins to windows to deal with lack of privacy. Therefore, reducing opportunity for dual aspect apartments and proper cross ventilation. Further the proximity of apartment buildings means that from some viewpoints they present as a continuous long built form.</p> <p>In order to address zero lot setbacks to some boundaries, 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 Revised Draft Plan of Subdivision). This inappropriately burdens the golf course site to provide building separation for any future development and adequate light and air to Buildings A1 and C.</p>		
3G: Pedestrian Access and Entries	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 lobby of Building B interrupts pedestrian access to Building C. The proposed club house within Building C should have a street address and should be highly visible from the street. The residential entrance for Building C is located behind the car parking ramp.		
3H: Vehicle Access	The driveway entry is not located behind the building line and is off the main boulevard. The car park entry should be located behind the building line.		
3J: Bicycle and car parking	The proposal provide car parking in excess of the non-discretionary development standard in Clause 50 of SEPP (Seniors Housing and Disability) 2004 and as such car parking cannot be a reason for refusal. No bicycle parking is provided, however there is adequate storage for each unit in the basement level, which is appropriate for seniors living development.		
Part 4			
4A: Daylight / Solar Access	Min. 2hr for 70% of apartments living & POS 9am & 3pm mid-	Buildings A1 & A2 = 85% Building B = 78% Building C = 81%	Yes

Standard	Requirement	Proposal	Compliance
	winter (>89 units) Max 15% apartments receiving no direct sunlight 9am & 3pm mid-winter (<19)	Total = 81% Buildings A1 & A2 = 0% Building B = 11%; Building C = 10% Total = 7%	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. The Amended SEPP Report does not clarify what additional measures are proposed.	Further information required.
4B: Natural Ventilation	Min. 60% of apartments below 9 storeys naturally ventilated (>76)	The SEPP Design Report states 106 of 127, or 83% of apartment are naturally cross ventilated. However, the use of slots, inadequate effective open areas, limited wind exposure and unclear ventilating skylights on 26 units, reduce the number of clearly naturally cross ventilated apartment to 51, or 40% of apartments.	No Further detail provided below.
	Overall depth of a cross-through apartment does not exceed 18m	19 of the 21 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) Habitable rooms 2.7m Non-habitable 2.4m	Building C (golf club) >3.3m All residential ceiling heights > 2.7m	Yes Yes
4D: Apartment size & layout	1 bed 50m ² 2 bed (1 bath) 70m ² 2 bed (2 bath) 75m ² 3 bed 95m ²	Apartment sizes exceed minimums	Yes
	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	Appears to comply	Yes

Standard	Requirement	Proposal	Compliance
	are limited to a maximum of 2.5 x ceiling height (7.25m).		
	Open plan max habitable room depth is 8m from a window.	Appears to comply	Yes
	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	Complies	Yes
4E: Private open space & balconies	1 Bed = 8m ² X 2m 2 Bed = 10m ² X 2m 3 Bed = 12m ² x 2.4m	Minimum depths (of 2m) are not achieved throughout the development therefore not achieving balcony area minimums.	No (minor), acceptable.
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 have 9 apartments off the circulation core. A1, A2 and B have <8 serviced by lift core	Yes
	As per the design guidance, longer corridors greater than 12m in length from the lift core should be articulated. Building C corridor is over 61m in length and articulated with a central glazed area and seating.		
4G: Storage	1 bedroom 6m ² 2 bedroom 8m ² 3 bedroom 10m ² Min. 50% required in units	An updated storage schedule has been provided with the amended development application package demonstrating compliance.	Yes
4H: Acoustic Privacy	As per the acoustic assessment in Section 7.22 acoustic privacy is considered to be acceptable subject to conditions.		
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 140 Independent Living Units: <ul style="list-style-type: none"> • 1 bed x 12 units (8.6%) • 2 bed x 96 units (68.6%) • 3 bed x 19 units + 13 townhouses x 3 bed (22.8%) 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		

Standard	Requirement	Proposal	Compliance
	considered acceptable. Refer Section 9 – Parramatta DCP 2011 for discussion.		
<i>4O: Landscape Design</i>	<p>The Arboricultural Impact Assessment has not considered the proposed cut and fill, nor provided guidance to minimise / remove any cut and fill within the TPZ of trees to be retained and protected. This includes along the southern boundary where over 2m of fill is proposed, which may impact on existing trees (which are relied upon to provide a privacy buffer to adjoining residents and child care centre).</p> <p>The principle communal open space is located almost entirely over basement, with only 6% allocated to deep soil. This compromises contiguous deep soil and large tree canopy growth. There are multiple pathways and level changes which fragment the space. The proposed fencing does not align with the primary green space and is illogically located.</p> <p>There are limited areas allocated for activities specific for seniors.</p> <p>The southern communal open space is situated on sloped land with existing trees in the south west corner. Additional tree planting is proposed along the southern boundary to provide additional screening between the proposed townhouses and properties along Niblick Crescent. There is a pathway to the communal open space, however no seating or other features. The useability of this space is limited.</p>		
<i>4P: Planting on structures</i>	<p>Planting is proposed over the basement slab. Provision of roof top communal space for residents on Buildings B and C provides amenity and environmental benefits. Roof top planting is also proposed on Buildings A1 and A2.</p> <p>No details have been provided on the landscaping on podium/rooftops.</p> <p>Therefore it is unclear if the soil volume and soil depth, on slabs - such as basement, podium, roof terraces / OSD - meet the prescribed standards in the ADG.</p> <p>Additional sections are required through the landscape areas including a section through the internal road, basement carpark, street tree and treepit to ensure the soil volume and soil depth meet the meet the ADG standards and specific section details through the podium rooftop planting, courtyards and the communal gardens, as a minimum, is to be provided to ensure there is sufficient growing medium and adequate drainage cell depth provided and to show overall 800-1200mm soil depth and soil volume to support the mature growth of the trees and shrubs is achieved. Soil volume is to be reflective of proposed tree species size.</p>		
<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 clubhouse (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 direct access from the internal street. Together with improved pedestrian footpaths, this would avoid conflict with residential access, provide a sense of entry, and reduce sense of a gated estate.</p>		
<i>4T: Awnings and Signage</i>	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</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		

Standard	Requirement	Proposal	Compliance
<i>management</i>	Parramatta DCP 2011.		
4W: Waste management	An Operational Waste Management Plan (28 July 2023) 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 Townhouses

The orientation of the apartment buildings results in the overshadowing of proposed Townhouses TH08, TH09, TH10, TH11, TH12 and TH13, resulting in the townhouses being non-compliant with the solar access requirements of the ADG and the controls within the PDCP 2011. Specifically:

- The primary living areas of Townhouses TH10, TH11, TH12 and TH13 are overshadowed between 9am and 3pm in midwinter.
- The primary living areas of Townhouses TH08 and TH09 are overshadowed between 9am and 1pm in midwinter.
- The ground level private courtyards, adjoining the primary living space, of Townhouses TH08, TH09, TH10, TH11, TH12 and TH13 are overshadowed. While outdoor roof terraces are provided, accessible via lift, they are not contiguous with the principal living space.

Solar Access to Adjoining Properties

The amended development application has demonstrated a reduction in the overshadowing impact on adjoining properties at 92 Bettington Road (child care centre), 21, 23 and 25 Niblock Crescent (residence) and is described in turn below.

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). 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 the rear is the sole outdoor play space currently used by 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.

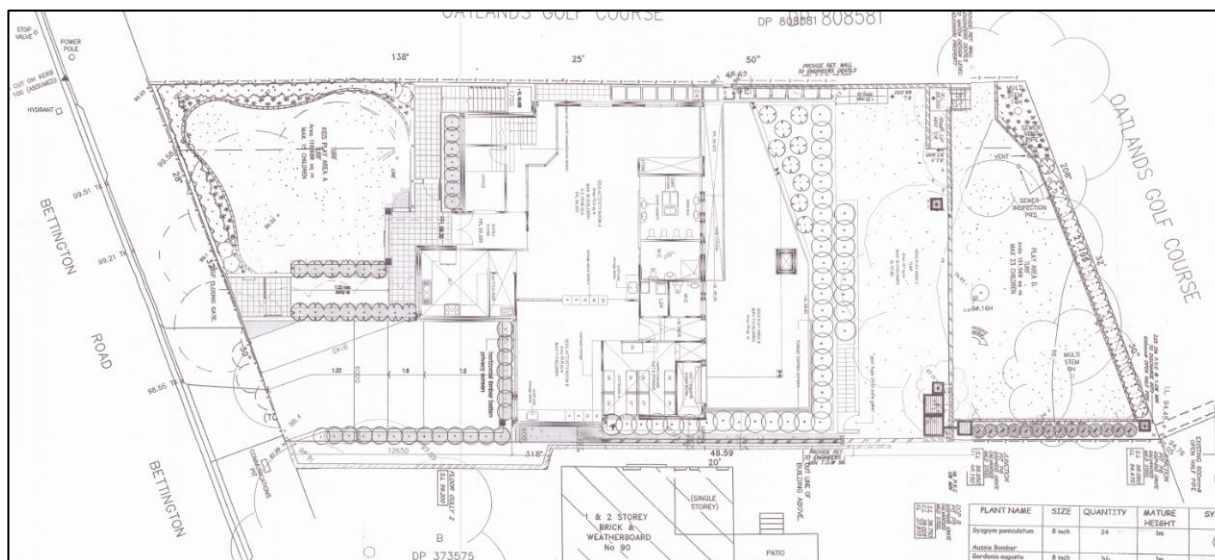


Figure 24 – Approved ground floor plans (DA/491/2006) child care centre, 92 Bettington Road

At the time the development application was lodged neither the applicable Local Environmental Plan (LEP) – Parramatta LEP 2001 or Parramatta DCP 2005 had specific childcare 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 a minimum of 2 hours of solar access between 8.00am and 4.00pm during winter months, for at least 30% (or 2.1m²) of the 7.0m² of outdoor space per child required.”*

The applicant has submitted revised shadow plans (Architectural Drawings, Mirvac Design June 2023) and a Shadow Analysis prepared by RWDI (June 2023) which indicates that:

- 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 10% of its area. This level of solar access is compliant with the DCP and Child Care Planning Guideline requirements.
- Under the proposed development, the rear play space would receive solar access to 45% of its rear play space at 10am, 81% of its area between 11am and 12pm and 52% of its area at 1pm at midwinter. Between 2pm and 3pm less than 10% of its area receives solar access. Therefore, the Child Care Planning Guideline standard is met as between 10am and 1pm (3 hours) solar access is maintained to more than 30% of the play space. However, the DCP standard is not met when just considering the rear play space.
- If the total approved outdoor play space areas (rear and front spaces) were considered, the DCP and Child Care Planning Guidelines would be met. Between approximately 10:30am and 1:30pm (3 hours) at midwinter solar access is achieved to 50% of the total outdoor play space areas.

Properties 21, 23 and 25 Niblick Crescent

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”*.

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.

The applicant has submitted revised shadow plans (Architectural Drawings, Mirvac Design June 2023) and a Shadow Analysis prepared by RWDI (June 2023):

- 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. By 12pm no additional overshadowing occurs due to the proposed development.
- 21 Niblick Crescent - Between 9am and 11am additional overshadowing occurs to the outdoor pool in the northwest corner of the rear open space. By 12pm any additional shadowed caused by the proposed development is almost fully gone. From 1pm a portion of the swimming pool is in shadow from existing shadow. The removal of Townhouse 14 has improved solar access to this property.

Communal Open Space

As outlined previously in this report, while the quantum of communal open space is consistent with the ADG guidelines, the useability of the open space is not considered to be appropriate for the proposed use.

Deep Soil

As outlined previously in this report, while the quantum of deep soil is consistent with the ADG guidelines, the ability of the deep soil to absorb stormwater and accommodate trees is not considered to be appropriate.

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 306, 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 façade, 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 A2 – units 104, 204, 304

Building B – units 201, 206, 301, 307, 401, 407, 501, 507, 601, 607

The apartments should provide an improved balance of opening area between the two aspects contributing to natural cross ventilation. 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. The adequacy of balanced openings should be demonstrated in amended plans and a window schedule confirming Effective Open Areas to be provided.

c) Inadequate Effective Open Area on an aspect and limited wind exposure -

Building B – units 201, 301, 401, 501, 601

Building C – units 301, 302, 306, 307, 401, 402, 406, 407, 501, 502, 506, 507

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. In addition to the internal corner apartments in Building C are also challenged by limited exposure to wind.

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) *Obstructed window(s)*

Buildings A1 – units 106, 201, 206, 301, 306

Building A2 – units 103, 203, 303,

Building B – units 207, 308, 408, 508, 608,

Building C – units 301, 307, 401, 408, 501, 507, 601, 607, 701

Privacy blades added to windows on some corner apartments obstruct exposure to wind relied upon to achieve natural cross ventilation. This is expected to reduce the natural ventilation performance to that of a well-designed single-aspect apartment.

f) *Depth of cross through units*

Building B – units 102, 103, 106, 202, 204, 205, 302, 304, 305, 402, 404, 405, 502, 504, 505, 602, 604, 605, 703

These units are over 18m in depth. 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 could be conditioned:

- 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 and remedial action plan is required to address the identified exceedances of health criteria from asbestos contamination in soil at an isolated area, strategies for remediation and other conditions relating to management of contaminants will be placed on the determination.

7.5 State Environmental Planning Policy (Transport and Infrastructure) 2021

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 assessed under Section 9 of Parramatta DCP 2011 below.

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 promote recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole. 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 Council Officers consider that there is adequate information supplied in relation to:

- Water management to determine the proposal will have an acceptable impact on the water quality of Vineyards Creek.
- An adequate flood assessment to determine the impact of the proposed temporary car park and significant earthworks and filling on site. The current design has demonstrated that it will not impact on neighbouring properties and / or Council infrastructure.
- Proposed drainage discharges have been suitably planned.

Therefore it is considered that matters contained in the SEPP are 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 population and of the wider Sydney region.</i>	The proposal is for a registered club and residential accommodation (seniors living).	Yes - The proposed golf club is consistent with the zone objectives. The residential accommodation is not consistent with the zone objectives. However, the primacy of the SEPP Seniors Living (over the LEP) is noted.
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 1.33:1.	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	No

Development Standard	Proposal	Compliance
	the heritage significance of the local heritage item. This is detailed further below.	
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.</p> <p>The originally submitted application had insufficient information to determine the extent of risk and impact.</p> <p>The revised application has provided flood modelling and shows that there will be no impacts on the neighbouring properties. Once the works are completed, the car parking area will be reinstated as original, and restoration plans have been provided to support this. Hence the concerns raised in relation to flooding impacts on the adjoining properties has been addressed.</p> <p>Further detail is discussed below.</p>	Yes
Clause 6.1 Acid Sulphate Soils	The site is Class 5 Acid Sulfate Soils. Development consent is 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.	N/A
Clause 6.2 Earthworks	The proposed development proposes significant earthworks and currently the information provided does not satisfactorily address the potential for the earthworks to disrupt existing trees and therefore potentially impacting on the privacy screening for adjoining properties. Refer detail below.	No.
Clause 6.4 Biodiversity Protection	<p>Vineyards Creek on the north-eastern and eastern boundary edge of the golf course is a 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 development is approved, a condition be included which implements the proposed mitigation measures recommended in the Flora and Fauna Assessment Report.</p>	Yes

Development Standard	Proposal	Compliance
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 now adequate information supplied in relation to water management which concludes that water quality of Vineyards Creek will not be impacted.</p>	Yes

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 27: 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 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, as 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 5.10(5) 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.”

The amended application has introduced dense landscaping alongside Oatlands House with the purpose stated to “screen the new development from Oatlands House” (refer Figure 27 below). No heritage assessment has been undertaken on the proposed landscaping adjacent to Oatlands House.



Figure 27: Proposed tree planting along the property boundary between Oatlands Golf Club and Oatlands House (Source: Revised Landscape Plan, Sturt Noble Ass, 26 June 2023).

A Visual Impact Assessment Addendum Report (Dickson Rothschild, 2023) illustrates the visual impact of the revised proposal as viewed from the eastern car park of Oatlands House, based on the reduction in height of Building C and the introduction of landscaping (refer Figure 28).

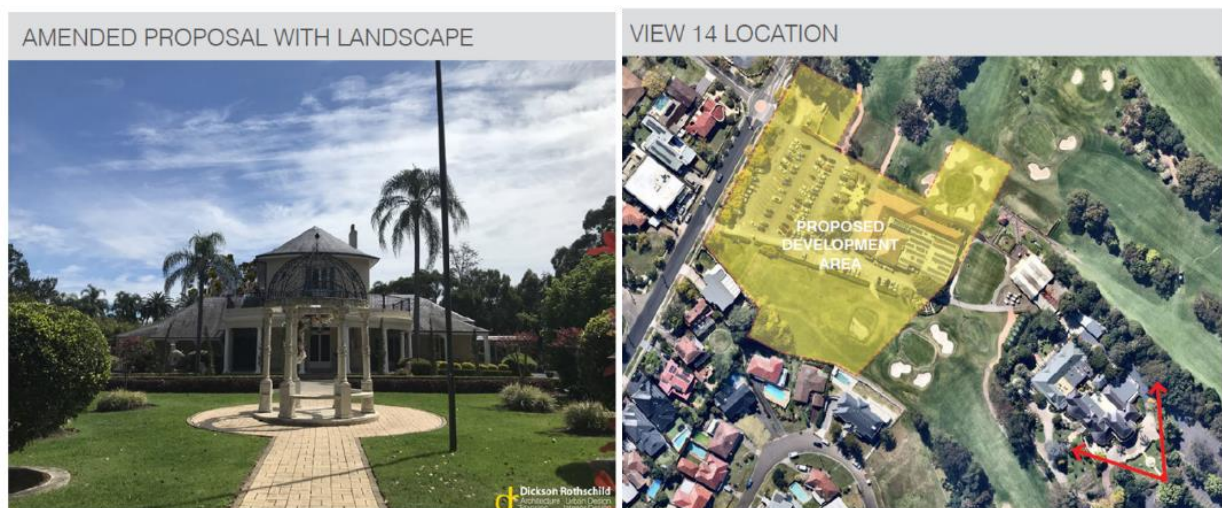


Figure 28: View 14 from Oatlands House car park (Source: Visual Impact Assessment Addendum Report, 28 July 2023)

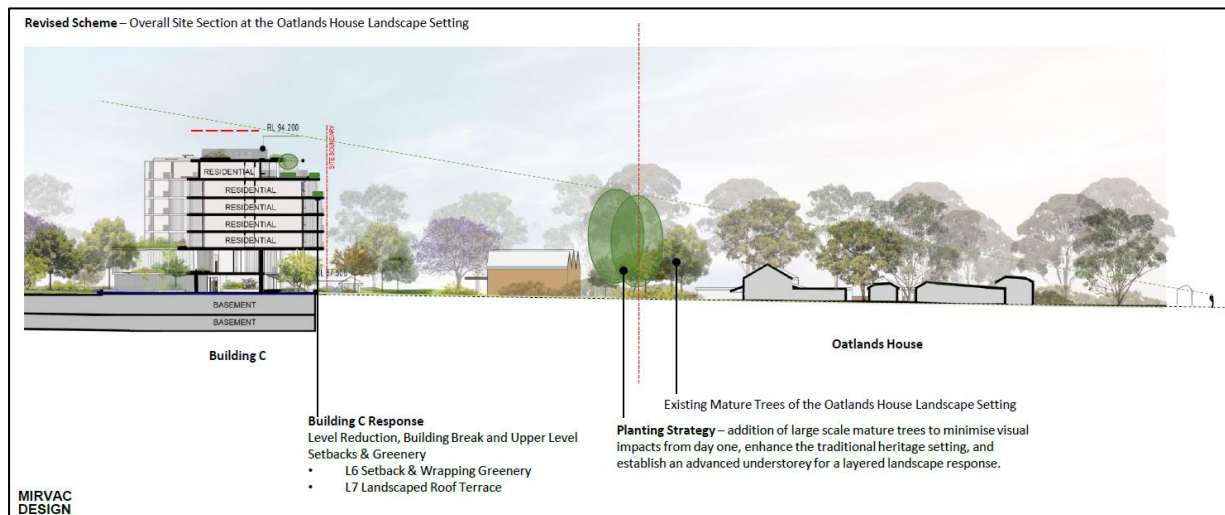


Figure 29: Elevation showing Buildings C scale next to Oatlands House, Supplementary Architectural Design Report, Mirvac Design, June 2023)

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

- The scale of development is not sympathetic to Oatlands House.
- Impact on landscape setting.
- Use of additional screen planting on the boundary with Oatlands House contributing to its isolation from its landscape setting.
- The significance of the existing Oatlands Golf Club House.

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 7 storey scale of Building B and C are not responsive or sympathetic to the scale of Oatlands House (refer Figure 29). There is a 21.3m level difference between the top of Oatlands House (RL 72.96) and the roof of Building C (RL94.2).

The golf course maintains the pastoral landscape of the original house. There is an over reliance on the existing tree planting within Oatlands House property and now additional tree planting on the boundary with Oatlands House site to minimise the visual impact of the proposed development. This additional planting will (further) isolate the heritage item from the rest of its former colonial landscape in which it is located. It will take some time for vegetation to mature to the extent where there is a dense and tall buffer provided. It may cause solar access issue on the House itself. In addition, it will be fully reliant of management of the Golf Club to ensure that the vegetation is properly maintained.

The original part of the clubhouse at Oatlands Country Club was constructed from Walter Burley Griffin's patented 'Knitlock' system of segmental concrete blocks. This structure was designed by architects Pitt & Morrow in 1931 and built by Rowland Herbert (1900-1981). Council has been made aware that the knitlock block-making machines held by the National Museum of Australia are the ones originally owned by Rowland Herbert. Council notes, that clubhouse is not heritage listed under any environmental planning instrument, it was not designed by Walter Burley Griffin and it has had subsequent alterations and additions. However, the architectural plans indicate that the original knitlock construction is evident (held by the Powerhouse Museum). If the clubhouse is granted approval to be demolished, it is Council's recommendation that the applicant undertake an assessment of the golf house building and full documentation of demolition to record any surviving elements of the original Knitlock construction. There is further

potential for the applicant to reuse materials or modules for heritage interpretation in the new 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 as viewed in its landscape.
- Clearly 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.

Therefore, in its current form, the development is not consistent with the objectives of Clause 5.10 of the Parramatta LEP 2011.

Water Management

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 will potentially divert the flow path.

There was concern raised by Council with the original application that the design may result in significant flood impacts on neighbouring properties and / or Council infrastructure, as well as lack of information in relation to WSUD and stormwater management. In accordance with the objectives and principles of the Parramatta LEP and DCP 2011, development must not divert flood waters nor interfere with floodwater storage or the natural function of waterways. The amended application has provided revised information.



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 applicant has provided flood modelling and shows that there will be no impacts on the neighbouring properties. Once the works are completed, the car parking area will be reinstated as original, and restoration plans have been provided to support this. Hence the concerns raised in relation to flooding impacts on the adjoining properties has been addressed.

The proposed OSD tanks will be constructed within the proposed apartments (Tank 1) and pavement hardstand for the townhouses (Tank 2), with the proposed WSUD built downstream of the OSD tanks. The outlet pipes from the tanks will discharge into the existing stormwater network within Oatlands Golf Club, OSD Tank 1 will connect into the existing Council infrastructure, traversing the Golf Club from Bettington Road to Vineyard Creek. OSD Tank 2 will connect to the existing private stormwater network within Oatlands Golf Club, draining south to the existing Council Gross Pollutant Trap within Oatlands Golf Club to the south. Stormwater drainage easements will be registered as required to facilitate drainage of the proposed development.

The temporary carpark and club will drain via an underground OSD tank with the proposed WSUD (bioretention) built downstream of the OSD adjacent to the temporary carpark. Discharge from the OSD will be controlled via a low and high-level outlet pipe (controlled by orifice plates)

and emergency overflow weir that will connect to the existing Council infrastructure traversing the Golf Club from Bettington Road to Vineyard Creek. This OSD and bioretention basin will be decommissioned upon completion of the project and removal of the temporary carpark and club.

The stormwater discharge into the golf course is now proposed to be connected to the existing headwall (to the north); into the existing stormwater system (behind Niblick Crescent) which then connects into the Council stormwater system in Bettington Road. This is considered an acceptable approach.

Stormwater generated within the proposed site will be treated to the water treatment rates required by the Parramatta DCP 2011. A MUSIC model has been provided and shows compliance with the DCP requirements.

No connection to the existing dam has been proposed, and water reuse will be through the rainwater tanks.

In the event of an approved development application, Council would place conditions of consent relating to provisions of easement for overland flow and stormwater pipe systems, design of OSD tanks, covenants on OSDs and detail of restoration works (back to existing levels) and design of road to facilitate run off.

Basement – Ground Water

The development proposes a drained basement (i.e. allowing ground water to infiltrate the basement and pumping it out). Drained basements are not best practice and not recommended because:

- Pumping groundwater to the council stormwater system is not supported as it takes up valuable capacity in the system.
- Groundwater is a resource, and it is not appropriate to extract and immediately drain it as waste.
- Groundwater needs treatment and continuous monitoring adding long term liability to obtain, maintain, monitor, and assess for both the applicant, Council and other authorities.
- Continuous extraction of groundwater from basement may have long term adverse impacts on the groundwater environment (i.e. water tables).
- The drained basement was not supported by the relevant authorities. Water NSW General Terms of Approval issued on 26 April 2023 only allows dewatering to occur for the purpose of temporary construction dewatering and requires the design and construction of below ground levels that may be impacted by the water table be fully watertight.
- If for some reason tanked basement is not feasible then detailed groundwater modelling and onsite reuse systems are required.

Consistent with the WaterNSW referral, it is recommended that a water tight basement is provided (i.e. tanked). Therefore the management of groundwater forms a reason for refusal of the application in its current form. If the application were to be approved, a condition would be included requiring a tanked basement.

Earthworks

Significant earthworks are proposed to be carried out as part of the application. The proposed Bulk Earthworks Plan is not consistent with the Landscape Plans or Tree Retention Plans contained in the Arboricultural Impact Assessment in regards to the location of cut and fill required, especially to the southern and western boundaries. Specifically the following issues arises from the proposed earthworks:

- The cut and fill along the southern landscape area is indicating an excessive amount of fill (over 2 metres), which will require an extensive retaining wall structure along the southern

boundary which has not been indicated on the architectural sections. The reason for this 2 metre deep fill is not clear, and it will be detrimental to the existing trees (T42, T38, T37, T36) and a neighbouring tree (T45) shown to be retained. They will be severely impacted and required to be removed, which has not been shown in the landscape plans, architectural plans or discussed in the arboricultural impact assessment.

- The large retaining wall along the southern boundary and removal of additional mature trees within the southern boundary will further impact the neighbouring properties (including residences and a child care centre) and their privacy, as well as being a poor landscaping outcome.
- The proposal includes retaining walls but these have not been shown across all plans (architectural, civil and landscape). Retaining walls should be designed to ensure that natural flows from adjoining properties are not impeded or diverted.
- The cut and fill should be minimised to enable trees to be successfully retained. Earthworks, batters and swales should be relocated outside the tree protection zones (TPZs) where possible, and where this is not possible, sensitive construction methods are to be detailed by a Project Arborist. No excavation, cultivation or compaction should occur within the TPZ of trees to be retained and protected unless written approval has been provided by a Project Arborist.

If any further amendments to earthworks are undertaken to respond to issues relating to trees, implications for stormwater are required to be reassessed.

Having regard to the above, the consent authority cannot properly consider the matters in clause 6.2(3) of PLEP 2011 based on the information currently available. Based on the information available, it appears that the proposed earthworks will have an unacceptable impact on trees to be retained and the privacy and amenity of neighbouring properties.

8.2 Draft Parramatta LEP 20XX and Parramatta LEP 2023

The Draft Parramatta Local Environmental Plan (LEP) 20XX set out to consolidate the various LEPs that applied 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 Plans

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 13 in the report.</p> <p>The Design Principles in the DCP state:</p> <ul style="list-style-type: none"> - <i>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</i> - <i>P.4 Building design, location and landscaping is to encourage view sharing between properties</i> <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/scale and siting. 	No
2.4.2 Water Management		
2.4.2.1 Flooding	This matter is addressed in Section 8.1 above.	Yes
2.4.2.2 Protection of Waterways	This matter is addressed in Section 8.1 above.	Yes
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 has 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>As outlined in this report, the proposed buildings would be located on a ridgeline and thus be highly visible. Rather than stepping down with the land to the south the proposal includes filling which exacerbate privacy and visual bulk impacts on properties to the south.</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</p>	No

Development Control	Comment	Comply
	<p>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> <p>As such the application does not demonstrate an appropriate public domain.</p>	
<i>Part 3 Development Principles</i>		
3.1 Preliminary Building Envelope-Multi Dwelling Housing (Table 3.1.3.6)	The following relates to the proposed townhouses.	
Minimum site frontage 24m	That portion of the site relating to the townhouses has a site frontage of over 24m.	Yes
Front setback 5-7m (basement not encroach)	<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 	No
Side setbacks – min 3m	<p>The side setback are as follows:</p> <ul style="list-style-type: none"> • TH01- 3.4m to 92 Bettington Road • TH13 – 15.4m to 21 Niblick Crescent 	Yes
Deep soil zone min. 30% (4 x 4m)	Deep soil and landscape area are detailed in the SEPP Seniors Living and SEPP 65 – ADG assessment in Section 7.	
Landscaped area – min 40% (including deep soil)		
3.1 Preliminary Building Envelope-Residential Flat Buildings	The following relates to the proposed apartments.	
Minimum site frontage 24m (18m with two street frontages)	The site frontage is over 24 metres. An internal street is provided and provides frontage to Building B.	Yes
Front setback 5-9m (primary frontage); 3-5m (secondary)	<p>Front setbacks:</p> <p>Buildings A1 & A2 (to Bettington Road) – 6.5m-10m</p> <p>Building B (to internal Road) – 1.2m-6m</p> <p>Building C (to internal road) – 3m to car ramp</p> <p>Note: building separation, deep soil and landscape area relate to Apartment Design Guide and / or SEPP Senior Living 2004 standards.</p>	Yes No No
3.2.1 Building Form and Massing	The current built form does not meet the 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-TH13 do not face the street and front entries are accessed via a winding step footpath, limiting pedestrian access. As such they do not have a sense of address (Control C.3).	No

Development Control	Comment	Comply
3.2.3 Roof Design	The flat roof forms are 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 the relevant Council consultant.	Yes
3.2.5 Streetscape	<p>Design Principle P.1 states that “<i>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.</i>”</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 at the time. 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 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-TH13) 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 landscaped 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, requiring filling of the site, and consequently increases the perceived bulk of the development.</p> <p>It is recommended that 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>	No
3.2.6 Fences	The area between Building A2 and the communal open space shows a significant amount of fencing. Fencing is also proposed around the northern communal open space which does not follow the primary landscape area. It is recommended that some or all are replaced with robust planting to reduce visual clutter and improve the landscape and pedestrian experience.	No
3.3.1 Landscaping	Key issues with the design of the landscaped southern communal open space, northern communal open space and general landscaping are detailed in the ADG assessment at Section 7.3 of this report and Earthworks in Section 8.	No
3.3.2 Private/ Communal Open Space	<p>Concerns in relation to the design quality of 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 has been provided with additional privacy screen planting.</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 required by condition to assist.</p> <p>Refer ADG Assessment in relation to the private open space assessment for residential apartments.</p>	<p>No</p> <p>Refer Section 7.2</p>
3.3.3 Visual and Acoustic Privacy	<p>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.</p> <p>Refer ADG Assessment (Section 7.3.2) for visual and acoustic privacy assessment in relation to the residential apartments and golf club house.</p>	<p>No</p> <p>Yes, subject to condition</p>

Development Control	Comment	Comply
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.	Yes, subject to conditions
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	<p>Townhouses TH10, TH11, TH12, TH13 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.</p> <p>The orientation of townhouses 10-13 east/west has impacts on solar amenity due to minimal north facing windows and reduced building widths.</p> <p>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.</p> <p>TH11-TH12 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.</p> <p>Building depth of townhouses is over 20m and width is approximately 6m.</p> <p>In relation to the residential flat building, refer Section 7 Apartment Design Guide assessment in relation to solar access and cross ventilation.</p>	<p>No</p> <p>No</p> <p>Adequate</p>
3.3.6 Water Sensitive Urban Design	This matter is addressed in Section 8.1.	Yes
3.3.7 Waste Management (& Appendix 8 'Waste Management Guidelines for new Development Applications 2016')	<p>As outlined in Appendix 8 Waste Management, Council does not support the use of chutes to transport recyclables. The proposal is required 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.</p> <p>The proposal includes a turntable for waste collection trucks. Council does not support the use of turntables, as outlined in Appendix 8 Waste Management.</p> <p>The submitted Operational Waste Plan and Traffic Parking Assessment Report allows for a medium rigid vehicle (MRV) of 8.8m long to access the basement. Council currently only has heavy rigid vehicles (HRV), which are 10.8m long, available for waste collection, which require a minimum 4.5 meters clearance and adequate area for maneuvering. The applicant will need to allow for this and show a swept path allowing access for a vehicle of this size, without the use of a turntable.</p>	No
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. Were consent to be granted, a condition would be 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

Development Control	Comment	Comply
3.4.4 Safety and Security	<p>NSW Police was referred the application due to the Club being a licensed venue. The Police raise no issue with the application.</p> <p>A Crime Prevention through Environmental Design Report was prepared as part of the DA.</p> <p>As detailed in this report, Council Officers considers that improvements to the public domain are required. Although privately owned, buildings better addressing the street will ensure the development feels like part of the existing neighbourhood and encourages interaction between residents and natural surveillance.</p>	<p>Yes</p> <p>No</p>
<p>3.4.5 Housing Diversity and Choice</p> <p><i>Mix</i> 1 bed (10 – 20%) 2 bed (60 – 75%) 3 bed (10 – 20%)</p> <p><i>Adaptable Units</i> 10% (>15)</p>	<p>Total 140 Independent Living Units:</p> <ul style="list-style-type: none"> - 1 bed x 12 units (8.6%) - 2 bed x 96 units (68.6%) - 3 bed x 19 units + 13 townhouses x 3 bed (22.8%) <p>The requirements of the SEPP Seniors Living for design of units meet the general terms of the DCP requirements for adaptable units.</p>	<p>No, however housing mix is considered adequate.</p> <p>Yes</p>
3.5 Heritage	<p>Part 3.5 of the Parramatta DCP 2011 provides guidance to development in the vicinity of a heritage item, including:</p> <ul style="list-style-type: none"> - <i>New buildings should be sympathetic to the character, height and setbacks of the adjoining heritage building of the locally listed item,</i> - <i>Ensure that new buildings maintain the historical integrity, and do not impact the visual prominence of the existing heritage building.</i> - <i>the building height and setbacks must have regard to and respect the value of that heritage item and its setting.</i> - <i>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.</i> - <i>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.</i> <p>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.</p> <p>Council Officers consider that the current proposal has significant impact on the views and setting of Oatlands House, including the bulk and scale of Buildings B and C which dominate the landscape. It is recommended to modify the proposal to ensure that the new buildings 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, as well as new planting on the Oatlands Golf Course site to minimise the visual impact of the proposed development.</p>	No
3.5.2 Archaeology	<p>A Heritage Impact Statement was prepared by Weir Phillips, 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</p>	Yes

Development Control	Comment	Comply
	<p>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>	
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 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 of the community title lots into individual strata allotments, with allocation including access to car parking and storage requirements. <p>It is unclear from the Draft Plan of Subdivision the following:</p> <ul style="list-style-type: none"> • Easements for access and use arrangements for the Golf Club and residents in relation to car parking, waste, and loading in the basement levels. • Easements for access arrangements for residents and / or golf club members along pathways proposed on the golf club site, following subdivision. • The proposed public easement across the roadways. 	No, further information required
5.4 Preservation of Trees or Vegetation	Refer comments below.	No

Trees

Amended Landscape Plans (Sturt Noble and Ass. Rev F July 2023) and an Arboricultural Impact Assessment Additional Information, which address a small portion of the site near Oatlands House (Sturt Noble and Ass. June 2023), was submitted as part of the amended development application. The Arboricultural Impact Assessment (L&Co, November 2022) is unchanged. 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. Council Officers do not support tree removal until the following revised information is submitted.

Council Officers consider that a revised Arboricultural Impact Assessment (AIA), Tree Protection Management Plan and Landscape Management Plan is required to address the following in relation to tree management:

- A single, coordinated AIA is to be submitted for application, by the same Project Arborist, tree numbers are to be consecutive and not repeated, and it is to include all the revised works and the additional trees.
- The AIA report must show the latest civil, architectural and landscape plans including the temporary carpark area, easements / OSD / bioretention basin and associated infrastructure.

- Include an updated Tree Retention and Removal Plan for the whole development site, at 1:100 or 1:200 scale with a high resolution for clarity using the latest architectural drawings and civil and landscape plans.
- The AIA is to discuss the bulk earthwork / cut & fill plan and provide guidance on the TPZ and minimisation of works within the TPZ of trees to be retained and protected.
- Affected trees located on the adjoining properties to be discussed and impacts reduced to ensure they are adequately protected;
- A complete Tree Protection Management Plan (TPMP) is required to show the specific tree protection measures and non-destructive construction modifications for all trees within the site, the easements and adjacent to the site (5m) and it is required to show the tree protection measures and modifications to the construction.
- The tree protection management plan shall identify the specific tree protection area for each tree and identify the percentage of development encroachment to the root system and canopy of the tree.
- Specific tree protection measures (including any non-destructive / sensitive construction method) to be discussed in the report and located on the tree protection management plan.
- Where retained trees have a development setback and tree protection zone established, a tree protection specification and diagram must be provided in accordance with AS4970-2009 *Protection of Trees on Development Sites*.
- Overland and subsurface drainage, to be coordinated with the Civil Engineer plans;
- The internal street verge to be increased to a minimum 1.5m width to ensure proposed trees have enough room to grow without impeding pedestrian and vehicular movement.
- Delete the 1m high raised planters shown to support the trees within the internal street verge and parking bays. Tree planting is to be flush or at a maximum within a kerb upstand planter edge to avoid hindering vehicle movement.
- It is unclear if the soil volume and soil depth, on slab such as; basement, podium, roof terraces / OSD, meet the prescribed standards in the Apartment Design Guide (ADG) – Part 4, 4P *Planting on Structures - Tools for improving the design of residential apartment development* (NSW Department of Planning and Environment, 2015).
 - Typical tree planting on structure to show overall 800-1200mm soil depth. (Soil Volume must meet the proposed tree species size)
 - Typical shrub planting on structure 500-600mm soil depth;
 - Typical turf planting on structure 200-300mm soil depth.
- Therefore, additional sections are required through the landscape areas such as:
 - A section through the internal road, basement carpark, street tree and treepit to ensure the soil volume and soil depth meet the meet the prescribed standards in the “Apartment Design Guide (ADG) – Part 4, 4P Planting on Structures - Tools for improving the design of residential apartment development” (NSW Department of Planning and Environment, 2015).
 - Specific section details through the podium rooftop planting, courtyards and the communal gardens, as a minimum, is to be provided to ensure there is sufficient growing medium and adequate drainage cell depth provided and to show overall 800-1200mm soil depth and soil volume to support the mature growth of the trees and shrubs is achieved. (Soil Volume to be reflective of proposed tree species size)
- Trees planted to the west of Oatlands House are excessive and too dense to support appropriate canopy growth and density.
- Trees are to be provided in a minimum 100 litre container and be planted at minimum distances of two (2) metres from any drainage line (unless pipes are concrete encased) and a minimum setback of 3.5m to the outside enclosing wall or edge of a legally constructed building, structure or proposed development;
- An updated planting schedule with quantities is required and is to be broken up into the different landscape areas to assist with the DA assessment (ie roof terrace, ground level, townhouse)

Furthermore the Amended Civil Design Report (AT&L June 2023) is to be amended to include the following:

- The Civil bulk earthworks (cut and fill) plan which is consistent with the updated Landscape Plans and TPZ in regards the location of required, specifically along the southern boundary and southwestern corner adjacent to Bettington Road. Plans are to be revised to delete any cut and fill within the TPZ of the trees to be retained and protected.
- The proposed temporary carpark material is to be changed to a porous / permeable material and is to be built from natural ground up (ie minimal excavation) to reduce the impact on the adjacent trees, retain and improve the infiltration of water to the water table, assist with stormwater management, minimise changes to the site hydrology and help protect the ecosystem;
- The 700mm wide sandstone wall to the edge of the temporary carpark is to be built at / above natural ground level using sensitive non-destructive construction method to minimise the impact to the surrounding trees.
- Reduce the excessive fill shown on the bulk earthworks to the southern boundary to avoid the need for a large retaining wall along the southern boundary.
- Plans to be updated to reflect the advice regarding the tree protection measures and exclusion zones (TPZ) provided in the Arboricultural Impact Assessment.
- 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 the Arborist Report by L&Co or Sturt Noble arboriculture.
- Relocate all of the earthworks, batters and swales outside the TPZ where possible. Where this is not possible, sensitive construction methodology to be discussed and approved in writing with the Project arborist and is to be indicated on the plans.
- Note no excavation, cultivation, or compaction to occur within the TPZ of trees to be retained and protected unless written approval has been provided by the Project Arborist.
- Relocate the substation to a position which will have minimal impact to the trees to be retained and protected here (trees 14 and 18). Refer to the Project Arborist for guidance on the distances from the trees.

In the event of an approved development, conditions will be required which ensure the retained trees have specific tree protection measures and any works within the TPZ are 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 Arborist's recommendations.

Parking and Vehicular Access

Car Parking

A total of 399 car parking spaces are provided on the plans including:

- 145 spaces for the residential units in basement parking.
- 19 residential visitor parking in the basement parking.
- 200 parking spaces for golf club visitors and executive within basement.
- 26 car parking spaces (2 per) townhouse.
- 9 on-street spaces.

Assessment of residential parking is included in Section 7.22 above.

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.

9 (including 1 car share space) 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 and Driveway

The Council recommends a condition requiring detailed design of the entry treatment from Bettington Road prior to Construction Certificate stage.

A 7.5m wide combined entry and exit driveway to the underground parking spaces is proposed 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 Design Principles P1, P3, P13 and P16 in DCP section 3.6.2 as:

- The drop off loop disrupts pedestrian flow between Buildings B and C.
- The basement car parking is not predominantly located within the building footprint.

In relation to the townhouses, the PDCP 2011 requires that 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 an 8.8m long MRV on Basement level 1. Two temporary loading bays are also provided within the temporary parking for the temporary golf club. The PDCP 2011 nor the RMS Guide provide standards for registered clubs. This quantum of provision is considered adequate for this case (though the size is insufficient as outlined above).

Proposed Pedestrian Crossing

An at grade pedestrian crossing is proposed along the private internal road. 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 that the 1 metre high planters and proposed trees / landscaping may 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 Parramatta Development Control Plan 2023

The Parramatta Development Control Plan 2023 (PDCP 2023) was published on Council's website on 18 September 2023. Section 1.4 of the PDCP 2023 includes a savings provision which states that the previous DCP 2011 is to apply to any applications lodged but not determined prior to implementation of the new DCP. As such the PDCP 2023 is not considered to be relevant.

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 the development were it to be ultimately approved.

12. Response to matters raised by SCCPP

The Panel has held one 'Kick Off' briefing for this application 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.
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.

The application was considered by the Panel at a public meeting on 25 May 2023 and resolved to defer the matter subject the consideration by the applicant of a number of matters as summarised below.

Issue	Comment
The amended plans shall address the bulk and scale of the proposal	The revised scheme has reduced Building C from 8 storeys to 7 storeys; deleted Townhouse 14, reduced Townhouse 1 from 3 to 2 storeys. A summary of the amendments are provided by the applicant at Attachment 2. Assessment of bulk and scale is contained in Section 7.2.1 of this report.
The amended plans shall address overshadowing	Shadow diagrams are included in the Architectural drawings and Solar Access Study and Shadow Analysis have been submitted as part of the revised application. Overshadowing impacts are assessed in Section 7.3.2 of this report.
The amended plans shall address visual impacts	An Addendum Visual Impact Assessment is included in the revised application package. Visual impact is assessed in Section 7.2.1 of this report.
The amended plans shall address increase of deep soil zoned within the proposed development lot	Deep soil diagrams are provided as part of the amended Architectural drawings. Deep soil is assessed in Section 7.2.2. and 7.3.2 of this report.
The amended plans shall address consideration of further articulation and breaks in the building	Building C provides a open ground level building break, with a glazed articulated feature in the middle of the building from storeys 2 to 7 (refer Attachment 2).

Issue	Comment
	It is Council's view that the glazing maintains a continuous built form that does not reduce apparent bulk and scale, especially when viewed from Bettington Road and adjacent public domain to the north and south.
The amended plans shall address pedestrian and disability access and the road network within the site	Refer revised Architectural drawings. Council considers that there are outstanding issues in relation to pedestrian pathway widths, safety of pedestrian crossing and continuous footpath to Clubhouse being interrupted by Building B lobby and the drop off loop.

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

Additional amenity impacts have been assessed in relation to the following:

Wind Impacts

A revised Pedestrian Wind Environment Statement prepared by Windtech was submitted with the amended application. The revised Wind Environment Statement has assessed the wind conditions in terms of the comfort criteria and addressed outstanding matters raised by Council.

The Statement has recommended strategies to improve the wind conditions, including incorporating landscaping and architectural design features. In the event of an approved development, Council would require these features be a condition of consent.

Solar Reflectivity

A revised Solar Light Reflectivity Report prepared by WindTech was submitted with the amended application. Council's review of the report concludes that issues raised in the originally submitted application have largely been resolved. It is recommended that in event of an approved development that Council would recommend conditions relating to maximum reflectivity levels for glazing, which are aligned with suggested treatments in the WindTech report, in order to ensure glare impacts on pedestrians are appropriately mitigated.

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.

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

- 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 amended plans were placed on a further 28-day notification period between 2 August and 30 August 2023. A total of 42 submissions were received during this notification period, of these 32 submissions were received by the same objectors to the initial notification.

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

Table 14: Summary of public submissions to the proposal from notification period 2 August to 30 August 2023

Issues (approx. times issue raised)	Comment
The height, bulk and scale of the development is out of character with the surrounding low density residential area (57)	Council Officers consider the development is excessive in its height and bulk and is not consistent with the surrounding built form. Refer Section 7.2.1 of this report.
Increased traffic generation and lead to further congestion and pressure on Bettington Road and intersections and concerns in relation to safe egress and ingress (28)	Refer comments below.
Development has not satisfied the requirements of the Site Compatibility Certificate to reduce bulk and scale (19)	Refer comments below and assessment in Section 7.2.1 of this report.
Pressure on already oversubscribed parking and services at local shops (Oatlands Village) (19)	Refer comments below.
Privacy, outlook and overshadowing impacts for adjoining properties to the south along Niblock Crescent and Bettington Road (15)	Refer comments below.
Adverse heritage impact on Oatlands House (11)	Refer comments below.
Inadequate parking provided for both the club and residents which will cause overflow parking on local streets (9)	Refer comments below.
Reduction in green space (9)	Refer comments below.
Noted that no substantial changes have been made to the development application which address the key issues (5)	Council Officers consider the amended application has not addressed the key issues raised in the report, including reduction in bulk and scale, ADG compliance, visual impact, heritage impacts and internal overshadowing.
Not permissible under current zoning under the Parramatta LEP 2011 (6)	Refer comments below and Section 7.2.1 and 8.1 of this report.
The development provides minimal deep soil and communal open space (4)	Refer comments below and Section 7.3.2 of this report.

Acoustic impact on future residents arising from Oatlands House existing operations as a function centre (1)	Refer comments below.
Acoustic impact from the child care centre at 92 Bettington Road on future residents and privacy impacts from proposed townhouses on child care (1)	Noise from the child care centre would have been picked up in the background noise monitoring that was undertaken to inform the recommendations for acoustic treatments in the Noise Impact Assessment.
Inadequate or misrepresented visual impact analysis (3)	Council Officers undertaken their own visual impact of the development using the submitted 3D model of the development which is included in the assessment of this report.
The applicant wishes to build a memorial on site, however this is viewed as an inducement for the development (1)	A memorial is not part of this development application and therefore does not form part of this assessment.
Property values will be impacted (2)	Refer comments below.
Concern in relation to management of asbestos removal	Refer Section 7.4.
Privacy impacts exacerbates by proposed fill (earthworks) on southern boundary (1)	Refer Section 8.1.
Construction impacts on operation of existing business (1)	Refer comments below.
Safety aspects of golf course on walkers along Vineyards Creek	The development application is not for the intensification of the golf course and any safety matters for walkers on Council land should be raised with Council.
Shadow impact on Oatlands House outdoor function area from 2:30pm	There is no specific overshadowing standard for function centres in Council's controls. This objection is noted as a public interest comment.
Shadow impact on adjoining child care, although compliant is nevertheless impactful on the quality of this play space for children (1)	Refer comments below.

Table 15: Summary of public submissions to the proposal from notification period 11 January – 9 February 2023

Issues (approx. times issue raised)	Comment
The height, bulk and scale of the development is out of character with the surrounding low density residential area (62)	Council Officers consider the development is excessive in its height and bulk and is not consistent with the surrounding built form.
Increased traffic generation will lead to further congestion and pressure on Bettington Road and intersections. 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)	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 Ultimate Case (Proposed Development) scenario, with the exception of the Pennant Hills Road & Bettington Road signalised intersection in the PM. In this scenario, the level of service reduces from 'D' (operating near capacity) to 'E' (at capacity), noting that this jump is attributed entirely to background growth, not the proposed development. Increases in average vehicle delays of less than 1 sec/veh will occur as a consequence of the proposal. 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.

Issues (approx. times issue raised)	Comment
	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 short. 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.
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)	<p>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.</p> <p>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.</p> <p>Lack of residential parking cannot be used as a reason to refuse the application as the proposal achieves the applicable non-discretionary development standard.</p>
Pressure on already oversubscribed parking and services at local shops (Oatlands Village) (18)	Refer comments below.
<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</p>

Issues (approx. times issue raised)	Comment
	<p>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 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 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> <p>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.</p>
<p>Construction noise, dust and water quality (16)</p>	<p>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.</p>
<p>Reduction in open space from the area (14)</p>	<p>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>
<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>

Issues (approx. times issue raised)	Comment
	Matters relating to the applicant's own consultation with residents are a matter for the applicant, not Council.
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.
Development will exacerbate existing runoff and stormwater (already historic issues) (8) 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)	The applicant submitted revised information which demonstrated that the temporary and permanent works would not result in unacceptable changes to the existing overland flow pathways or increase stormwater runoff.
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 considered to be a 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)	Safety nets are proposed to protect residents and buildings.
It will be dangerous for a senior resident wanting to cross the road to catch the bus or walk to local shops. (5) 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.	The proposal has been assessed in relation to its accessibility to bus stops and footpaths in the vicinity (refer Section 7.2) A pedestrian refuge island may be necessary to ensure safety of those crossing the road.
Traffic generation will place pressure on surrounding intersections: - Pennant Hills Road/Bettington Road - Kissing Point Road / Bettington Road These have not been modelled in the Traffic Report (4)	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.
Development cause noise (from the function centre) and light impact (4)	As outlined in Section 7.2.2, function centre noise impact on the proposed dwellings is not considered to be reason to refuse the application. Given the distance, intervening landscaping and ability for residents to use their blinds, light spill is not considered to be reason to refuse the application.
Decrease the value of properties (4)	There is no material presented that the development would impact on property values and this is not a material planning consideration.
Setbacks and landscaping not consistent with surrounding houses (3)	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.

Issues (approx. times issue raised)	Comment
Lack of public transport to service the site (3)	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.
Impact on views to the golf course (3)	The visual impact of the development has been considered in this report.
Tree removal (3)	The proposed tree removal has been considered in this report.
The development is as a result of the golf club failure to manage finances (3)	This is not considered to be a material planning consideration.
Adverse impact on the usage of the golf course members (3)	Make good works have been submitted as part of this application.
Visual impact assessment is misleading as it is ghosted images (1)	Council has also undertaken its own visual analysis and provided an assessment of the visual impact as part of this report.
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)	The owners consent provided by Oatlands Golf Course, is sufficient for the assessment of the development application.
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)	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.
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 and privacy of the child care centre at 92 Bettington Road. Refer Section 7.
The entrance to the site is located directly across from an existing residential driveway. The chosen location for its entry has failed to take into account the impact on the ability of residents to exit and enter their 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.
What additional sustainability measures have been taken by the designers for this build? There is no reference to water recycling from the apartments and the use of recycled water. There is limited evidence of provisions for electric vehicle charging available at the car park.(1)	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, solar power provision and FSC certified timber.

Issues (approx. times issue raised)	Comment
Building C towers over Oatlands House and significantly impacts on the amenity and privacy of Oatlands House.	This report addresses the heritage impact on Oatlands (Refer Section 8). Council Officers consider the bulk and scale of Building C to be unacceptable and recommend that Building C be no higher than 4 storeys.
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 (2 to 7 storeys) containing 140 independent living units for the purposes of seniors housing and people with a disability and a new registered club, 399 car parking spaces and associated subdivision for the following reasons:
- 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 satisfy the requirements in clauses 24 and 25 of the SEPP (Seniors Living and People with a Disability) 2004. Specifically, the proposal does not meet the requirements outlined in paragraphs 1, 2, 3, 4 and 6 in Schedule 2 of the Site Compatibility Certificate issued on 8 March 2022.
 - 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 following SEPP (Seniors Living and People with a Disability) 2004 design principles/standards:
 - Clause 33 – Adverse impact on neighbourhood amenity and streetscape

- b) Clause 34 – Unacceptable overlooking of adjoining dwellings to south
 - c) Clause 35 – Inadequate daylight to 6 proposed townhouses
 - d) Clause 38 – Inaccessible pedestrian paths
 - e) Clause 39 – Inappropriate management of recycling
 - f) Clause 41 – Townhouses do not demonstrate step-free access from entry to kitchen, bedroom, bathroom and toilet.
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 adequately satisfy design principles 1 – 8 (inclusive) as nominated in Schedule 1 of 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 adequately meet the design guidance and criteria in relation to building orientation, overshadowing adjoining properties, public domain interface, natural ventilation of apartments, adequate building separation / privacy, provision of quality communal open space and deep soil, private open space, vehicle access, landscape design / planting on structures, mixed uses, and waste management as nominated in State Environmental Planning Policy (Design Quality of Residential Apartment Development) via the Apartment Design Guide.
5. **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** - In that the proposal has an adverse impact on the setting and views to Oatlands House, a local heritage item.
 - b) **Clause 6.2 Earthworks** – In that insufficient information has been provided to demonstrate the proposed earthworks will have an acceptable impact on retained trees.
6. **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 in Parts 2 and 3 of the Parramatta Development Control Plan 2011, specifically:
- a) Inappropriate management of groundwater;
 - b) Insufficient quality of communal open space;
 - c) Inadequate daylight to 6 proposed townhouses;
 - d) Unacceptable overlooking and privacy impacts on adjoining properties;
 - e) The townhouses do not meet controls relating to cross ventilation, front setbacks, building facade and articulation / streetscapes (lack of address to street), and development on sloping land (inappropriate filling of land);
 - f) The proposal adversely impacts the heritage value of Oatlands House in relation to view impacts, setting, visual prominence, and incompatible scale of development.
 - g) Inappropriate waste management (recycling chutes, insufficient service vehicle size).
 - h) Insufficient subdivision information on:
 - i. Easements for access and use arrangements for the Golf Club and residents in relation to car parking, waste, loading in the basement levels.
 - ii. Easements for access arrangements for residents and / or golf club members along pathways proposed on the site / golf club site.

iii. Proposed public easement across the roadways.

7. **Likely Impacts** – The application is not satisfactory for the purposes of section 4.15(1)(b) of the Environmental Planning and Assessment Act 1979 as insufficient information has been provided in relation to landscape, tree assessment and protection of trees to demonstrate the proposal will have an acceptable environmental impact.
8. **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.