

Report to the Central Sydney Planning Panel on an application for a site compatibility certificate under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

SITE: 94 Bettington Road, Oatlands (Oatlands Golf Club).

A site inspection as undertaken by the Place team.

APPLICANT: Urbis on behalf of the Oatlands Golf Club

PROPOSAL: Seniors housing – independent living units

LGA: City of Parramatta

1. SITE DESCRIPTION

Subject land

The land the site compatibility certificate (SCC) application relates to forms part of the Oatlands Golf Club, located at 94 Bettington Road, Oatlands, within the Parramatta Local Government Area (LGA).

The site forms part of land legally known as Lot 100 DP 1243044.

The SCC application only applies to the part of the site shown in red in **Figure 1** (referred to hereafter as the subject site). The subject site is approximately 1.6 hectares (ha), fronts Bettington Road and is located where the existing car park and club house are situated.

The Parramatta Local Environmental Plan (PLEP) 2011 applies to the site. The site is zoned RE2 Private Recreation and adjoins land zoned R2 Low Density Residential to the south and west (refer to **Figure 2**).

The Oatlands Golf Club

The Oatlands Golf Club comprises an area of approximately 40 ha and is occupied by an existing one storey club house building, pro-shop and buggy store (formerly the Oatlands House stables), a hard stand at-grade car park with 148 formal car parking spaces, and an 18-hole golf course. The golf course consists of maintained grassed fairways, sand bunkers and canopy trees.

Oatlands House, a local heritage listed item is located in the centre of the golf course, east of the club house, and is shown in purple in **Figure 1**. Oatlands House is privately owned and is operating as a function centre for weddings and other events.

The golf club is adjoined by low density residential development to the north, south and west. Vineyard Creek, a tributary of the Parramatta River and Vineyard Creek Reserve runs along the eastern and part of the northern boundary of the site and is zoned E2 Environmental Conservation. Development adjoining the reserve to the east is zoned for low, medium and high-density residential development (refer to **Figure 2**).



Figure 1: Map showing the Oatlands Golf Course and the proposed seniors housing development site (Source: Urbis)



Figure 2: Map showing the Oatlands Golf Course (yellow border) and surrounding development (Source: ePlanning Spatial Viewer)

The site has one road frontage (Bettington Road) along the western boundary. Bettington Road is a regional road with a speed limit of 50km/h. The road is generally configured with one travel lane in each direction and is aligned in a north south direction. Vehicle access to the site is directly off Bettington Road via two separate vehicle access points.

The suburb of Oatlands is located 3km north-west of the Parramatta CBD and 24km north west of the Sydney CBD.

2. DESCRIPTION OF THE PROPOSAL

On the 29 October 2021, the Department received an SCC application (**Attachment A**), from Urbis on behalf of Oatlands Golf Club, seeking to allow a seniors housing development on part of the golf club site, at 94 Bettington Road, Oatlands.

The SCC application is for 193 self-contained seniors residential units across five buildings, varying in height from three to six storeys. The overall proposal also seeks to deliver a new clubhouse, associated car parking and landscaping within the south west corner of the golf club site. This would be subject to a future development application.

The SCC application comprises, the following:

- 193 independent living units, comprising:
 - 1 one-bedroom unit,
 - 163 two-bedroom units, with a mix of one or two bathrooms,
 - 29 three-bedroom units; and
 - associated car parking (outlined below).

The overall proposal for the site includes:

- demolition of the existing club house and at grade parking;
- the removal of 14 trees;
- construction of a new two-level clubhouse comprising a café, restaurant and bar, and other community uses such as a wellness centre, function room, kitchen, and locker room;
- the provision of one access point from Bettington Road and 409 car parking spaces, comprising:
 - 200 car parking spaces for the golf club, and
 - 209 car parking spaces for the seniors housing units; and
- associated landscaping.

Seniors independent living units

The proposed SCC seeks to facilitate five buildings comprising 193 independent living units (ILU), which are defined in clause 13(2) of the Seniors Housing SEPP as

‘in-fill self-care housing is seniors housing on land zoned primarily for urban purposes that consists of 2 or more self-contained dwellings where none of the following services are provided on site as part of the development: meals, cleaning services, personal care, nursing care’.

The Architectural Drawings (**Attachment E**) and Urban Design Report (**Attachment F**) prepared by Sturt Noble Associates indicate all the proposed units have private open space in the form of a balcony or a courtyard. The proposal includes 209 basement car parking spaces allocated to the seniors housing units.

The proposal will be delivered over five buildings between three and six storeys in height. Buildings A and E front Bettington Road and are proposed to be three and four stories in height. Buildings D and E are proposed to be four and five stories in height and adjoin the existing residential development to the south. Buildings B and C (the club house) are proposed to be six stories in height (refer to **Figures 3 & 4**).

A communal garden space is planned to be provided between buildings D and E and a bush trail garden is proposed to the south of buildings D and E and will provide a vegetation buffer to the existing residential development.

Golf course

The overall proposal will reconfigure the 18-hole golf course by realigning hole 12 and relocating the green for the 18th hole. The application is accompanied by a Statement by golf course architects, Golf by Design (**Attachment G**) which indicates the new buildings will have little impact on the current golf course and the safety impacts associated with the redevelopment will be minor.

Communal facilities

The redeveloped golf club with lounge and dining facilities including a café and restaurant, and a wellness centre will be available for use by the residents and their guests.



Figure 3 – Footprint Plan (source: Mirvac Design, Architectural Drawing Package)

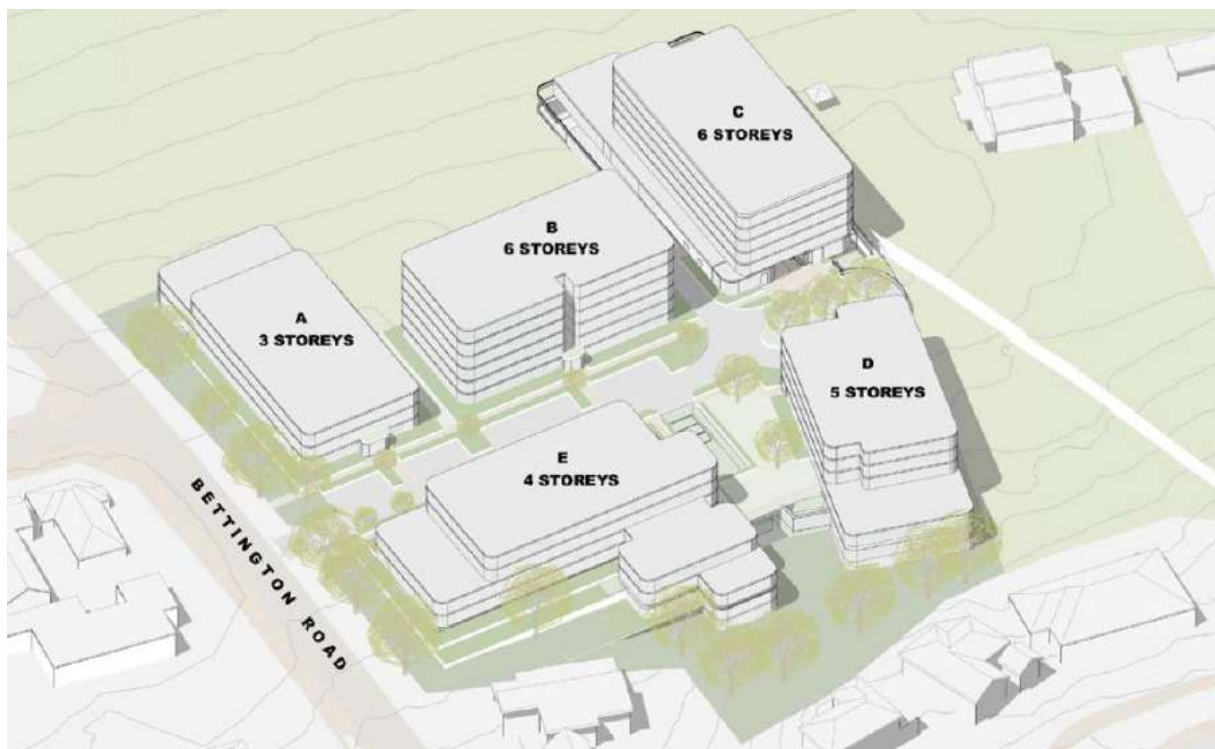


Figure 4 – Concept Built Form Massing (source: *Mirvac Design, Architectural Drawing Package*)

3. PREVIOUSLY ISSUED SITE COMPATIBILITY CERTIFICATE ON THE LAND

There have been no site compatibility certificates previously issued for this site.

4. PROXIMITY OF SITE TO WHICH THERE IS A CURRENT SITE COMPATIBILITY CERTIFICATE, OR AN APPLICATION HAS BEEN MADE BUT NOT YET DETERMINED

There are no identified SCCs or SCC applications in proximity to the site, accordingly a cumulative impact study has not been provided.

5. PERMISSIBILITY STATEMENT

The subject site is zoned RE2 Private Recreation under the PLEP 2011. Seniors housing is prohibited in this zone.

State Environmental Planning Policy (Housing) 2021

On 26 November 2021, the State Environmental Planning Policy (Housing) 2021 (Housing SEPP) came into effect consolidating five existing housing related SEPPs, including the Seniors Housing SEPP which it repealed.

The Housing SEPP includes provisions relating to seniors housing and removes the requirement for Site Compatibility Certificates through identifying the areas where the use is permitted. As a result of these changes, seniors housing is permitted in the RE2 Private Recreation zone through the Housing SEPP, overriding the prohibition in PLEP 2011.

The Housing SEPP provides for transitional and savings provisions for SCCs lodged prior to the commencement of the new SEPP. As the SCC for Oatlands Golf Course was lodged on 29 October 2021, the application is being assessed under the Seniors Housing SEPP, as this was the applicable SEPP at the time of lodgement. Should an SCC be issued, the transitional arrangements also outline that any future development application seeking to avail the SCC would be subject to assessment under the Seniors SEPP.

The Department has communicated to the proponent identifying that the Housing SEPP provides for permissibility of the use sought under the SCC. The proponent has confirmed that they wish to continue with the application, despite the permissibility now afforded to the site under the new Housing SEPP.

Permissibility under Seniors SEPP

For the Seniors SEPP to apply the site must meet the following criteria:

A. Must be land that adjoins land zoned primarily for urban purposes, but only if the land is used for the purposes of an existing registered club (clause 4(1)(b)).

The subject site is situated on land used for the purpose of an existing registered club. Under clause 3(1) of the SEPP 'existing registered club' and 'registered club' are defined as follows:

***existing registered club** means a registered club in existence on land immediately before the date on which State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2) commences.*

***registered club** means a club in respect of which a certificate of registration under the Registered Clubs Act 1976 is in force.*

Pursuant to s.4(1) of the Registered Club Act 1976 a "registered club means a club that holds a club licence". A "club licence means a club licence granted under the Liquor Act 2007".

It is considered that the subject site is being used for the purposes of an existing registered club for the following reasons:

- State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2) was published in the NSW Government Gazette No 132 on 28 September 2007 and commenced on 12 October 2007, immediately before that date is 11 October 2007. This is the significant date for establishment of whether there is an existing registered club for the purposes of clause 4(1)(b); and
- Oatlands Golf Club commenced operations on the site from approximately 7 July 1947, as per the public register under the Liquor Act 2007, which records the Club as having commenced to hold a club liquor licence. That register indicates no end of the club liquor licence no. LIQC300229297 as of 4 March 2016.

Therefore, the club was in existence on the land immediately before the date upon which the amendment to the SEPP commenced, satisfying these criteria.

B. Most of the land that it adjoins must be zoned primarily for urban purposes (clause 4(5)(b))

This criteria is satisfied as the subject site is predominately adjoined by land zoned R2 Low Density Residential to the south and west (refer to **Figure 2**), and the R2 zone is used primarily for urban purposes.

C. The land is not identified as environmentally sensitive land under Schedule 1 (clause 4(6)(a)).

- D. In considering the SCC application, consideration must be given to the compatibility of the proposed development with the surrounding environment, including consideration of known significant environmental hazards.

Schedule 1 provides a list of environmentally sensitive land that prohibits the application of the SEPP. The only item on this list that may apply to this site is item (e) open space.

The term 'open space' is not defined under the Seniors Housing SEPP or the Environmental Planning and Assessment Act.

The Parramatta LEP 2011 describes the RE2 zoning as 'private open space' and clause 4(7)(b)(i) of the Seniors Sepp clarifies that Schedule 1 to the SEPP does not preclude the application of the SEPP only because the land is used for an existing registered club and is described in another environmental planning instrument (EPI) as 'private open space'.

The land is not identified in another EPI or on the bush fire evacuation risk map as environmentally sensitive, therefore, the subject site is not considered to be situated on 'open space' as listed in Schedule 1 and is not land that is precluded from the application of the Seniors SEPP on that basis.

The subject site satisfies these criteria, as follows:

- The subject site is being used a registered club (the Oatlands Golf Club),
- The adjoining land to the south and west is primarily zoned for urban purposes (R2 Low Density Residential) (refer to Figure 2), and
- The subject site is not described as 'environmentally sensitive land' in accordance with the terms listed under Schedule 1 of the Seniors Housing SEPP.

7. CLAUSES 24(2) AND 25(5)

The panel must not issue a certificate unless the panel:

- has taken into account any written comments concerning the consistency of the proposed development with the criteria referred to in clause 25(5)(b) received from the general manager of the council within 21 days after the application for the certificate was made.
- is of the opinion that:
 - the site of the proposed development is suitable for more intensive development; and
 - the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the criteria specified in clause 25(5)(b).

8. CLAUSE 25(2)(C)

Under clause 25(2)(c) a cumulative impact study is required if a SCC has been issued or an application for a SCC has been lodged within a 1km radius of the subject site.

A review of the area within a 1km radius of the site has determined there are no current SCC or pending applications, therefore a cumulative impact study is not required.

9. COUNCIL COMMENTS

City of Parramatta Council provided its comments on 24 November 2021. A copy of council's comments is at **Attachment C** and are summarised below.

Council comments	Department Responses
<p><u>Permissibility</u></p> <p>Schedule 1 precludes the application of the SEPP on certain land described in the schedule. Schedule 1 identifies 'open space' as land to which this policy does not apply.</p> <p>Council request confirmation of permissibility from DPIE be considered fully in its assessment.</p>	<p>Permissibility is discussed under section 5 on page 6 of this report. The site is not classified as open space.</p>
<p><u>Bulk and scale</u></p> <p><i>Overview:</i> The RE2 Private Recreation zone is not subject to height or FSR controls. The surrounding sites are zoned low density and will continue to remain low density.</p> <p><i>Building Height:</i> Buildings A & E adjoin residential properties along Bettington Road and Niblick Crescent and are topographically located higher than the existing surrounding residential development. Irrespective of the proposed stepped</p>	<p>Buildings A & E front Bettington Road. Building A is proposed to be a three-storey building and the two upper stories of Building E, are proposed to be stepped back.</p> <p>The Urban Design report's view analysis (Attachment F) includes an indicative view of the proposed development from Bettington Road.</p> <p>The buildings facing Bettington Road have been designed to reduce bulk and scale through the provision of lower building heights and stepped</p>

Council comments	Department Responses
<p>heights and setbacks buildings A & E would result bulk and scale inconsistent with the surrounding low scale development.</p> <p>The scale of the proposed development cannot be mitigated by the existing landscaping as shown in the submitted plans.</p> <p><i>Streetscape:</i> The development will be readily visible from Bettington Road due to the unacceptable setback, building height and scale and elevated contour of the site. The building typology, density and scale is incongruous with the low-density residential character of Bettington Road and surrounding residential streets.</p>	<p>building design. Additionally, the existing vegetation will provide a visual buffer to the proposed development and impacts to the street scape are likely to be minor. Concerns regarding bulk and scale along Bettington Road could be sufficiently addressed as part of any future development application for the site.</p> <p>Buildings E and D adjoin residential development to the south. Buildings E & D are proposed to be four and five storeys and both buildings include steps in the built form to offset bulk and scale, overshadowing and privacy impacts (refer to Attachment S)</p> <p>The proposed scale of the scheme does not present as inconsistent with the densities of the surrounding large one and two storey dwelling houses, which have considerable site coverage and take up most of their allotments. However, given the sites topography and Council's and community concerns about bulk and scale, setbacks and elevation further consideration is recommended to be given to the final bulk and scale of any future development to ensure an acceptable built form relationship and minimisation of amenity impacts on R2 Low Density Residential zoned land adjoining to the south. The SCC has been conditioned accordingly.</p>
<p><u>Setbacks</u></p> <p>The scheme proposes a minimum 7.5m setback from building E to the south west boundary where it has an interface with existing detached dwellings on Niblick Crescent. Pursuant to the Apartment Design Guide (ADG), Residential Flat Buildings (RFB) are required to provide a 9m boundary setback to achieve appropriate building separation. The SCC scheme falls short of this requirement and its potential impacts on bulk and scale and privacy are exacerbated when considering the topographical differences and disparity between the scale is not adequately mitigated by the proposed setbacks.</p> <p><u>Building separation</u></p> <p>Council submission also raised concerns that appropriate building separation between Buildings A and B and Buildings B and C cannot be achieved.</p>	<p>Council's DCP require the following setbacks for RFB:</p> <ul style="list-style-type: none"> • primary frontage is required to be set 5 – 9m. • Side setbacks are to be compliant with section 3F 'Visual Privacy' of the ADG. Noting that where a site adjoining the subject site does not contain an apartment building, both sites must share the building separation equally. • Section 3F 'Visual Privacy' of the ADG specifies a separation distance of 6m up to four stories, with an additional 3m where adjacent to a lower density zone. Therefore, a 9m building separation, shared equally between the two sites is a maximum side setback of 4.5m. <p>The SCC application indicates the following setbacks have been proposed (Attachment S):</p> <ul style="list-style-type: none"> • Primary frontages are set back at least 9.2m from Bettington Road. Building A is set back 9.8m and Building E is set back 9.2m. • Setbacks to adjoining low scale density residential to the south area a minimum of 7.3 metres. Building D is set back a minimum of 7.3m and building E is set back a minimum of 11.8m

Council comments	Department Responses
	<ul style="list-style-type: none"> Internal separation distances of proposed buildings on site are a minimum of 9 m. <p>In reviewing the ADG and Council's DCP, the proposed development is generally consistent, with setbacks and building separation, as follows:</p> <ul style="list-style-type: none"> Primary frontage setbacks are consistent with the 5m – 9m front setback requirements set out under the Parramatta DCP. The ADG does not provide a setback distance. Under Council's DCP side setbacks are to comply with section 3F of the ADG resulting in a 9m separation, or 4.5m setback, as noted above. The SCC application provides a minimum setback of 7.3m which is considered consistent with the side setback requirements. <p>The proposed scheme is able to meet the setback and building separation requirements under the ADG and Council's DCP.</p> <p>However, the Department notes that due to the topography, greater setbacks may be required to properties to the south to ensure reasonable levels of amenity, privacy and solar access can be provided. To ensure this can be satisfactorily addressed at the development application stage further consideration is recommended to be given to the final bulk and scale of any future development to ensure an acceptable built form relationship and minimisation of amenity impacts on R2 Low Density Residential zoned land adjoining to the south and this has been included as a condition of the SCC.</p>
<p><u>Solar access</u></p> <p>The solar access impacts of the SCC scheme within and external to the development of the site are of concern. The proposed building envelopes appear to overshadow the adjoining residential properties to the south and south-west during the winter solstice. The Parramatta DCP 2011 requires adjoining properties to receive a minimum of three hours of solar access on 21 June.</p> <p>The scheme illustrates that many residential units within the development will not receive adequate solar access. The Seniors SEPP requires 70% of the development must receive solar access for at least three hours during the winter solstice. The SCC scheme potentially only achieves solar access to approximately 108 units being approximately 60% of the development.</p>	<p>The Parramatta DCP 2011 requires adjoining properties to receive a minimum of three hours sunlight in the primary living area and in at least 50% of the private open space between 9am and 3pm on 21 June.</p> <p>A shadow analysis was included in the Urban Design Report (Attachment F, page 22). The analysis shows the adjoining development will receive a minimum of three hours of sunlight in the primary living area and will receive a minimum of three hours of sunlight and in at least 50% of the private open space.</p> <p>However, the visual analysis makes it difficult to determine if the private open space of the dwelling adjoining the south east boundary will receive solar access to 50% of the private open space on 21 June. If this doesn't comply, the encroachment is likely to be minor. This shouldn't preclude the issuing of an SCC, as the design elements of the proposed scheme can be finessed at the development application stage. Additionally, consideration is recommended to be given to the final bulk and scale of any future development to</p>

Council comments	Department Responses
	ensure an acceptable built form relationship and minimisation of amenity impacts on R2 Low Density Residential zoned land adjoining to the south.
<p><u>Landscaping</u></p> <p>The SEPP has provisions for deep soil areas. Given the site area is 16,000m² the minimum deep soil area required is 2,400m². The SEPP is also implicit in which areas of the site can be considered as deep soil, nothing that these areas should not be built on, paved, or otherwise sealed and that there is a sufficient soil depth of support the growth of trees and shrubs.</p> <p>A review of the scheme finds that the first level of basement covers much of the site and therefore deep soil areas in accordance with the SEPP requirements can only be located along the south and south-west portion of the site.</p> <p>The scheme provides for a common garden area between Buildings E and D with an area of approximately 600m². The ADG's require that a minimum 4000m² of common open space area be provided for a site equating to 16,000m². This area also does not receive adequate solar access during the winter solstice for a continuous 2 hours as required by the ADG guidelines.</p>	<p>Noted. A Landscape Architectural Report (Attachment H) and Landscape Plan (Attachment I) prepared by Sturt Noble was provided as part of the application.</p> <p>Design elements of the proposed scheme including landscaping can be sufficiently addressed at the DA stage and should not preclude the issuing of an SCC for the site.</p>
<p><u>Urban design</u></p> <p>The scheme shows residential units on the lower levels where basements are located and the plans indicate that some units may be below ground level within Buildings A, D and E. Concern is raised that these units will not be provided with satisfactory amenity given their proximity to plant rooms and basement. Further, these units may not receive adequate solar access and ventilation. Access to these units is also unclear.</p>	<p>Noted. Design of floorplan and unit layout will be further refined through the development application process.</p>
<p><u>Heritage</u></p> <p>Concern is raised that the height, typology and scale of the development at a higher contour will adversely impact the heritage significance of Oatlands House as it will form a domination visual backdrop to the house. Oatlands House sits within a landscaped setting characterised by plantings close to the house and open expanses of green, reflective of its original pastoral setting. The existing low scale golf club while not ideal, does not significantly detract from this setting.</p>	<p>Heritage is discussed under section 15 on page 21 of this report. In summary this matter should not preclude the issuing of an SCC and the Department recommends the Panel requires the provision of a Statement of Heritage Impact, Archaeological Assessment and Photographic Archival Recording with any future development applications as a requirement of the SCC.</p>
<p><u>Traffic</u></p> <p><i>Traffic generation:</i> Council is concerned there would be additional traffic on Bettington Road and that this additional traffic would impact other intersections such as Pennant Hills Road/Bettington</p>	<p><u>Traffic</u></p> <p><i>Traffic generation:</i> The Traffic Assessment Report (Attachment J) estimated the proposed development is expected to generate an additional 32 trips in the weekday am peak, 58 in the weekday pm peak and 68 during the Saturday peak. Overall, the report found that the traffic and parking aspects</p>

Council comments	Department Responses
<p>Road and Kissing Point Road/Bettington Road which was not modelled in the traffic report.</p> <p><i>Survey data:</i> It is noted that traffic and parking surveys were undertaken during a Covid lockdown period and although some adjustments have been applied, the traffic volumes and parking occupancy rates may not adequately reflect pre-Covid conditions.</p> <p><i>Design:</i></p> <p>It is unclear how the private road will be managed during special events as there will be increased traffic and parking demand on the private road at this time. Loading vehicles and vehicles parking/existing 90-degree spaces within the private road can cause delays which can result in queuing on Bettington Road, impacting traffic flow and public bus services.</p> <p>Swept paths demonstrating an 8.8m loading vehicle (Medium Rigid Vehicle) entering and exiting the site shows that two-way access cannot be maintained at all locations. This may cause vehicles to store on the road waiting to access the site which can compact traffic flow and bus services on Bettington Road.</p> <p>Coach parking for special events should be included.</p> <p><i>Accessibility:</i></p> <p>Pedestrians will be required to cross Bettington Road to access the local shops and bus stop on the opposite side of the street.</p>	<p>of the proposal would be acceptable and is not expected to compromise the existing intersection performance on the surrounding road network. The report also found that the key surrounding intersections will continue to operate satisfactorily or better in the ultimate future scenario in all assessed peak periods.</p> <p><i>Survey data:</i> The Traffic report acknowledges the traffic and parking survey volumes would have been impacted by Covid. Volumes were adjusted to compensate by using parking data provided by the Golf Club and by undertaking a comparative intersection assessment using TfNSW pre-Covid data and is considered acceptable for the purposes of the SCC application.</p> <p><i>Design:</i> The design and management of the private road, entry and provision of coach parking are design outcomes that can be addressed at the DA stage.</p> <p><i>Accessibility:</i> Pedestrian accessibility is discussed under section 13 on page 17. In summary, the Access report submitted with the scheme (Attachment O) found overall gradients appear compliant at approximately 1:15, however, it advised that localised adjustments to footpath levels nearer the bus stop may be necessary subject to detailed survey which can be provided at DA stage.</p>
<p><u>Public Interest</u></p> <p>Council has received a petition with 96 signatures objecting to the proposal. The reasons outlined in the petition included scale, loss of amenity, irreplaceable open space areas, inconsistent development with the wider locality, traffic, solar access and privacy.</p>	<p>The Department has received representations from members of the community and adjoining landowners who have raised concerns the proposed development is inconsistent with the character of the suburb of Oatlands, as well as raising concerns about bulk and scale, privacy and overshadowing. Concerns have also been raised about the lack of consultation under the SCC process.</p> <p>The SCC pathway does not require formal consultation, however, if a SCC is issued, and a DA is lodged, Council is required to notify the proposed development as part of the development application process. This process will provide an opportunity for the community, adjoining landowners, or interested parties to make a submission on the proposal.</p> <p>However, further consideration is recommended to be given to the final bulk and scale of any future development to ensure an acceptable built form relationship and minimisation of amenity impacts on R2 Low Density Residential zoned land adjoining to the south.</p>

10. SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The panel must not issue a certificate unless the panel is of the opinion that the site of the proposed development is suitable for more intensive development (clause 24(2)(a)).

1. The site of the proposed development is suitable for more intensive development (clause 24(2)(a))

In determining if the site of the proposed development is suitable for more intensive development the Department has considered bushfire, heritage, geotechnical constraints, site contamination, the natural environment, traffic, urban design, including bulk and scale and accessibility.

This section of the report will give consideration to traffic and bushfire. Other sections of the report will discuss heritage, geotechnical constraints, site contamination, the natural environmental, urban design and accessibility.

Overall, the Department considers that the site is generally suitable for more intensive development.

Traffic

The SCC application is accompanied by a Traffic Assessment Report, prepared by The Transport Planning Partnership (**Attachment J**). The report reviews the existing traffic generation associated with the golf club and assessed the amount of traffic the redeveloped club facilities and proposed seniors living unit are likely to generate.

The report estimates the proposed development is expected to generate an additional 32 trips in the weekday AM peak, 58 in the weekday PM peak and 68 during the Saturday peak and found that the traffic and parking aspects of the proposal would be acceptable.

The proposed development is not expected to compromise the existing intersection performance on the surrounding road network and the key surrounding intersections will continue to operate satisfactorily or better in the ultimate future scenario in all assessed peak periods.

Recommendation: The Department is satisfied any traffic and parking impacts associated with the proposed development will not adversely impact the existing road network and does not preclude the issuing of an SCC.

Bushfire

A Bushfire Constraints and Opportunities Assessment Report has been prepared by Building Code & Bushfire Hazard Solution Pty Ltd (**Attachment K**) as part of the SCC application. The report advised that in Council's local Bushfire Prone Land Map part of the overall site is identified as bushfire prone, containing Category 2 Vegetation and its associated 30 metre buffer. The report notes although the subject SCC site does not comprise Category 2 Vegetation or the associated buffer, it is still considered bush fire prone land as part of the overall site (refer to **Figure 5**).

The report found:

- there were no bushfire or grassfire hazards identified within 140m of the subject site,
- there are no minimum required asset protection zones applicable to the proposal,
- the proposed development will not attract any Australian Standard construction requirements, and
- should future development demonstrate compliance with the relevant specifications, the proposal will be consistent with Planning for Bushfire Protection 2019 and these matters can be appropriately addressed at the development application stage.



Figure 5 – Excerpt from City of Parramatta's Bushfire Prone Land Map (source: *Bushfire Constraints & Opportunities Assessment*)

Recommendation: The Department considers that the Bushfire Report demonstrates that the proposed development will be able to comply with Planning for Bush Fire Protection 2019 and bushfire compliance can be addressed in detail at the development application stage.

11. COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND LAND USES

The panel must not issue a certificate unless the panel is of the opinion that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having regard to the following criteria (clause 25(5)(b)) and clause 24(2)(b)):

1. The natural environment (including known significant environmental values, resources or hazards) and the existing and approved uses of land in the vicinity of the proposed development (clause 25(5)(b)(i))

To demonstrate the proposed development will have minimal adverse impacts on the natural environment the application was accompanied by a Flora and Fauna, Arborists Report and a Preliminary Site Investigation Report discussed below.

Flora and Fauna Report

Cumberland Ecology undertook an ecological assessment for the entire Oatlands golf club land and for the subject site (**Attachment L**). The report found the overall site has been previously cleared of vegetation and currently comprises exotic mown grassland, a mix of remnant native trees and planted and exotic trees and shrubs in between the fairways and greens. The northern and eastern boundaries comprise some bushland with weedy edges and Vineyard Creek, a tributary of the Parramatta River, bounds the site in the north east.

The subject site comprises a car park, the golf club house, planted native and exotic vegetation and cleared land. Overall, the subject site provides minimal habitat for native fauna species due to its long history of disturbance and degradation associated with its use as a golf course and as the site area comprises predominately sealed car park that is devoid of habitat features for fauna.

The report found the subject area does not comprise any native vegetation communities and no threatened species have been recorded on the overall site. The proposed development

does not trigger the Biodiversity Offset Scheme as there are no areas of outstanding biodiversity values or biodiversity values in the site area and the site area does not contain waterfront land.

Recommendation: As the subject area does not contain any areas of biodiversity value and is largely comprised of cleared land, car park and the existing clubhouse, the Department is satisfied that the proposed development is unlikely have any adverse impact on the conservation and management of remnant native vegetation within the subject site.

Arborist Report

The report investigates the health and structural condition of 45 Australian native and exotic species trees growing within the subject site (**Attachment M**). The report found that of the 45 trees:

- No works are proposed within the tree protection zone (area above and below ground required to preserve the long-term viability of the tree) of 24 trees. Protection measures, such as the provision of tree protection zone fencing be undertaken during construction to protect these trees from indirect impacts is recommended.
- The proposed development will encroachment on the tree protection zone of seven trees, however negative impacts can be avoided if sensitive construction methods and protection measures are implemented.
- The proposed development seeks to remove 14 trees, of these seven are considered of low value, six are considered of moderate value and one is considered of high value.
- The Urban Design Report (**Attachment F**) and Landscape Plan (**Attachment I**) indicates the entry boulevard will be replanted with shade trees and recommended replacement trees be advanced stock to help offset the loss of amenity resultant from tree removals.

Overall, the proposed development will generally result in minimal impacts to the existing vegetation. The redevelopment includes the provision of shade trees, which will offset the removal of any existing vegetation.

Recommendation: The Department is satisfied that the proposed development is unlikely have any significant adverse impact on the subject site's vegetation and appropriate landscaping to mitigate the loss of any trees can be adequately considered as part of any future development application for the site. This matter should not preclude the issuing of an SCC.

Land Contamination and Geotechnical Investigations

A Preliminary Site Investigation (**Attachment N**) has been prepared by JBS&G Australian to assess the site for potential contamination. The Preliminary Site Investigation (PSI) includes a review of the available site history and background information, a detailed site inspection, soil sampling from three test pit locations and groundwater sampling from two monitoring wells.

The site has historically been used as a private golf course since 1931, excluding a short period between 1942 - 1947 when the Australian Army occupied the site for housing. The golf clubhouse building has undergone multiple phases of renovations and development of the golf course has included re-configuration of the site surfaces, which has likely included the use of site fill and importation of fill materials of unknown origin.

Overall, the investigation did not identify the potential for gross or widespread contamination which may preclude redevelopment of the site. However, the investigation did find the potential for soil and groundwater impacts to be present on the site and found fragments of bonded asbestos containing materials (ACM)and asbestos present within the site.

Consequently, the Report recommended a detailed site investigation be undertaken at the development application stage in accordance with State Environmental Planning Policy No.

55 – Remediation of Land and that a Hazardous Building Material Surveys also be undertaken on any structures prior to any demolition and redevelopment works for the site.

For the purposes of the SCC application the report determined the subject site can be made suitable for the intended land use subject to an appropriate contamination management strategy, which can be readily dealt with at the development application stage.

Recommendation: The Department considers the PSI satisfactory for the purposes of the SCC, however recommends a detailed site investigation should 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. This matter should not preclude the issuing of an SCC.

Acid Sulfate Soils

The PLEP 2011 Acid Sulfate Soils Map identifies the site as being acid sulfate soils class 5. Acid sulfate soils are not typically found in Class 5 areas, areas classified as Class 5 are located within 500mm on adjacent class 1, 2, 3 or 4 land.

The Preliminary Site Investigation confirms the site is not located in an acid sulfate soil risk area.

Recommendation: The Department is satisfied the subject area does not contain acid sulfate soils and no further action is required. This matter should not preclude the issuing of an SCC.

12. The impact that the proposed development is likely to have on the uses that, in the opinion of the panel, are likely to be the future uses of that land (clause 25(5)(b)(ii))

The site is zoned RE2 Private Recreation and is occupied by Oatlands Golf Club. The objectives of the RE2 Private Recreation zone seek to facilitate a range of recreational uses, whilst protecting and enhancing the natural environment.

The private recreation value of the golf course and club is proposed to be retained. The proposal seeks to accommodate the seniors housing and realign the 12th hole and relocate the green for the 18th hole to maintain the 18-hole course.

The surrounding land is zoned R2 Low Density Residential and is likely to remain zoned low-density residential area for the foreseeable future.

The surrounding development is characterised as low density, large one and two storey detached dwellings with a swimming pool and garden, resulting in substantial site density where the built form consumes most of the site (refer to **Figure 6**).

Oatlands House adjoins the site and will continue to operate as an event venue. The proposed development is unlikely to have an adverse effect on the operation and heritage value of Oatlands House.



Figure 6 – development adjoining the golf club is characterised by large houses, small gardens and swimming pools (source: Nearmap).

The SCC application seeks to increase the supply and diversity of seniors housing in the suburb of Oatlands, which is not inconsistent with the existing and future land uses.

13. The services and infrastructure that are or will be available to meet the demands arising from the proposed development (particularly, retail, community, medical and transport services having regard to the location and access requirements set out in clause 26) and any proposed financial arrangements for infrastructure provision (clause 25(5)(b)(iii))

The proposed seniors housing will have access to a range of facilities, as follows:

On site facilities: The seniors housing will have access to the proposed on-site facilities including the new clubhouse with lounge and dining facilities including a restaurant and café, as well as the wellness centre and communal gardens.

Parramatta City Centre: The retail and commercial precinct of Parramatta is located within 5km of the golf club and contains a range of retail and community services including supermarkets, medical services, dental practitioners, banks, cafes, restaurants, speciality stores, City of Parramatta Library and Parramatta Park.

Clause 26 (2)(b) of the Seniors Housing SEPP requires:

- Public transport services be available for residents to these facilities and services, at least once a day between 8am and 12pm and 12pm and 6pm, Monday to Friday.
- The public transport service to be located within 400m of the proposed development and within 400m of facilities and services and be accessible by a suitable access pathway.
- The access pathway is to be no more than 1:14 although the following gradients along the pathway are also acceptable 1:12 for 15m at a time, 1:10 for 5 metres at a time and 1:8 for no more than 1.5m at a time.

An Access Report prepared by Morris Goding Access Consulting (**Attachment O**) was submitted with the application and advises the proposal can achieve compliance with this clause for the following reasons:

- Bus route 546 Epping to Parramatta via North Rocks and Oatlands provides a direct bus service into the retail and commercial precinct of Parramatta (**Attachment P**).

- Route 546 provides at least one service an hour, each way, during the day and two services an hour during the peak periods.
- The retail and commercial precinct of Parramatta provides the services set out in clause 26(1) of the Seniors Housing SEPP including shops, banks, retail and commercial facilities, community services and recreation facilities, and the practice of a general medical practitioner.
- The bus stops are situated on Bettington Road and located within 400m of the main entrance of the proposed development.
 - The Epping bound bus stop is located on the opposite side of Bettington Road and is nearly level with the proposed site entrance, however, suitable kerb and road crossings will need to be upgraded to achieve the access requirements.
 - The Parramatta bound bus stop on the subject site side of Bettington Road, achieves a compliant accessible path with an approximate 1:15 gradient. Noting that the report indicates that during the detailed design DA stage, a detailed survey may indicate localised amendments to footpath levels nearer the bus stop may be required to achieve the requirements.
- The bus stops at the Parramatta bus interchange, which is located within 400m of Parramatta Station, the library, a medical centre, and Parramatta Westfield.

The Access report advises that suitable kerb and road crossings will be to need to be introduced to achieve access requirements. To ensure compliance with the access requirements set out in the Seniors SEPP it is recommended that further information demonstrating the requirements can be achieved is required to be provided at the development application stage. The SCC has been conditioned accordingly.

Oatlands Neighbourhood Shops: The proposed seniors housing is also located within 400m of the neighbourhood shops in Oatlands, which includes an IGA supermarket, butchers, greengrocer, post office, newsagent, cafe, doctors and chemist. The Oatlands post office provides banking services and there is an automated teller machine (ATM) located within the IGA supermarket.

Clause 26(2) of the Seniors Housing SEPP requires the facilities within 400m to be accessible by means of a suitable access pathway. The Access Report did not address the proposal's accessibility to the Oatlands neighbourhood shops. However, SCC Report (**Attachment A**) advises the street gradient from the site to the retail shops is mostly 1:15 with a short section at 1:12 to 1:10. The specific distances of these sections were not provided.

Notwithstanding, the proposed development demonstrates compliant access to facilities and services within the Parramatta City Centre.

Servicing: An Engineering Services Desktop Due Diligence Report prepared by Integrated Group Service (IGS) (**Attachment Q**) found that there is adequate infrastructure within the vicinity of the site to cater for gas, telecommunications including the NBN, stormwater, mains water, and sewerage. The redevelopment of the site will most likely necessitate a new onsite substation and will require negotiations with Endeavour Energy.

It is considered that matters regarding provision and capacity of services can be investigated at the detailed design/development application stage and should not preclude the issuing of a SCC.

14. In the case of applications in relation to land that is zoned open space or special uses—the impact that the proposed development is likely to have on the provision of land for open space and special uses in the vicinity of the development (clause 25(5)(b)(iv))

The site is zoned RE2 Private Recreation and is currently used for private recreation as a golf club. The site is not available for use as a 'public open space' and will continue to operate as a privately owned golf club.

There is no land zoned for public open space or special uses within the vicinity of the subject site. The adjoining development is generally low-density residential development.

Accordingly, the proposal is unlikely to have any impacts on the provision of land for open space and special uses.

15. Without limiting any other criteria, the impact that the bulk, scale, built form and character of the proposed development is likely to have on the existing uses, approved uses and future uses of land in the vicinity of the development (clause 25(5)(b)(v))

Bulk and scale

The proposed development seeks to deliver five buildings (A – E), located on either side of a central drive, with a building height between three and six stories (**refer to Figure 7**). The subject site falls from a central ridgeline by approximately 6m to the south.

Adjoining residential development to the south and west is zoned R2 Low Density Residential development with a maximum building height of 9m. The surrounding development is generally large, one and two storey, detached dwelling houses.



Figure 7: Footprint Plan (source: Mirvac Urban Design Report)

The Urban Design Report prepared by Mirvac Design provides an analysis of views and elevation diagrams (**Attachment F**).

The Urban Design report demonstrates consideration has been given to streetscape and bulk and scale, as follows:

- Building A and E fronting Bettington Road are lower in height at three to four storeys, have been set back from the road reserve by a minimum of 9.2m and the upper stories of Building E are proposed to be stepped back to minimise visual impact to Bettington Street.
- The existing trees along Bettington Road are largely retained and also create a visual buffer between the street and the development.

- Buildings E and D are proposed to be four and five storeys with the upper storeys stepped back in response to being located topographically higher than the development to the south, to avoid dominating the existing development and to reduce overshadowing impacts.
- Landscaped gardens are proposed along the southern boundary to create a vegetation buffer between the proposed development and the existing residential development.
- The taller six stories buildings have been sited behind the other buildings to reduce bulk and scale impacts.

The application suggests that the provision of five buildings reduces the overall mass of a single large building, and the setbacks and siting of the building envelopes seek to reduce amenity impacts to the surrounding streetscape and development.

The Department notes that the proposal has consideration for the bulk and scale presenting to Bettington Road, through both a setback and reduced height. However, due to the topography of the land, the transition to lower density areas to the south will need to be considered further through the development application stage. This may require increased setbacks to Building D or other modifications to reduce the amenity impacts on adjoining low density residential land.

The Department has recommended further consideration to be given to the final bulk and scale of any future development to ensure an acceptable built form relationship and minimisation of amenity impacts on R2 Low Density Residential zoned land adjoining to the south. This SCC has been conditioned accordingly.

Overshadowing

The Urban Design Report (**Attachment F**) includes a shadow analysis undertaken on 21 June when the sun is at its lowest elevation in the sky and shadows are at their longest. The Parramatta Development Control Plan (DCP) specifies adjoining properties comprising detached single and two storey 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 the 21 June.

The shadow analysis found that dwellings to the south are overshadowed between 9am and 12pm. However, these dwellings are free from overshadowing by 12pm and at least 50% of the associated private open space will receive the required sunlight.

However, the visual analysis makes it difficult to determine if the private open space of the dwelling adjoining the south east boundary will receive solar access to 50% of the private open space on 21 June. If this doesn't comply, the encroachment is likely to be minor. This shouldn't preclude the issuing of an SCC, as the design elements of the proposed scheme can be detailed at the development application stage.

Additionally, as noted above, further consideration is recommended to be given to the final bulk and scale of any future development to ensure an acceptable built form relationship and minimisation of amenity impacts on R2 Low Density Residential zoned land adjoining to the south. This would include ensure a suitable level of solar access is provided, and the SCC has been conditioned accordingly.

Impacts on the existing local heritage item Oatlands House

Oatlands House is located at 42 Bettington Road, Oatlands and is legally known as Lot 1 DP 508441. Oatlands House is listed as a local item under Schedule 5 Environmental heritage of the Parramatta LEP 2011. Oatlands Estate comprises a main building and several storage sheds, set within landscaped grounds and remains a significant early survivor of Australian domestic colonial architecture. Oatlands House is privately owned and operated, is completely surrounded by the Oatlands Golf Club and is located approximately 100m from the subject site (refer to **Figure 1**).

A Heritage Impact Statement prepared by Artefact Heritage (**Attachment R**) considered the impacts of the proposed development to Oatlands House and found:

- the proposed works would have negligible physical impacts to the heritage item and do not obstruct direct views to Oatlands House from within the site or views between the house and former stables (currently used as the pro shop and buggy store).
- the proposed works would generate a moderate visual impact to the heritage item due to the proposed height and scale of the development but did note the proposed siting and location of the development minimises the overall visual impact.
- there may be the potential for archaeological remains to be present.

In response to these issues the statement recommended/required:

- The retention of the substantial existing vegetation which separates Oatlands House from the proposed development.
- Consideration be given to the proposed form, detailing and materiality of the new buildings in order to minimise the potential visual impact on the heritage item and the existing setting.
- A Photographic Archival Recording (PAR) should be undertaken to document the setting of Oatlands House and the existing golf club prior to demolition.
- The lodgement of a Statement of Heritage Impact and Archaeological Assessment with any subsequent development applications to ensure adequate consideration is given to potential impacts.

Recommendation: The proposal will have a moderate visual impact to the heritage item as demonstrated in the visual analysis in the Urban Design Report (refer to Figures 8 & 9). The Department's Place team undertook a site inspection and noted that the vegetation around Oatlands House provides a reasonable buffer between the existing Golf Club and Oatlands House.

The Department recommends the Panel requires the provision of a Statement of Heritage Impact, Archaeological Assessment and Photographic Archival Recording with any future development applications as a condition of the SCC.



Figure 8: View analysis facing west, outline of proposed development in red circle (source: Heritage Impact Statement)



Figure 9: View analysis facing north towards Oatlands House, outline of proposed development in red circle (source: Heritage Impact Statement)

16. If the development may involve the clearing of native vegetation that is subject to the requirements of section 12 of the *Native Vegetation Act 2003*—the impact that the proposed development is likely to have on the conservation and management of native vegetation (clause 25(5)(b)(vi))

The Native Vegetation Act was repealed on 25 August 2017. The *Biodiversity Conservation Act 2016* and the *Local Land Services Act 2013* now provide the land management and biodiversity conservation framework across NSW.

The Ecological Assessment prepared by Cumberland Ecology (**Attachment L**) found that the site area contains no threatened ecological communities present, further noting that there is virtually no habitat for native flora and fauna species on the subject site. The Ecological Assessment considered the requirements under the *Biodiversity Conservation Act 2016* and found no threatened species are considered likely to occur or be impacted by the proposed development, the Biodiversity Offset Scheme is not triggered by any mechanism and the proposed development does not contain waterfront land.

Consequently, the proposed development will not adversely impact the conservation or management of native vegetation.

17. The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(5)(b)(vii))

A cumulative impact study was not required as there are no identified SCC or applications for SCCs in proximity to the site.

18. RECOMMENDATION

The Department recommends that an SCC should be issued for the site. This is on the basis that the proposed development meets the criteria specified in clause 24(2)(a) and clause 25(5)(b) of the Seniors Housing SEPP. It is therefore recommended that the Sydney Central City Planning Panel:

- Considers the findings and recommendations of this report.

- Notes the applicants SCC package (see attachments).
- Determines that the application for a SCC under clause 25(4) be approved for the reasons outlined in this report.
- Recommends the following conditions be attached to the SCC, if issued:
 - consideration is recommended to be given to the final bulk and scale of any future development to ensure an acceptable built form relationship and minimisation of amenity impacts on R2 Low Density Residential zoned land adjoining to the south;
 - the provision of a Photographic Archival Recording be undertaken to record the setting of Oatlands House, prior to the existing golf club demolition and the lodgement of a Heritage Impact and Archaeological Assessment to be provided with subsequent DAs to ensure adequate consideration is given to potential heritage impacts,
 - the provision of documentation that demonstrates the access requirements set out in the SEPP, including suitable kerb and road crossings will be achieved, and
 - a detailed Site Investigation and Hazardous Building Materials Survey should 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.

19. ATTACHMENTS

Attachment A – SCC application report

Attachment B – Site map

Attachment C – Council comments

Attachment D – draft site compatibility certificate

Attachment E – Architectural drawings

Attachment F – Urban design report

Attachment G – Architect development statement

Attachment H – Landscape Architectural report

Attachment I – Landscape plan

Attachment J – Traffic assessment report

Attachment K – Bushfire report

Attachment L – Flora and fauna report

Attachment M – Arborists report

Attachment N – Site contamination report

Attachment O – Access report

Attachment P – Excerpt of 546 bus route map

Attachment Q – Engineering services report

Attachment R – Heritage impact statement

Attachment S – Proposal setbacks

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