

Our Ref:
Contact: Greg Hall
Telephone: 47327960

Department of Planning
Received
17 DEC 2009
Scanning Room

15 December 2009

Department of Planning
Locked Bag 5020
PARRAMATTA NSW 2124

Att Ms F Moylan

Dear Ms Moylan

Site Compatibility Certificate Application: Penrith Golf Club, The Northern Rd Penrith.

I refer to your letter dated 9 November 2009 seeking Council's comments on the above application and I wish to advise that Council at the Ordinary Meeting of the 14 December 2009 resolved the following:

"Council advise the Department of Planning that it does not object in principle to the issue of a Site Compatibility Certificate for Seniors Housing on the site subject to any Certificate issued incorporating the following Requirements:

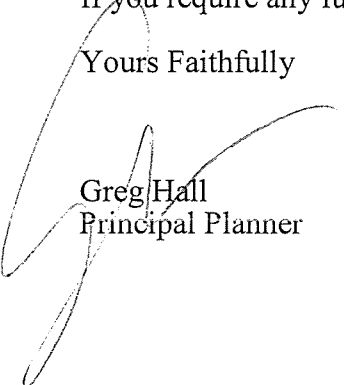
- 2.1 Buildings being limited to maximum of 4 storeys in height*
- 2.2 Viewlines to the Blue Mountains escarpment are preserved*
- 2.3 All buildings are setback a minimum of 80m from The Northern Road*
- 2.4 The development not be designed in a way that creates an urban image on character as viewed from The Northern Road*
- 2.5 Bus service enhancements for residents"*

I also wish to advise that this decision of Council does not in any way fetter Council's ability to determine any subsequent development application on the site on its merits.

I have attached for your information a copy of the Council report on the application.

If you require any further information please ring me on 47327960.

Yours Faithfully


Greg Hall
Principal Planner

**Site Compatibility Application under SEPP (Housing for Seniors or people with a Disability) 2004 for the Penrith Golf Club, The Northern Road, Penrith Applicant: Cityscape Planning & Projects; Owner: Penrith Golf Club
Compiled by: Greg Hall, Principal Planner
Authorised by: Paul Lemm, Development Services Manager**

Strategic Objective: *We use our resources wisely, and take responsibility for our levels of consumption*

Strategic Direction: *We respond to the impacts of climate change, and support the principles of sustainability*

Procedural note: Section 375A of the Local Government Act 1993 requires that a division be called in relation to this matter.

Executive Summary

Council has received correspondence from the Department of Planning seeking comments on an application made to the Department for a Site Compatibility Certificate for a proposed development under State Environmental Planning Policy (Housing for Seniors or People with Disability) 2004 (SEPP 2004) at the Penrith Golf Course site.

The concept proposal seeks to provide for the development of 4 apartment buildings (3-4Storeys) containing approximately 120-150 self contained dwellings for senior housing (see site plan and concept plan at Appendix No. 1 – colour copies will be provided to Councillors under separate cover.

The proposed location of the apartment buildings is in the current location of the existing club house and car park area.

There is considerable history for development in the vicinity of the Penrith Golf Course and Council's consistent planning decisions on the importance of The Northern Road as a rural gateway to Penrith in considering future proposals along this road.

Council has successfully defended a number of appeals in the Land and Environment Court in respect to inappropriate development along this section of The Northern Road. This has resulted in Council developing and adopting a number of planning controls to ensure the character of the area is maintained.

This report assesses the development for a Site Compatibility Certificate against a number of Council's strategic controls and policies.

There are several inconsistencies with these controls and policies however, these are justified in this circumstance given the context of the area and existing development of the site.

The issue of a site Compatibility Certificate for seniors housing by the Director General does not obligate Council to approve a development application for such a proposal. The application will be assessed on its merits.

The recommendation is for Council to make a formal submission on the proposed development.

Introduction

Council has received a supplementary planning report from the Applicant, which addressed Relevant Planning Policy and Visual Impact Assessment in support for the Site Compatibility Certificate.

The Site Compatibility Certificate is part of the process under SEPP 2004 that is to be followed prior to the lodgement of a formal development application for a proposed senior housing development, where the development for seniors housing is proposed on,

- land that adjoins land zoned primarily for urban purposes,
- land that is within a zone that is identified as “special uses” under another environmental planning instrument (other than land on which development for the purposes of hospitals is permitted),
- land that is used for the purposes of an existing registered club

The Site Compatibility certificate issued by the Director-General is an indication that in their opinion:

“(a) the site of the proposed development is suitable for more intensive development, and

(b) development for the purposes of seniors housing of the kind proposed in the development application is compatible with the surrounding environment having regard to (at least) the criteria specified in clause 25 (5) (b).”

Such a certificate must accompany any Development Application lodged and the matter cannot be determined without a current certificate.

The issue of a Site Compatibility Certificate for seniors housing by the Director General does not obligate Council to approve a development application for such a proposal. The matter will be assessed on its merits.

The report will assess the proposed development and provide comments to be included in the formal submission to the Department.

Details of the Proposal

The planning submission that accompanied the application provided concept details of the proposed development but did not include any architectural or perspective drawings or plans.

The concept proposal seeks to provide for the development of 4 apartment buildings (3-4Storeys) to provide approximately 120-150 self contained dwellings for senior housing. The height of the buildings would be approximately 10-12 metres.

The proposed location of the apartment buildings is in the vicinity of the existing club house and car park area.

The submission has indicated that three out of the four buildings are setback over 125m from The Northern Road and the front building appears to be setback less than 80m based on the concept details provided.

The proposed redevelopment will involve some adjustment to the existing golf course layout and provide a new and improved club with better facilities including new recreational facilities such as gym and sport related health services.

The aerial photo attached to the report shows the concept location of the new club house and the apartment buildings.

The submission has indicated the following reasons for pursuing the proposed development.

“Despite the growing membership base the club is burdened by significant operating

costs associated with maintaining a championship golf club. In addition like many other local sporting clubs, the Penrith Golf club has experienced decreasing patronage and revenues in recent years as a consequence of legislative changes to smoking in licensed premises and increased gaming machine taxes. These factors have therefore contributed to a situation where the long term financial sustainability of the club is less secure. As such the club has commenced exploring a variety of options to secure its long term future so it can continue to fulfil its valuable community and recreation role into the future."

The submission also has identified the following reasons for the proposed location of the development.

"The clubs large landholding (approx 52 ha) also clearly represents an opportunity for exploring development opportunities. However any development opportunities are clearly constrained by the need to maintain the golf course as an 18 hole championship facility. Also the site currently accommodates some significant environmental features inclusive of watercourses and native vegetation which represents absolute environmental constraints to development. Further the sites interface with residential development on three sides also constrains this development opportunity. In this regards any development of the course that may jeopardise adjacent resident's outlook and amenity would be considered to be highly problematic.

Accordingly the club has identified those lands in and around the existing clubhouse, pro shop car park etc. as being the greatest opportunity for re-development"

In recent months the club have sought expressions of interest from several developer groups and a preferred developer has been selected and a simple concept plan prepared which is part of this proposal.

Planning Assessment

The Site

The subject land has its main frontage to The Northern Road but also fronts the Glenmore Parkway and Garswood Road and has an area of approximately of 52ha. The site represents a main gateway entry point to the City.

The site is generally bounded mixture of development including rural residential to the north, south and east and low density residential to the west

The aerial photo attached to the reports shows the sites context to the surrounding area.

The site is occupied by a private golf course and includes a club house and other buildings associated with the golf course

Zoning

The site is zoned 6(c) private recreation under Penrith LEP 1998 (Urban Land). The aim of this zone is to provide and maintain land for a variety of recreational and community pursuits.

The proposed development is permissible under the SEPP 2004 by virtue of clauses 4 & 5 which are produced below.

The property will be included in the Draft Local Plan (Stage 2).

"4 Land to which Policy applies

(1) General

This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:

(a) development for the purpose of any of the following is permitted on the land:

(i) dwelling-houses,

(ii) residential flat buildings,

(iii) hospitals,

(iv) development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or

(b) the land is being used for the purposes of an existing registered club.

(5) Application of Policy to land zoned for special uses and existing registered clubs

For the purposes of this Policy (and for the avoidance of doubt), a consent authority must not treat:

(a) land on which development for the purposes of special uses is permitted, or

(b) land that is being used for the purposes of an existing registered club,

as being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes.”

The site adjoins a large portion of land that is zoned for urban purposes (Glenmore Park).

Strategic Context

The site is adjacent the eastern edge of the Glenmore Park estate which was planned in the mid 1980's. Prior to the release of Glenmore Park for urban purposes, considerable discussion occurred between Council and the State Government on a number of key issues relating to the manner in which future development in this area should emerge, including the boundaries of the intended release area. Council was particularly concerned about the eastern extent of the estate and argued that the areas adjacent to The Northern Road should retain their rural character by:

- Conserving the open, semi-rural environment would provide a high visual amenity to the locality and a valuable buffer to the denser residential forms to be developed to the west
- Traffic noise from The Northern Road is a critical consideration and providing for lower density rural / residential development along this edge would optimise opportunities to site lot boundaries and dwellings in a manner which would assist in the mitigation of traffic noise

In 1989, the LEP for the Glenmore Park estate was gazetted. In the early 1990s, Council received a number of development applications on land fronting The Northern Road edge of the Glenmore Park estate. These included a number of McDonald's restaurant proposals on land adjacent the Garswood Road intersection with The Northern Road, and a residential subdivision comprising 258 lots south of the golf course. These proposals, despite being permissible under the broad planning instrument were clearly inconsistent with Council's long-held planning objectives for The Northern Road precinct and accordingly, Council refused to grant consent to the developments. Council's decisions were appealed to the Land and Environment Court and ultimately upheld by that body.

In arriving at its decisions, the Court recognised the continuation of the open, semi-rural character could only be achieved by essentially maintaining the status quo in the development pattern and that higher density development patterns would not only contrast with that objective but essentially contribute to its loss.

As a consequence of these proposals, Council pursued amendments to the planning framework for Glenmore Park which included the preparation of a number of DCPs, one of which being the Eastern Hamlets DCP specifically covers the subject site. These

focused on a clear identification of the need to conserve The Northern Road precinct with an open, semirural character and as a major gateway into the urban areas of Penrith.

Penrith DCP 2006 Glenmore Park (Eastern Hamlets)

The section of the DCP of relevance to the golf course is detailed in Section 3.13 which provides detailed objectives and requirements for the future development of the site. Requirements in the DCP of relevance to this proposal include:

- All buildings shall be setback a minimum distance of 80m from The Northern road
- Any new structures and/or visually significant structures and car parking shall be satisfactorily landscaped and located to ensure that any visual impact from The Northern Road is minimised and that the open semi-rural nature of The Northern Road is maintained
- The design and external materials of buildings shall be consistent with the open-semi rural character of the locality
- Buildings shall be limited to a maximum of two storeys

Assessment of the proposal

The proposal is for the development of four separate apartment buildings (3-4 storeys) to provide 120-150 self contained dwellings for seniors housing.

Based on an assessment of the unscaled concept details provided with the report the proposal appears to be inconsistent with the Eastern Hamlets DCP in the following areas:

- One of the buildings is setback less than 80 metres
- The scale of four x 3-4 storey apartment buildings could be out of character with the surrounding area which is of a low rise scale, if these buildings are visible from The Northern Road and surrounding residential and rural residential areas
- The buildings exceed two storeys

The important aspects of any development along this section of The Northern Road is maintaining the semi-rural character and resisting urban development patterns which are at odds with maintaining the character of this gateway to the City.

The site has significant established vegetation which provides a significant streetscape to The Northern Road. The proposed location reduces the development footprint and utilises the existing area of the site that has the urban form of development involving the club house and car park area.

The proposed building located closest to The Northern Road while not meeting the required setback of 80m, would still provide a generous setback to The Northern Road which has existing established screen vegetation to assist in reducing any potential visual impact on the streetscape and the gateway. The location of the proposed building will ensure the majority of the existing vegetation will be maintained and can be incorporated into the development.

The existing vegetation will also assist in reducing any potential impact on the views towards the Blue Mountains escarpment which is an important visual feature of the locality. The proposed height of the buildings should not intrude into the skyline above the height of the vegetation canopy. The natural slope of the site will also assist in ensuring the visual impact is minimised.

Any inconsistencies can be justified based on the current site features which include the existing mature vegetation screening and site topography which can be incorporated into the design.

The development of suitable architectural design features and the use of external colours and materials will also assist the development in being integrated into the site and locality and reducing any potential visual impacts.

It should also be noted that the site is not zoned Rural but Recreation and is located at the fringe of the urban areas of South Penrith and Glenmore Park.

Council Studies and Strategies

Council completed a Residential Strategy for the LGA in 1997, which was favourably received by the Department. This Strategy confirmed that our expected population growth for the following 20 years (some 45,000 people) can be accommodated in established residential neighbourhoods and within existing and currently planned release areas without resorting to new residential areas being located in our existing rural areas. The site is located adjacent to existing residential neighbourhood and is consistent with the strategy.

In 2006, Council engaged a consultant to prepare a draft Landscape Strategy, to identify, among other matters, the “primary visual backdrops” of the local government area. Primary visual backdrops are lands that are visible from major public gathering places or thoroughfares such as the motorway and major access roads to the motorway. The primary visual backdrops were identified by the consultant using a method of visual assessment which took into account factors such as topography (e.g. ridgelines) and the extent of vegetation.

This strategy has been adopted by Council.

The proposed development is consistent with the Landscape Strategy in that it will protect the existing identified landscape features and visual backdrops being The Northern Road gateway to Penrith and the Blue Mountains escarpment. Council has recently exhibited a draft “Planning for an Ageing Community – Strategy Report”. The report has identified the need for the provision of facilities for an Aging Community which include suitable housing accommodation. This development would provide housing facilities for the current and future Aging Community in the Penrith area. The strategy has been placed on public exhibition and the submissions received are currently being considered.

It is likely that this matter will be presented to Council in the early part of 2010.

Site Compatibility Certificate Criteria - State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The following provides an assessment of the Site Compatibility Certificate criteria:

(i) the natural environment (including known significant environmental values, resources or hazards) and the existing uses and approved uses of land in the vicinity of the proposed development,

As previously discussed in the report, the subject land has a long history regarding the significance and the importance of this area in relation to its scenic and gateway values. This has been reinforced and reflected in the Eastern Hamlets DCP and Council’s Landscape Character analysis of the LGA.

The scenic values of the area are reflective in its openness and semi-rural nature and the experience of the transition of moving from rural through to semi-rural to urban development along The Northern Road entering and leaving Penrith.

It has consistently been acknowledged by Council’s various studies and strategies that people prefer to “age-in-place”, so there is an identified need to improve adaptability and accessibility of houses in infill areas and Council’s release areas. The site adjoins the Glenmore Park urban and rural residential area and the proposed aged housing is consistent with the surrounding land uses which are residential in nature.

(ii) the impact that the proposed development is likely to have on the uses, that in the opinion of the Director-General, are likely to be the future uses of that land,

The future use of the land will remain recreational in nature and the proposed seniors living housing is consistent with the existing and likely future use. The location of the development on site will ensure the existing golf course can continue to operate without any conflict with the seniors living housing.

(iii) 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,

It is widely accepted that the development of seniors living needs to take place at locations that provide easy access to shops, community services and public transport. It is considered that any proposal for seniors housing, in the first instance, would be to ensure that it is within 400m walking distance of the listed services and facilities to ensure that residents are part of a cohesive community. The subject site is not in close proximity to any services and facilities nor is it in within walking distance to any centre. The existing Glenmore Park town centre is over 2.7km in a direct line.

It is acknowledged that due to the proposal not locating in the vicinity of a centre or activity node that there is a bus route within 400m of the subject site that passes the Glenmore Park town centre. There is also proposal for private bus services from and to the site.

Though there is bus Route 789 which runs past the Golf Club, the frequency of its service is limited to 30 – 60 minutes Monday – Friday and additional services over the weekend period.

It is acknowledged in the consultant's report that this bus service is limited and not frequent.

While acknowledging the inadequacy of the transport service, there is no clear indication in the submission that the operator of the retirement village or Club House will provide an alternate transport facility shuttle bus for the residents who need to access to a variety of services outside the Golf Club or provide access to those services on the site. This is an issue that would need to be addressed in any development application and preferably as a requirement in a site compatibility certificate if issued by the Department of Planning.

The application does not specifically address how the proposal satisfies the provisions of Clause 26.

(iv) in 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,

Not applicable

(v) 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 land uses in the vicinity of the development.

The proposal's bulk, scale and built form, if not planned sensitively could be inconsistent with the surrounding area as the residential area to the west is a low density residential estate (detached dwellings on an average of 700m² lots) and the rural residential to the north, south and east is single residential dwellings on large rural allotments ranging

from 3500m² to 1 hectare. The proposals urban form may impact on the open semi-rural character of the area.

As discussed previously, the existing site attributes (topography and vegetation) will assist in ensuring that the bulk and scale will have limited impact on the area. Also the key design and site management goals of retaining and incorporating the existing vegetation will also assist in limiting any potential impact.

Comparison of other Senior Housing development proposals

As Council may be aware, in February 2009, the DoP also advised Council of a site Compatibility Certificate for another property at 2075 – 2113 The Northern Road and 1 – 29 Bradley Street. This proposal involved 167 dwellings which included a mix of farmlets, villas, townhouses and houses, and is proposed on land zoned for rural residential uses.

Council's submission to the DoP on this application raised concern with the proposal being inconsistent with Council's adopted studies and strategies and the development would impact on the scenic and gateway values for this locality. This site is located to the south of the Penrith Golf Club site and is at the beginning of the transition from rural to rural residential.

The site did not contain any significant vegetation and the nature of the sites topography would result in a multi-unit development housing being significantly open to view potentially impacting on the visual character of the area and the open semi-rural gateway to the City.

The current proposal on the Golf Course site is different to this proposal in the following:

- The development is generally proposed to be set well back from the road and is contained to a small area on the site which has been previously developed with buildings and car parking
- The site is located closer to the residential areas along The Northern Road and forms an appropriate transition from the rural area to the urban area
- The site has existing established vegetation that will be retained and enhanced and will reduce any potential visual impact on The Northern Road and the Blue Mountains escarpment
- The development with the existing vegetation will not provide a suitable gateway development and it is likely that the current status quo of visual impact will be maintained
- The site is zoned for Private Recreation uses (not rural) and presents a different visual character to The Northern Road

Conclusion

It is important to consider the history and Council's consistent planning decisions on the importance of The Northern Road as a rural gateway to Penrith in considering future proposals along this road.

The proposed development represents a higher density of development in terms of its size and scale being apartment buildings (3-4 storeys).

While the proposed development, as outlined in the submission, is not totally consistent with several of Council's strategic controls, the inconsistencies are justified based on the existing attributes of the site which will be maintained and enhanced.

The development proposal's footprint does not encroach further into the site than the current facilities provided and built involving the club house and associated car parking. The proposed development is concentrated on the most appropriate area on the site that will result in the least potential impact on the area and surrounding properties and residents.

The following requirements should be incorporated into the issue of any compliance

certificate by the Director General.

- Buildings being limited to 2-3 stories in height
- Viewlines to the Blue Mountains escarpment are preserved
- All buildings are setback a minimum of 80m from The Northern Road
- The development not be designed in a way that creates an urban image on character as viewed from The Northern Road
- Bus service enhancements for residents

A merit based determination will be required in relation to any subsequent development application lodged. While a development application is to be submitted, it is likely that given the cost of the development that the matter will be determined by the Joint Regional Planning Panel (JRPP) and not Penrith City Council.

RECOMMENDATION

That:

1. The information contained in the report on Site Compatibility Application under SEPP (Housing for Seniors or people with a Disability) 2004 for the Penrith Golf Club, The Northern Road, Penrith be received
2. Council advise the Department of Planning that it does not object in principle to the issue of a Site Compatibility Certificate for Seniors Housing on the site subject to any Certificate issued incorporating the following requirements:
 - 2.1 Buildings being limited to maximum of 2/3 stories in height
 - 2.2 Viewlines to the Blue Mountains escarpment are preserved
 - 2.3 All buildings are setback a minimum of 80m from The Northern Road
 - 2.4 The development not be designed in a way that creates an urban image on character as viewed from The Northern Road
 - 2.5 Bus service enhancements for residents

The Department of Planning be advised that this decision does not in any way fetter Council's ability to determine any subsequent development application on the site on its merits