

**Report to the Secretary on an application for a Site Compatibility Certificate
State Environmental Planning Policy (Housing for Seniors or People with a
Disability) 2004**

SITE: 1939 The Northern Road, Glenmore Park (Lot 1 DP 218872, Lots 103-106 DP 1224482 and Lots 119-123 DP 2576). The land subject to the proposed seniors housing development is Lots 105 and 106 DP 1224482. It has an area of approximately 2.2ha. The site is part of the broader Penrith Golf and Recreation Club site and is proposed to be located adjacent to the existing clubhouse (Figure 1).

Due to Penrith City Council's concerns with the location of the site (discussed further in this report), the entire site has been included in the site compatibility certificate so Council may further discuss this matter with the applicant at the development application stage.

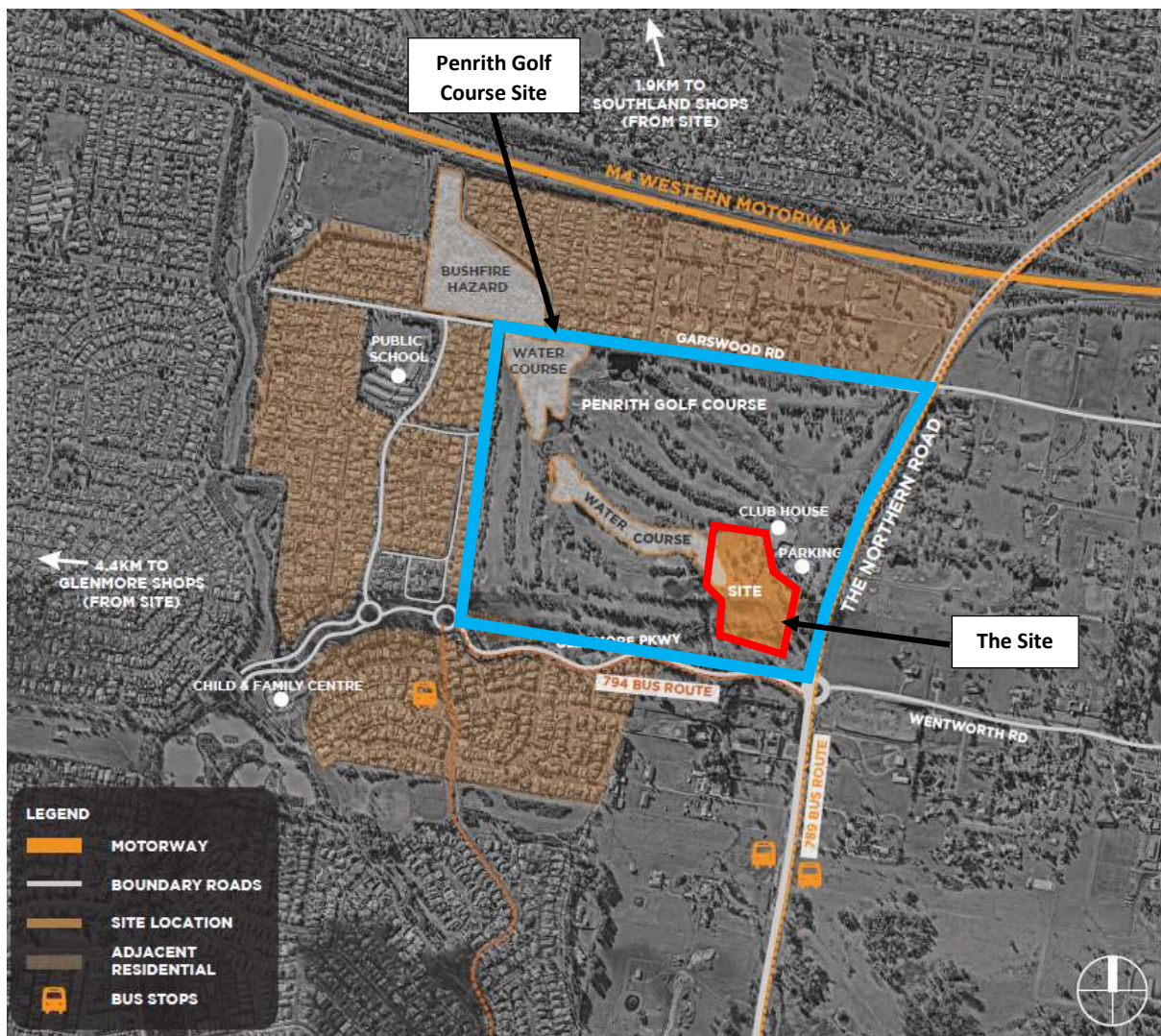


Figure 1: Locality map (source: Mode Design).

Penrith Golf and Recreation Club (Lot 1 DP 218872, Lots 103-106 DP 1224482 and Lots 119-123 DP 2576) contains a large club building, an 18-hole golf course, a car park and watercourses. The site has an area of 46.5ha and is bounded by The Old Northern Road to the east, Garswood Road to the north, Pinehurst Avenue and low-density housing to the west and Glenmore Parkway to the south.

The surrounding land uses primarily comprise low-density residential development including two-storey detached dwellings, environmental living (i.e. one-storey manor homes) and rural land. The site is approximately 3.5km from the Southlands Shopping Centre, 3.6km from the Glenmore Park town centre and 6.2km south of the Penrith city centre, which provide retail and community services.

APPLICANT: Mecone on behalf of Sunshine Property Investment Group

PROPOSAL: The site compatibility certificate (SCC) application (**Attachments F1-F4**) seeks to enable the construction of a seniors housing development at the site, as illustrated below (Figure 2).

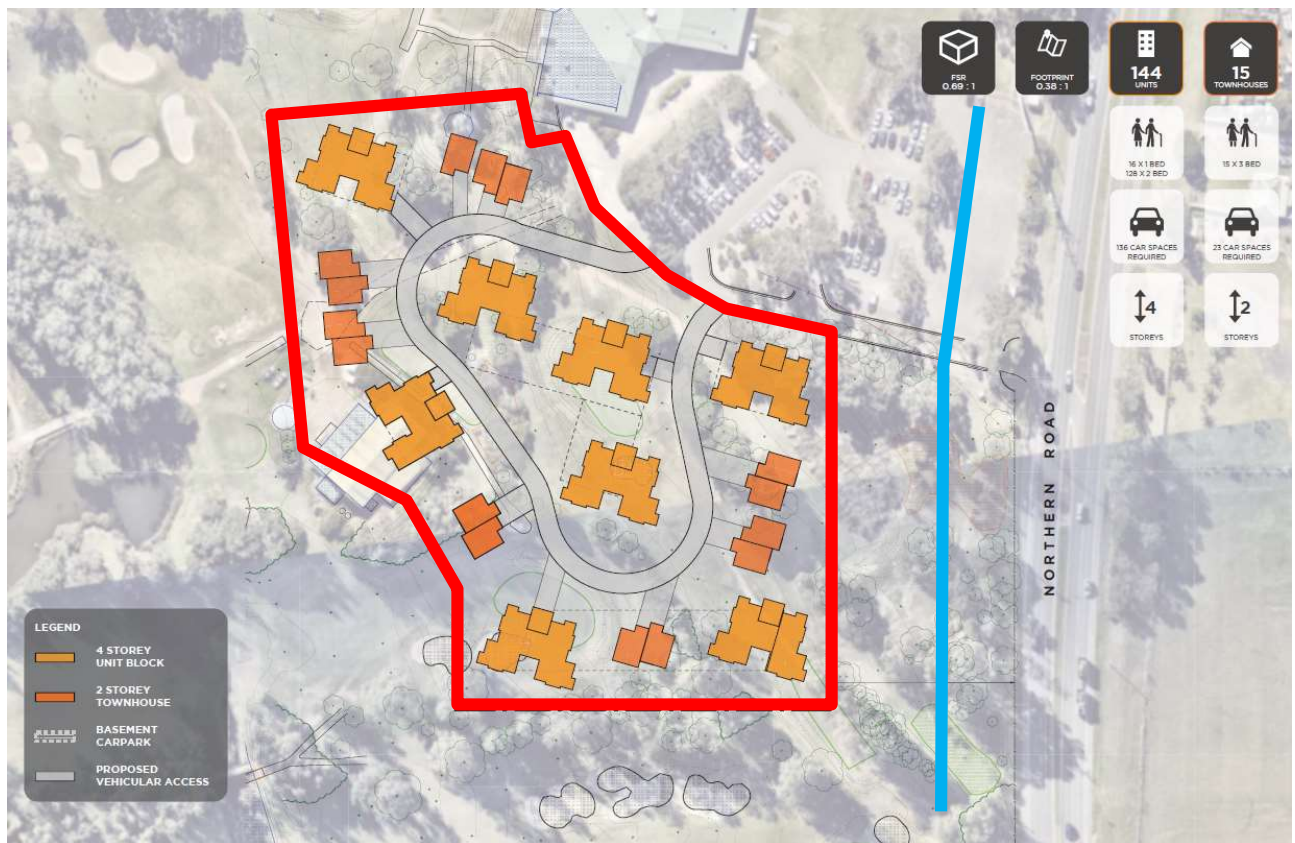


Figure 2: Proposed concept plan (source: Mode Design).

The concept plan for the proposed seniors development includes the following buildings:

- 160 self-contained dwellings in the form of 145 units and 15 townhouses;
- 167 basement parking spaces; and
- a looped access road connecting to the club's private driveway entering from The Northern Road.

The concept plan proposes eight four-storey unit blocks and five clusters of two-storey townhouses.

Two site compatibility certificates were issued for the Penrith Golf and Recreation Club site on 4 March 2010 and 23 February 2016 (**Attachments G1 and G2**) under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP). The SCC issued on 23 February 2016 expired on 23 February 2018 (i.e. two years from the date of issue). The seniors housing development proposed in this SCC application is the same development approved in the SCC issued on 23 February 2016.

The Department of Planning and Environment understands Council has received a development application for the proposal and this is in the final stages of assessment.

LGA: Penrith City

PERMISSIBILITY STATEMENT

The land is zoned RE2 Private Recreation under the Penrith Local Environmental Plan (LEP) 2010 (Figure 3). Seniors housing is not a permitted use in the RE2 zone.



Figure 3: Land zoning map extract (source: Planning Portal).

The provisions under clause 4 of the Seniors Housing SEPP provide that an SCC can be issued for the site because:

- the site adjoins land to the north that is primarily zoned for urban purposes, being R2 Low Density Residential, which permits the development of dwelling houses;
- the site is being used for the purposes of an existing registered club, identified as Penrith Golf and Recreation Club Ltd with licence number LIQC300241823 issued by the Independent Liquor and Gaming Authority;

- the site is treated as land zoned primarily for urban purposes in accordance with clause 4(5)(b) as the land contains an existing registered club and most of the land that it adjoins is zoned for urban purposes; and
- the land is not identified by any exclusions listed in schedule 1 of the Seniors Housing SEPP.

CLAUSES 24(2) AND 25(5)

The Secretary must not issue a certificate unless the Secretary:

- (a) 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; and
- (b) is of the opinion that:
 - (i) the site of the proposed development is suitable for more intensive development; and
 - (ii) 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).

COUNCIL COMMENTS

On 5 April 2018, the Department requested Council comment on the SCC application. Council provided comments on 26 April (**Attachments B1 and B2**).

Council did not object to the SCC application, but raised the following concerns with the proposed development:

- the application does not identify the correct allotments subject to the proposal;
- the proposed development should be located adjacent to the existing residential area to:
 - reduce the impact of the bulk and scale of the proposed development on the current rural-residential character of the land to the east;
 - maintain the scenic and landscape values along The Northern Road (i.e. views to the Blue Mountains and the rural setting of the road);
 - ensure an adequate separation between the proposed development from the clubhouse; and
 - access the proposed development via roads with lower volumes of traffic instead of The Northern Road;
- the proposed development should provide a suitably sized setback from The Northern Road to:
 - manage impacts of the proposed development on current scenic and landscape values of the site and surrounding land;
 - reduce the impact of traffic noise from The Northern Road on the proposed development; and
 - provide sufficient space to accommodate the current upgrade of The Northern Road (i.e. road widening and alternative access arrangements);

- the proposed development is considered to be denser than the character of the adjacent residential area, which is predominantly one-storey and two-storey detached homes;
- the certificate should not prescribe the type of seniors housing proposed for the site to avoid limiting the ability to consider the application against the relevant parts of the Seniors Housing SEPP;
- the proposal is not supported by technical studies that address the following matters:
 - noise impacts from The Northern Road;
 - overland flows associated with the watercourses on the site;
 - on-site contamination;
 - other impacts from adjoining land uses;
 - fragmented bushland on the site;
 - demand for services and infrastructure, and consultation with the relevant service providers; and
 - suitability of the proposed access arrangements or the capacity of the existing road network to accommodate the generated traffic;
- the impacts of the proposed development on the existing use of the site can be appropriately managed and there are no extant approvals for other uses on the site;
- the site is within the Greater Penrith to Eastern Creek Growth Area in the Greater Sydney Region Plan. However, the investigations for this growth area have not been finalised so the likely future uses of the land are unknown; and
- the proposal should address alternative arrangements for accessing shops, services, facilities and public transport, including the potential financial arrangements for infrastructure provision/upgrade.

SUITABILITY FOR MORE INTENSIVE DEVELOPMENT

The Secretary must not issue a certificate unless the Secretary 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))

The proposed development is within the south-eastern corner of the Penrith Golf and Recreation Club site. A description of the site is provided on pages 1-2 of this report and the location is shown in Figure 1 (page 1).

The proposal aims to contribute to seniors housing needs in the locality and there are no significant constraints to more intensive development on the site as:

- traffic and access arrangements can be adequately managed;
- the bulk and scale of the proposed development is suitable for its location and for the locality, with the recommended requirements imposed on the certificate;
- the proposed development would not adversely impact on future uses of the land;
- Council has not objected to the proposal but raised concerns with the proposed development that may be adequately addressed at the development application stage;

- adequate and suitable services are available to support the proposed development; and,
- there are no environmental constraints to the proposed development, such as drainage and flooding, bushfire, open space or environmental matters.

Given the nature of the site, the availability of services and infrastructure and the land uses in the surrounding area, the site is considered suitable for more intensive development.

COMPATIBILITY WITH THE SURROUNDING ENVIRONMENT AND SURROUNDING LAND USES

The Secretary must not issue a certificate unless the Secretary 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))

Flora and fauna

The Penrith Golf and Recreation Club site is generally cleared of vegetation due to the golf course use. However, there remains some fragmented vegetation on the site, including a small amount of alluvial woodland, which is part of the Sydney Coastal River-flat Forest endangered ecological community. There is also an area of Shale Plains Woodland, which is categorised as Cumberland Plain Woodland and is an endangered ecological community (Figure 4). The proposal advises that there are several other exotic vegetation species that have been introduced as landscaping for the golf course.

As shown in Figure 4 (next page), the endangered vegetation is not within the area of the proposed development. However, the proposed development will require the removal of vegetation from the site.

Although some clearing would occur, this would be a matter for Council to consider at the development application stage.

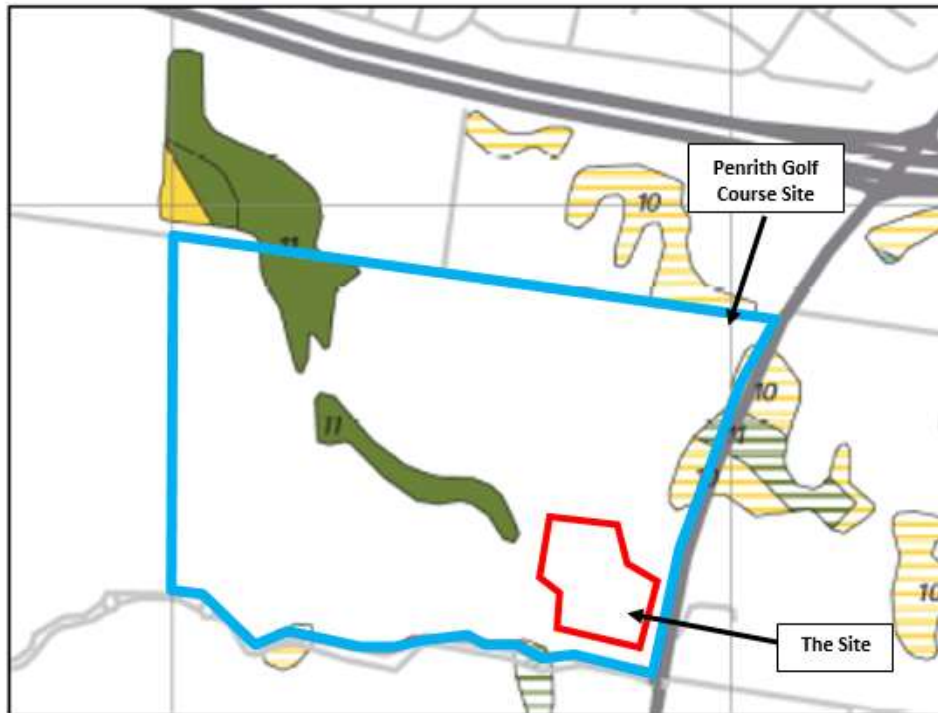


Figure 4: Cumberland Plain vegetation map extract (source: Office of Environment and Heritage).

Bushfire-prone land

Although the Penrith Golf and Recreation Club site contains bushfire-prone land within the north-western corner (Figure 5), the proposed development is not within proximity of this hazard.



Figure 5: Bushfire-prone land map extract (source: Penrith City Council).

Flooding

The site is not identified as being within a flood planning area as identified by the flood planning land map in the Penrith LEP 2010.

However, Council notes that the proposal has not addressed potential overland flow routes associated with the watercourses (and waterbodies) on the site. It is considered that this matter can be adequately considered by Council at the development application stage.

Slope constraints

The proposal notes that the site is on land with gently undulating topography. Watercourses and dams are present, which are typically ephemeral and assist in the drainage of the site.

Contamination

The proposal notes that the site is not considered likely to be affected by contamination. Council, however, recommends that a preliminary site investigation be provided for the proposed development. The Department notes that this can be addressed by Council at the development application stage.

European heritage

The proposal advises that the site does not contain any local or state heritage items, and the site is not located within a heritage conservation area.

Aboriginal heritage

The review of environmental factors (REF) for The Northern Road upgrade (page 156 of **Attachment H**) identifies an Aboriginal heritage site on the land. The REF indicates that the golf club was advised of its presence and location.

It is considered appropriate for the location of the Aboriginal heritage site to be confirmed at the development application stage and, if necessary, consideration be given to the preparation of an Aboriginal heritage impact assessment. This matter can be further considered by Council.

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

Current land zoning

The site is zoned RE2 Private Recreation and the key objective of this zone is to provide private open space or recreational purposes. This zone permits with consent land uses such as community facilities, function centres, kiosks, recreation areas and facilities, registered clubs and restaurants or cafes.

The proposal will not have an adverse impact on the private recreation uses on the Penrith Golf and Recreation Club site, although the golf course will need to be slightly reduced to accommodate the proposed development. Council confirms that the impacts on the existing uses on the site can be appropriately managed and there are no extant approvals for other uses on the site.

Regional and district plans

The Greater Sydney Region Plan (March 2018) and the Western City District Plan (March 2018) identify the site as an urban area within the Greater Penrith to Eastern

Creek Growth Area. However, a strategy has not been prepared for the growth area, therefore the future uses of the site are unknown.

The district plan states that the Penrith local government area (LGA) is projected to have a population increase of almost 200% for people aged older than 85 years and almost 100% for people aged between 65 and 84 years to 2036. Therefore, the proposal is consistent with the district and regional plans as it will assist with providing additional housing for the projected seniors population in the LGA.

Local strategies

The proposal is consistent with Council's *Penrith Progression – A Plan for Action* as it will promote ageing-in-place opportunities for the community and increase seniors housing supply in proximity to services and infrastructure.

Conclusion

It is considered that the proposal will not adversely impact on the future uses of the land.

3. 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))

Retail and services

The site is approximately 3.5km from the Southlands Shopping Centre, 3.6km from the Glenmore Park town centre and 6.2km from the Penrith city centre.

The Glenmore Park town centre and Southlands Shopping Centre contain retail services including a supermarket and shops, medical services such as pharmacies and medical centres, banks, a post office, and food and drink premises. Community centres and local open space are within walking distance of these centres.

The Penrith city centre provides a comprehensive range of shops and medical services. The Penrith City Library and Joan Sutherland Performing Arts Centre and Penrith RSL Club are within the city centre.

The Northern Road upgrade

Roads and Maritime Services (RMS) proposes to upgrade a 4km section of The Northern Road between Glenmore Parkway, Glenmore Park and Jamison Road, South Penrith, including an upgrade of the M4 Western Motorway interchange **(Attachment H)**.

The Northern Road upgrade project is a state significant infrastructure project and was publicly exhibited from 21 June to 2 August 2017. The Department's Transport Assessments team is assessing the post-exhibition documentation.

The Penrith Golf and Recreation Club site is adjacent to the road upgrade and RMS proposes to construct a new dedicated access road from Glenmore Parkway into the club site (Figure 6, next page).

RMS also proposes to upgrade the existing intersection of The Northern Road, Glenmore Parkway and Wentworth Road to manage the long-term growth of traffic movement and improve safety for vehicles entering/exiting the site. Vehicular access to the site would be via Glenmore Parkway instead of The Northern Road once the upgrade is complete.

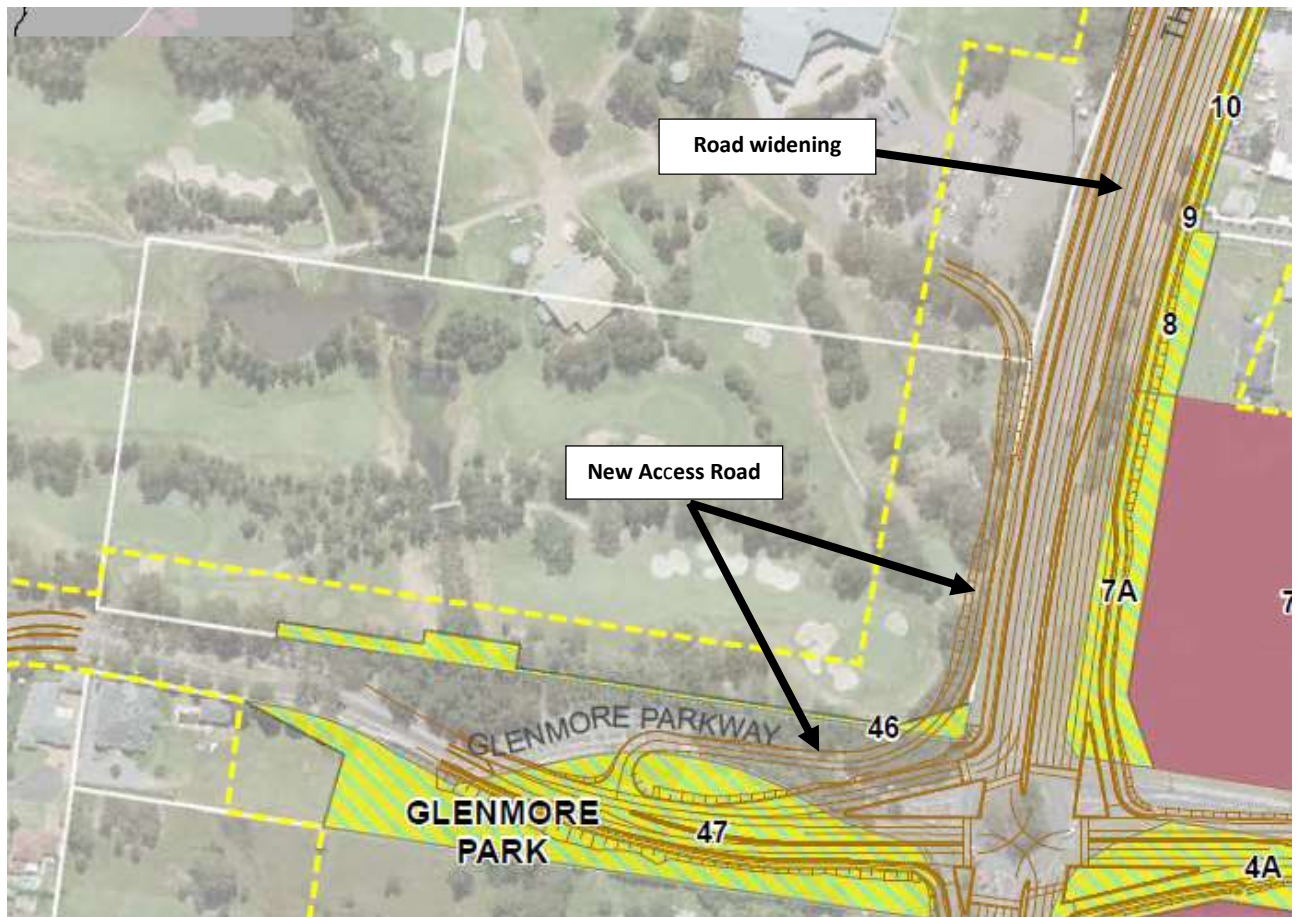


Figure 6: The Northern Road upgrade extract (source: RMS).

Due to the increase in traffic anticipated on the upgraded The Northern Road, the Department recommends a requirement be imposed on the SCC to include the preparation of a noise impact assessment at the development application stage. This assessment should outline noise mitigation measures for the proposed development in anticipation of The Northern Road upgrade. An appropriate setback for the proposed development from The Northern Road upgrade and new access road should also be established. These measures would address Council's concerns regarding traffic noise impacts and the provision of sufficient space to accommodate the road widening and alternative access arrangements.

RMS should be consulted at the development application stage in relation to the proposed development and the impacts on The Northern Road upgrade. This will ensure the proposed development does not adversely impact on the proposed works.

Public transport

The site is less than 600m from bus stops to the south of the site along The Northern Road. The stops are serviced by the 789 bus route, which operates at least twice a day between 7am and 4pm on Monday to Friday and has no weekend services. This service stops at Luddenham and the Penrith interchange.

The site does not meet the requirements of clause 26 of the Seniors Housing SEPP in relation to access to adequate public transport services i.e. within 400m. However, The Northern Road upgrade (**Attachment H**) indicates that additional bus stops will be provided along the road, including at the corner of The Northern Road and

Glenmore Parkway (Figure 7). Bus lanes are also proposed in each direction along The Northern Road.

These proposed bus stops may not be operational at the completion of the proposed development. Therefore, it is recommended that the SCC includes a requirement to provide transport alternatives in the interim to ensure the future senior residents can adequately access the Southlands Shopping Centre, Glenmore Park town centre and Penrith city centre.



Figure 7: Proposed bus stop extract (source: RMS).

Gambling facilities

As the proposed development is on the Penrith Golf and Recreation Club site, which contains gambling facilities, the consent authority will need to implement gambling harm minimisation measures (clause 23 of the Seniors Housing SEPP) at the development application stage.

Electricity, water supply and sewer facilities

The Penrith Golf and Recreation Club site is being used as a registered club, therefore the site has access to adequate electricity, water and sewer services. The connection to these services and consultation with the relevant service providers can be addressed at the development application stage.

- 4. 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 development of the site will reduce the provision of private open space within the Penrith Golf and Recreation Club site as it will remove approximately 2.2ha of land used as part of the golf course. However, this is considered to be a minor impact as 24.3ha of the entire club site (46.5ha) will be retained for recreational purposes.

5. 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))

Location

Council has raised concerns with the location of the proposed development on the club site and recommends the proposed development be located adjacent to the existing residential area (i.e. to the west of the development site). However, the SCC issued in 2016 (**Attachment G2**) was sited in a similar location, with a proposed height of four storeys.

The Department appreciates Council's concerns and has included the entirety of the site in the SCC, so Council may have further discussions with the applicant on this matter at the development application stage.

Bulk and scale

The surrounding development comprises a mix of residential, environmental living and rural uses. The land surrounding the western portion of the Penrith Golf and Recreation Club site is zoned for low-density residential development with a building height limit of 8.5m. The existing development on this land consists of detached single-storey and two-storey dwelling houses.

The E4 Environmental Living-zoned land surrounding the eastern portion of the site contains large-lot manor homes. The E4-zoned land to the north has a building height of 8.5m, while the E4-zoned land to the south has no maximum height limit.

Land to the east of the site is zoned RU4 Primary Production Small Lots with structures up to two storeys. This land has no height limit.

The concept plan proposes eight four-storey unit blocks of up to 13m and five clusters of two-storey townhouses of up to 8.5m. The concept plan also proposes a floor space ratio of 0.69:1 for the proposed buildings based on an approximate developable area of 2.2ha, while the total building footprint is approximately 0.38:1.

The proposal advises that the built form of the proposed development has been oriented in a manner that will minimise impacts on the surrounding residential and rural areas.

The Department notes that the SCC issued in 2016 (**Attachment G2**) included the same proposed development with a height of four storeys. The proposal highlights that additional landscaping will provide further screening from adjoining areas.

View corridors

The land to the east and south of the site is identified as being on "land with scenic and landscape values" under the Penrith LEP 2010.

The proposal advises that the proposed seniors development will be set back from The Northern Road by at least 40m to minimise the visual impact of the proposed four-storey unit blocks from the road frontage. It also notes that the proposed development will continue to be screened by the existing vegetation along The

Northern Road and Glenmore Parkway and could be improved with additional landscaping at the development application stage.

It is agreed that these measures will ameliorate concerns. However, the Department notes that The Northern Road upgrade involves the provision of a new access road from Glenmore Parkway along the boundary of the site fronting The Northern Road. Therefore, the existing vegetation proposed to screen the seniors development will not be retained.

It is recommended that the SCC includes a requirement for additional landscaping to establish a visual buffer between the proposed development and the road upgrade.

Traffic and parking impacts

The proposal states that the proposed development will include 167 basement parking spaces, and vehicular access will be via a looped road that adjoins to the existing private driveway to The Northern Road.

As noted previously, a new access road is proposed to be constructed from Glenmore Parkway, which will improve safety and access to the site.

The traffic and parking assessment (**Attachment I**) has addressed the upgrade and concludes that the proposed development would not adversely impact on the future surrounding road network. In addition, the proposed development will satisfactorily accommodate on-site parking and vehicle access requirements.

It is recommended that a requirement be imposed on the SCC to consider The Northern Road upgrade and the concept design to ensure the concept adequately addresses these works.

6. 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 proposal does not include the removal of any native vegetation from the site.

CONCLUSION

The Department concludes that the site is suitable for seniors housing given the nature of the site, the availability of services and infrastructure and the surrounding residential land uses.

More detailed investigation and justification of the proposed height, bulk and scale of the development is required to the satisfaction of the consent authority. The consent authority may require additional technical studies to further assess potential impacts of the proposed development.

In view of the above, the Department recommends several requirements be imposed on the SCC to address matters raised by Council in relation to The Northern Road upgrade and new access road from Glenmore Parkway, noise impacts and mitigation measures, landscaping as a visual buffer, and transport alternatives for future senior residents. It is considered that Council will be able to adequately address these concerns during the development application stage, and these matters should not preclude the issuing of a site compatibility certificate.

RECOMMENDATION

It is recommended that the Acting Executive Director, Regions, as delegate of the Secretary:

- **sign** this report;
- **consider** the written comments from Penrith City Council (**Attachment B**);
- **form the opinion** that the site of the proposed development is suitable for more intensive development;
- **form the opinion** that the proposed development for the purposes of seniors housing is compatible with the surrounding environment and surrounding land uses having had regard to the criteria specified in clause 25(5)(b);
- **determine** the application for a site compatibility certificate by issuing a certificate (**Attachment C**) for 1939 The Northern Road, Glenmore Park; and
- **sign** the letters to the applicant and Council advising of this determination (**Attachments D and E**).



12/06/2018

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Approved 22/06/2018

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