

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

SITE: The land subject to the proposed seniors housing development is located at 121-133 Prairie Vale Road, Bossley Park (part Lot 7 DP 664803 and part Lot 1 DP 332770). The site is part of the larger Club Marconi site and is proposed to be located above an existing carpark. The land subject to the proposed seniors housing development has an area of 1.5ha.

Club Marconi (Lot 7 DP 664803, Lot 1 DP332770, Lot 5 Sec B DP 6934, Lot 6 Sec B DP 6934 and Lot 3B DP 407243) contains a large club building, playing fields with stands, a large car park and associated recreational facilities. The club site has an area of 11.3ha and is bounded by Restwell Road to the north, Prairie Vale Road to the south, a private driveway to the east and two-storey residential dwellings to the west. Further east of the site is Marconi Park and the South West Italian Australian Association (SWIAA) retirement village, which is permissible under the current R2 Low Density Residential zone.

Parking is available for 1,681 vehicles and the car park occupies one-third of the Club Marconi Club site. There are three main vehicle entry/exit points: two via Restwell Road to the north; and one to the south of the site on Prairie Vale Road.

The surrounding land uses primarily comprise two-storey dwellings, public open space, schools and the adjacent three-storey retirement village (Figure 1 below).

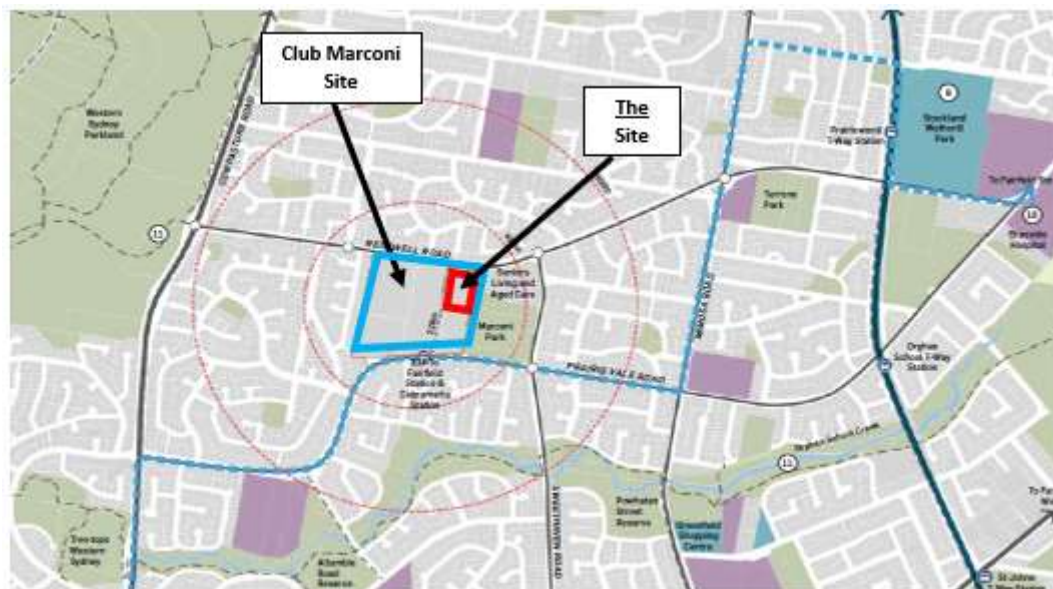


Figure 1: Site context

A site inspection of the land has been undertaken by the regional team. An assessment by Department officers indicates that, by measurement along relevant streets, the site is located approximately 2.6 km from the Stockland Wetherill Park Shopping Centre; 1.7 km from Greenfield Park Shopping Village; and, 4 km from the Bonnyrigg Plaza Shopping Centre, which provide retail and community services.

APPLICANT: The applicant is City Plan Strategy and Development P/L on behalf of Club Marconi.

PROPOSAL: Seniors Housing Village

The Site Compatibility Certificate (SCC) application (**Attachment B1-B6**) seeks to enable the development of a seniors housing village at the club site. The application provides a concept plan for the seniors housing village, including the following (see Figure 2 below):

- approximately 98 self-contained dwellings within 5 buildings ranging in height from two storeys (7m) to four storeys (14m) in height;
- approximately 143(+) car parking spaces for residents and visitors; and
- associated community spaces and facilities.

Note: The senior housing precinct is proposed on the site of the existing 2 storey car park and it is indicated that the same number of parking spaces, or more, will be maintained for the future residents and club users.

Proposed buildings are to be situated around a central landscaped courtyard above the car park as illustrated in Figure 2.



Figure 2: Proposed concept plan

- Site compatibility Proposal.....**Attachment B2**
- Urban Design Study.....**Attachment B3 (Part 1)**
- Landscape Concept.....**Attachment B3 (Part 2)**
- Architectural Concept.....**Attachment B3 (Part 3)**
- Preliminary Contamination Study.....**Attachment B4**
- Traffic Assessment.....**Attachment B5**

The application indicates that the seniors housing proposal will form part of proposed staged improvements for the club site. These improvements include alterations and additions to the main club building's food precinct; internal alterations to the main club building; an expanded sports precinct; new carparking and landscape to the south-west corner of the site (refer to page 36 of **Attachment B3 Part 1**). Figure 3 below illustrates the redevelopment concept plan.

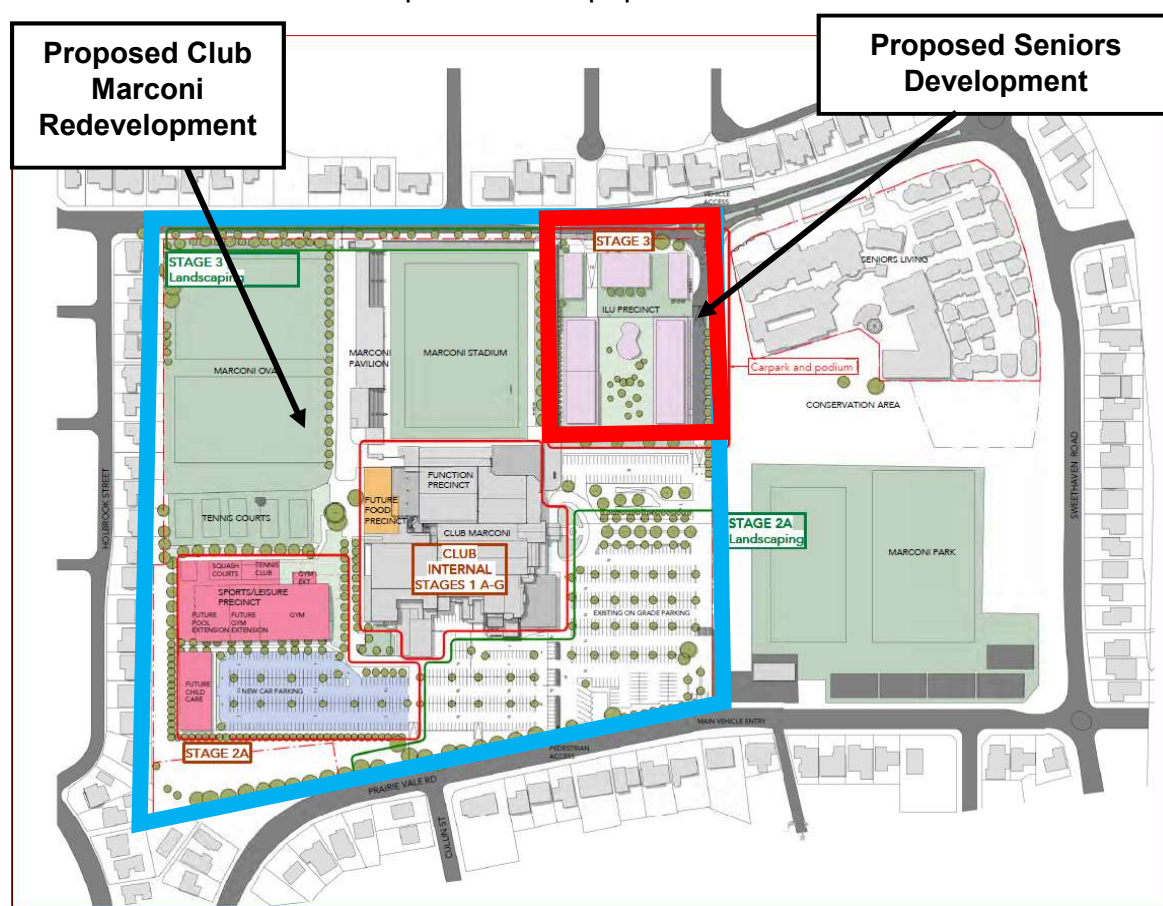


Figure 3: Proposed Club Marconi redevelopment plan

LGA: Fairfield City Council

PERMISSIBILITY STATEMENT

The subject land i.e. the site, is zoned RE2 Private Recreation under the Fairfield Local Environmental Plan (LEP) 2013 (see Figure 4 on page 8). Seniors housing is not permitted within the RE2 zone of the Fairfield LEP. The site adjoins land considered to be primarily zoned for urban purposes as the surrounding area is

partially zoned R2 Low Density Residential. The site also partially adjoins land zoned E2 Environmental Conservation.

The Department has taken the view (**Attachment B7**) that it is reasonable for the application to proceed as being permissible under the Seniors Housing SEPP, for the consideration and determination of the Panel. This matter is discussed in detail, as follows:

Does the Seniors Housing SEPP apply to the site under Clause 4(1)

Clause 4(1) of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors Housing SEPP) provides that the Seniors Housing SEPP applies to land that is zoned primarily for urban purposes or that adjoins land zoned primarily for urban purposes, but only if:

- development for the purpose of any of the following is permitted on the land:
 - dwelling houses,
 - residential flat buildings,
 - hospitals, or
 - 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 (clause 4(1)(a) of the Seniors Housing SEPP); or
- the land is being used for the purposes of an existing registered club (clause 4(1)(b) of the Seniors Housing SEPP).

As noted above, the site adjoins land that is zoned primarily for urban purposes, being the R2 Low Density Residential zone under the Fairfield LEP 2013, in which a variety of primarily urban land uses are permitted. This satisfies the first part of the test in clause 4(1) of the Seniors Housing SEPP.

Further, the site is being used for the purposes of a registered club, identified as Club Marconi of Bossley Park Social Recreation and Sporting Centre Ltd (licence number LIQC300226484). This satisfies the second part of the test in clause 4(1)(b) of the Seniors Housing SEPP.

This report discusses whether land zoned RE2 Private Recreation under the Fairfield LEP may be considered land zoned primarily for an urban purpose in the context of the Seniors Housing SEPP. This is relevant to the types of seniors housing development which may be undertaken under the Seniors Housing SEPP.

Is the site on environmentally sensitive land and therefore excluded from the application of the Seniors Housing SEPP under clause 4(6)

Clause 4(6)(a) of the Seniors Housing SEPP provides that the SEPP does not apply to land described in Schedule 1 to the SEPP (environmentally sensitive land). This includes land shown as cross-hatched on the bush fire evacuation risk map (as defined by clause 3 of the Seniors Housing SEPP) and land that is identified in another environmental planning instrument by any of the following descriptions, or by like descriptions, or descriptions that incorporate any of the following words or expressions:

- (a) *coastal protection,*
- (b) *conservation (but not land identified as a heritage conservation area in another environmental planning instrument),*
- (c) *critical habitat,*

- (d) *environment protection,*
- (e) *open space,*
- (f) *escarpment,*
- (g) *floodway,*
- (h) *high flooding hazard,*
- (i) *natural hazard,*
- (j) *(repealed)*
- (k) *scenic (but not land that is identified if:*
 - (i) *the land is within a residential zone in which development of two storeys or more in height is permitted*
 - (ii) *an adjacent residential zone, also identified as scenic, permits development of two storeys or more in height)*
- (l) *water catchment*
- (m) *natural wetland*

The Department does not consider the site to be identified by any of the exclusions listed in Schedule 1 to the Seniors Housing SEPP.

Is the site zoned primarily for urban purposes to determine whether the proposed types of seniors housing development is permissible under the Seniors Housing SEPP.

Consideration of whether land zoned RE2 Private Recreation under the Fairfield LEP may be considered land zoned primarily for an urban purpose in the context of the Seniors Housing SEPP is necessary. This is to determine whether the proposed types of seniors housing development is permissible under the Seniors Housing SEPP.

The proposal contemplates the development of self-contained dwellings, which may only be undertaken on land zoned primarily for urban purposes under the Seniors Housing SEPP (clauses 13, 15(b) and 17(1) of the Seniors Housing SEPP).

In the context of the Seniors Housing SEPP, the words ‘primarily’ and ‘urban’ are taken to have their natural meaning, with ‘primarily’ meaning ‘chiefly’ or ‘principally’ and ‘urban’ meaning ‘pertaining to or constituting a town’ (see *Murlan Consulting Pty Limited v Ku-ring-gai Municipal Council* [2007] NSWLEC 182 at [23]).

Clause 4(2) of the Seniors Housing SEPP identifies a non-exhaustive list of land which is not considered to be land zoned primarily for urban purposes, including land that is within any of land zoned under another environmental planning instrument:

- principally for rural purposes;
- principally for urban investigation; and
- principally for residential uses on large residential allotments (for example R5 Large Lot Residential or RU6 Transition zones per the Standard Instrument—Principal Local Environmental Plan).

This does not mean that all other land not listed in clause 4(2) of the Seniors Housing SEPP is land zoned primarily for urban purposes.

It is therefore necessary to determine if the site is on land zoned primarily for urban purposes by reviewing the characteristics, objectives and permissible uses of the relevant RE2 Private Recreation zone of Fairfield LEP, as follows:

Zone RE2 Private Recreation

1 Objectives of zone

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Environmental facilities; Flood mitigation works; Function centres; Helipads; Information and education facilities; Jetties; Kiosks; Marinas; Markets; Mooring pens; Moorings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Water recreation structures; Water recycling facilities; Water supply systems; Wharf or boating facilities

4 Prohibited

Any development not specified in item 2 or 3

With reference to the characteristics, objectives and permissible uses of the RE2 Private Recreation Zone of the Fairfield LEP, while some are indicative of being principally or chiefly within an urban context, others may be equally applicable in a rural context.

Applicant's advice

The applicant has been given the opportunity to address this matter and has taken the view that the site is on land zoned primarily for urban purposes (**Attachment B6**).

The advice identifies some permitted uses in the RE2 Private Recreation zone of the Fairfield LEP which the applicant considers primarily urban, such as "centre-based childcare facilities", "community facilities", "information and education facilities", "recreation areas" and "respite day care centres". The justification for reaching conclusion that these uses, and the RE2 zone under the Fairfield LEP, are primarily urban is that the uses each individually pertain to a city or town and are similarly permitted in the R2 Low Density Residential zone under the Fairfield LEP, a zone which would be considered on its face to be primarily urban.

However, it could be argued that as some of these uses are similarly permitted in the rural zones of the Fairfield LEP - this is not sufficient to consider the RE2 zone of the Fairfield LEP as a primarily urban one for the purposes of the Seniors Housing SEPP.

Further, in determining whether land zoned RE2 in the Fairfield LEP may be considered land zoned primarily for an urban purpose, analogies can be drawn with the RE1 Public Recreation Zone of The Hills LEP 2012 which was considered in *Wirrabara Village Pty Limited v The Hills Shire Council* [2018] NSWLEC 1187. In Wirrabara, land in The Hills RE1 zone was determined **not** to be land zoned primarily for an urban purpose.

The label, i.e. the zone name, and objectives of The Hills RE1 zone closely resemble those in the RE2 zone of the Fairfield LEP, with a common emphasis on recreation, open space and natural environment. Labels and objectives of this nature are not considered to be indicative of land zoned primarily for an urban purpose as these are equally applicable in a rural setting (Wirrabara at [57]).

The Court also noted that the 'public' nature of the land zoned for 'public recreation' is irrelevant to the construction of whether The Hills RE1 zone is land zoned primarily for urban purposes under the Seniors SEPP (Wirrabara at [57]). The same logic would extend to the 'private' nature of land zoned for 'private recreation' in the RE2 zone of the Fairfield LEP.

The permissible land uses in The Hills RE1 zone also closely resemble those in the RE2 zone of the Fairfield LEP. However, there are some differences in the development which is permitted with consent in the land use table for the RE2 zone of the Fairfield LEP. It is feasible that the differences between The Hills RE1 zone and the Fairfield LEP RE2 Zone may suggest that the RE2 zone of the Fairfield LEP is, when compared to The Hills RE1 zone, more 'urban' in nature and lead the panel and a relevant consent authority to a different conclusion to that reached by the Court in Wirrabara.

Additional considerations when treating land being used for the purposes of an existing registered club as land zoned primarily for urban purposes

Additionally, clause 4(5) of the Seniors Housing SEPP provides that a consent authority must not treat 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. If one was to form the view that the RE2 Private Recreation zone under the Fairfield LEP was land zoned primarily for urban purposes, then naturally clause 4(5) of the Seniors Housing SEPP would be satisfied as the site mostly adjoins land of the same zone.

Department Conclusion

Clause 24(2) of the Seniors Housing SEPP provides that a consent authority must not provide development consent to an application to which clause 24 of the SEPP applies unless it is satisfied that the relevant panel has certified in a current SCC that, in the relevant panel's opinion:

- 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).

Under clause 25(5)(a) the Seniors Housing SEPP, the Panel must not issue a SCC unless it has considered any written comments received from the general manager of the council within 21 days after the application for the SCC was made regarding

the consistency of the proposed development with the criteria referred to in clause 25(5)(b).

Fairfield Council has provided its written comments for the purposes of clause 25(5)(a) of the Seniors Housing SEPP (**Attachment D**). In its comments, Fairfield Council also expressed its view that the subject land is not zoned for an urban purpose, limiting the type of seniors housing which can be undertaken on the site under the Seniors Housing SEPP (see clause 17).

However, the Department's view is that there is sufficient merit in considering the contrary view, being that the subject land is land zoned primarily for an urban purpose. The Department's view is based on consideration of the objectives and the nature of land uses permissible for this particular site under the Fairfield LEP.

Accordingly, taking into consideration the Council's advice and the Department's views on this issue, it is considered reasonable for the application to proceed to the Panel for its consideration and determination.



Figure 4: Land zoning map extract

PREVIOUSLY ISSUED SITE COMPATIBILITY CERTIFICATE ON THE LAND

The applicant applied for a SCC for this site in 2018 which proposed 150 self-contained dwellings in five separate buildings ranging in height from two storeys to six to seven storeys, comprising 143 car parking spaces for residents and visitors. The application, however, was refused by the Sydney Western City Planning Panel on 25 January 2019 on the following grounds (copy at **Attachment C**):

- While satisfied that the site is capable of accommodating well serviced seniors housing and some increased density of development within the context of the overall Club owned site, the Panel is not satisfied that the development is compatible with the surrounding land uses having regard to the proposed building height, bulk and scale.
- Due to the excessive scale of the built form the proposed development will be out of character within the context of existing uses, approved uses and future uses of land within the vicinity of the development.

PROXIMITY OF SITE TO OTHER SCCs

Clause 25(2)(c) of the Seniors Housing SEPP provides that the applicant is required to provide a cumulative impact study with their application if the land (or any part of the land) is located within a one-kilometer radius of 2 or more other parcels of land over which:

- (a) there is a current SCC, or
- (b) an application for a SCC has been made but not yet determined

There are no current SCCs or pending applications for SCCs for land within the proximity of the site, and as such, a cumulative impact study is not required and has not been provided.

Under clause 25(2D) of the Seniors Housing SEPP, however, the relevant panel may require an applicant to provide a cumulative impact study. This may be requested even if it has not been provided with the application, should the relevant panel consider that it is necessary for it to be provided to determine whether the land concerned is suitable for more intensive development.

CLAUSES 24(2) AND 25(5)

The panel must not issue a certificate unless the panel:

- (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;
- (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 30 August 2019, the Department requested Council's comments on the SCC application. Council provided its comments on 27 September 2019 (**Attachment D**).

Council provided the following comments concerning the application:

1. Development Assessment Comments

Council disputes the applicant's claim that there is not a restriction on the type of proposed seniors housing. The Department has concluded that the site is categorized as 'land zoned primarily for urban purposes' and hence there are no restrictions on the type of seniors housing that can be built on the site.

According to the legal advice obtained by Council, the site is categorized as 'land that adjoins land zoned primarily for urban purposes' where development of the site for 'Independent living units' is not permissible as set out in clause 17 of the Seniors Housing SEPP. Council considers this to be a significant issue, which should not be left to be resolved at development application stage.

Further, Council considers the current concept plan lacking in terms of sufficient details about overall height or building setbacks. Council recommends that a detailed concept plan be provided which should include bulk and scale of the proposed development as part of the consideration of the SCC application.

The Department has taken into consideration Council's views and the legal opinion and has concluded that the application can proceed to the Panel for determination (refer to pp.3-8) of this report.

2. Strategic Land Use Planning

Council recommends a more detailed assessment that demonstrates compliance with the relevant criteria of the following strategic plans and environmental planning instrument:

- Greater Sydney Region Plan;
- Western City District Plan;
- Fairfield City Plan 2016;
- Fairfield strategy on the ageing 2013-2017;
- Fairfield Open Space Strategy;
- Marconi Park Plan of Management; and
- Seniors Housing SEPP.

Justification should also include compliance with clause 25(5)(b), clause 24(2)(b) and clause 24(2)(a) of the Seniors Housing SEPP.

3. Bulk and Scale

While acknowledging that bulk and scale has been reduced, Council recommends that in the event a development application is submitted for the proposal, a peer review of the urban design for the proposal will be required at development applicant stage. Further, a site-specific development control plan, setting out detailed controls for future development of the site, would be required.

4. Access to Public Transport

Council recommends that the proposed new pedestrian connections from the proposed independent living units to the bus stop on Prairievale Road would need to

be clearly demarcated and be covered pedestrian linkages.

5. Contamination

Council recommends a detailed contamination report be provided to address contamination.

6. Traffic

Council considers the proposed car parking provisions adequate. The traffic impacts from the proposed development will be minimal on the adjoining network.

7. Waste Services

Council is concerned that the proposal will result in a significant increase in traffic for waste collection and recommends preparation of a waste management plan at development applicant stage to address this issue.

8. Natural Resources

Council acknowledges that a generous buffer of planting is to be installed on the eastern edge of the site i.e. between the eastern side of the site and E2 Environmental Conservation zoned land and RE1 Public Recreation zoned land 'Marconi Park' (refer to Figure 4 on page 8). Council recommends planting of *Corymbia Maculate*, *Acacia Implexa*, *Hardenbergia Violacea*, *Eucalyptus teretecornis*, *Busaria Spinose* and *Indigophora* species in this buffer.

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) of the Seniors Housing SEPP).

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

The proposed seniors development is located within the north-eastern corner of the Club Marconi site (outlined in red in Figure 5 next page).

The Department considers that the site of the proposed development is suitable for more intensive development as the proposal aims to contribute to seniors housing needs in the locality and there are no significant constraints to more intensive development as:

- the site is suitable to accommodate additional seniors housing development within the area as discussed further under '*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*', in this report;
- the use of the site for seniors housing would not adversely impact on future uses of the land as discussed further under '*2 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*', in this report;
- Council officers have not objected to the proposal but raised concerns about the permissibility of type of seniors housing that can be permitted on the site. This issue has been addressed in under *permissibility statement* of this report.

- adequate and suitable services are available to support the proposal as discussed further under 3 *The services and infrastructure that are or will be available to meet the demands arising from the proposed development*, in this report; and
- there are no environmental constraints to the proposed development, such as drainage and flooding, bushfire, open space, or heritage matters.

It is noted that Council has raised several issues. The Department recommends that, should the application be progressed the Panel considers imposing requirements to satisfy Council's concerns. These requirements are detailed in the conclusion to this report.

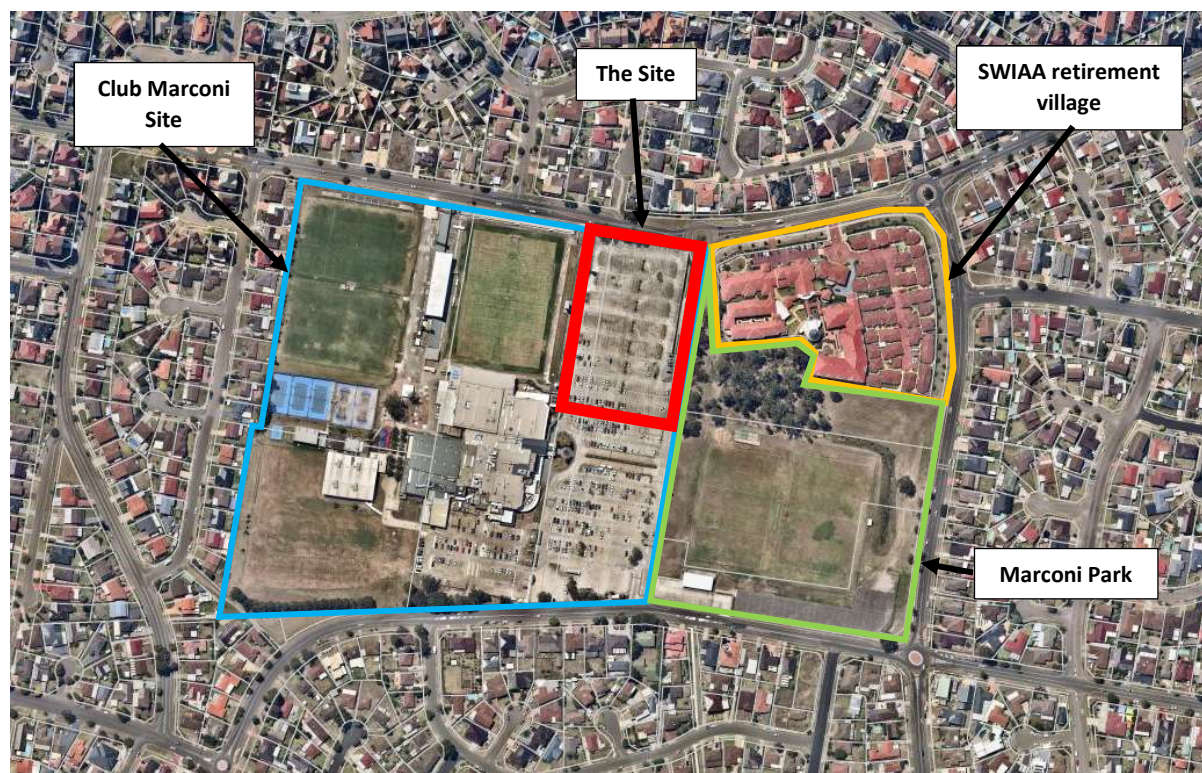


Figure 5: Aerial photograph of site and surrounding uses.

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) of the Seniors Housing SEPP):

- 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) of the Seniors Housing SEPP)**

Fauna and flora

The site contains a car park and is already highly developed and does not contain undisturbed natural environment. To the east of the site is Marconi Park, which contains small, intact natural conservation area. This part of the Marconi Park is zoned E2 Environmental Conservation under the Fairfield LEP.

The SCC application advises that the hard surface on the site will be largely unchanged and no adverse impacts from the surface runoff or altered drainage conditions would affect the conservation area. Further, the Urban Design Study provided with the application include design principles which include endemic buffer planting along the boundary with this area (page 44 of **Attachment B3 Part 1**). Details of the buffer and water management would be provided at development application stage.



Figure 6: Proximity of adjacent vegetation.

Slope constraints

As the proposed development will be located above a car park structure, there will be no slope constraints for senior residents because the broader Club Marconi site is a relatively flat surface. Therefore, the proposed development will be able to achieve acceptable gradients in accordance with the Seniors Housing SEPP.

Contamination

The preliminary contamination and salinity assessment (**Attachment B4**) concludes that the north-western portion of the Club Marconi site, which contains the proposed seniors development site, has a low risk of contamination.

The assessment included fieldwork that comprised drilling 11 boreholes (BH) to investigate the presence of contamination. The assessment found potential asbestos contamination along the western border of the broader Club Marconi site (i.e. the south-western playing field) at the BH5 location (Figure 7 overleaf). Council recommends a detailed contamination report be provided to address contamination.

The Department notes that the potential contamination at BH5 is not located within the area containing the proposed seniors development site. The assessment did not

identify any contamination issues at the BH7 and BH10 locations (Figure 7) on the site for the proposed seniors development. Therefore, requirements are not required to be attached to the SCC in relation to contamination.



Figure 7: Site contamination investigation

Other constraints

The site is not identified as bushfire-prone or flood-prone land therefore complies with Clause 27 of the SEPP. It also does not contain acid sulfate soils or involve any heritage matters.

- 2. 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) of the Seniors Housing SEPP)**

Current land zoning

The site is zoned RE2 Private Recreation and one of the key objectives 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, and restaurants or cafes.

The proposal will not have an adverse impact on the current private recreation uses located on the Club Marconi site as the proposed seniors development will be located above the existing car park on the site.

The Department considers that the SCC proposal will not adversely impact on the future uses of the land, being a private recreation facility.

The Department notes, as a separate matter, that the proposed concept plan for the redevelopment of the entire Club Marconi site (refer to Figure 3 on page 3) involves the removal of the training field in the southwest corner of this site for additional parking and an expanded sports precinct.

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) of the Seniors Housing SEPP)

Retail and services

The Department's assessment indicates that the site is located approximately 2.6 km from the Stockland Wetherill Park Shopping Centre, 1.7 km from the Greenfield Park Shopping Village and 4 km from the Bonnyrigg Plaza Shopping Centre.

The Stockland Wetherill Park Shopping Centre contains retail services including a supermarket and shops, medical services such as pharmacies and medical centres, banks, a post office, and food and drink premises. Fairfield and Braeside Hospitals, Wetherill Park Library and the Prairiewood Leisure Centre are adjacent to the shopping centre.

The Greenfield Park Shopping Village and the Bonnyrigg Plaza Shopping Centre provide similar services. There is a community centre within walking distance of the village and a bowling club is located near the plaza.

Public transport

The site is less than 400m from a bus stop on the southern boundary of the Club Marconi site on Prairie Vale Road which is consistent with Clause 26(2)(b). The bus stop is serviced by the 817 bus route, which:

- operates between 5am and 11pm Monday to Friday and 6:30am to 10.30pm on Saturday and Sunday, and,
- is available every 30 minutes.

This service stops at the Stockland Wetherill Park and Bonnyrigg Plaza Shopping Centres, Fairfield and Braeside Hospitals, and Fairfield and Cabramatta train stations.

The Urban Design Study proposes new pedestrian connections from the Independent Living Units to the bus stop on Prairieville Road (page 22 of **Attachment B3 Part 1**). Council advises that these pedestrian connections need to be covered and clearly demarcated.

The proponent has further advised that the level of the southern part of the proposed seniors housing precinct is approximately RL58m (interpolates up to a maximum of RL60m). The spot level at the location of the eastbound bus stops on Prairie Vale Road is RL 58m. the approximate level change across the whole path of travel (of 220m) is therefore 0-2m (0-0.9%) (**Attachment B8**).

The proposal also states that a dedicated shuttle bus service will be provided for senior residents (see page 10 of **Attachment B3 Part 1**).

Open space

The site is within walking distance of public open space (i.e. Marconi Park), and the proposed seniors development includes the provision of a central communal courtyard. The Landscape Concept design (page 11 of **Attachment B3 Part 2**) identifies communal gathering spaces and recreational uses within the courtyard, (Figure 8 below). Therefore, there is sufficient open space within the vicinity of the site, and provided on-site, to meet the needs of residents.

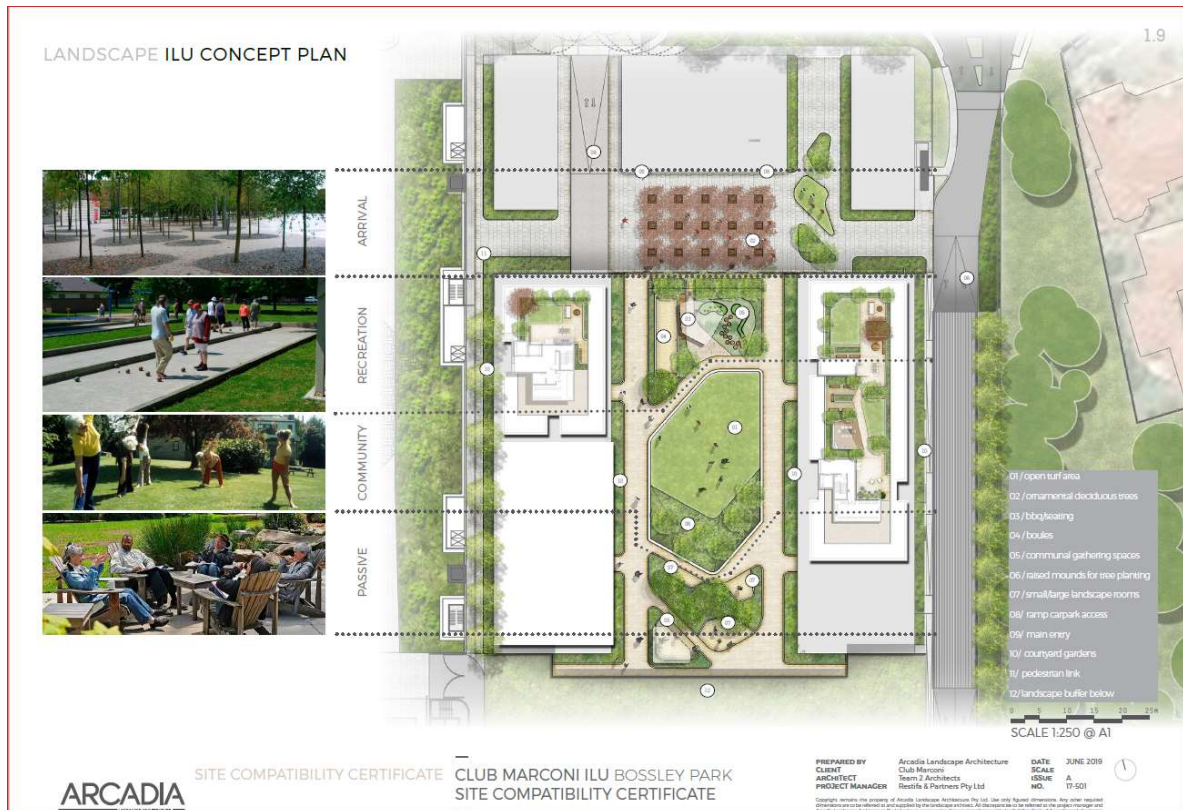


Figure 8: Landscape Plan

Gambling facilities

As the Club Marconi site contains gambling facilities, there will be a need to implement appropriate gambling harm minimisation measures (under clause 23(1)(b) of the Seniors Housing SEPP). It is noted that the SEPP requires this to be considered at the development application stage.

Electricity, water supply and sewer facilities

The Club Marconi site is being used as a registered club within an existing urban area, therefore, it is considered that the site has access to adequate electricity, water and sewer services. The connection to these services under Clause 28 of the SEPP 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) of the Seniors Housing SEPP)

The development of the site will not reduce the provision of open space or special uses. Although the site is zoned RE2 Private Recreation, it contains a two-storey car

park and the private recreation uses are located on the western portion of the broader Club Marconi site. Furthermore, as the proposed seniors development is adjacent to Marconi Park (i.e. public open space), it is likely to increase patronage to the open space.

As noted previously, the proposed concept plan for the redevelopment of the Club Marconi site involves the removal of a training field for additional parking and an expanded sports precinct.

Therefore, the SCC proposal will not impact the existing open space on the site however the redevelopment of the club will reduce the open space.

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) of the Seniors Housing SEPP)

Redevelopment of the Club Marconi site

The proposed redevelopment includes three stages (page 36 of **Attachment B3 Part 1**):

- stage 1 - alterations and additions to the main Club Building's Food and Beverage Precinct and internal alterations to the main Club building;
- stage 2 - Sports and Leisure Precinct expansion, relocation of the child care facility, new carparking for 279 car spaces to the south-west corner of the site, and associated landscape embellishments; and,
- stage 3 - Seniors Housing for 98 self-contained independent living units including associated car spaces and landscaping.

Apart from the legal issue of type of seniors living that can be provided on the site, Council advised that the proposed concept plan is unclear and does not provide details about the bulk and scale of the development. Council recommends that this must be identified and shown on the plan as part of the current consideration of the SCC application.

The Department acknowledges this issue and considers the matter can be appropriately addressed at the development application stage, should a SCC be issued.

Bulk and scale

The surrounding development comprises a mix of low-density residential, recreational and environmental uses. The site is located within the north-western corner of the Club Marconi site, which is a private recreation facility and has no building height limit (see Figure 9 overleaf).

Immediately east of the site is the SWIAA retirement village and Marconi Park. The retirement village has a maximum building limit of 9m and contains buildings up to three storeys. The land to the north of the site on the opposite side of Restwell Road contains single-storey and two-storey dwelling houses with a maximum building height limit of 9m. This type of housing also surrounds the borders of the broader Club Marconi site.

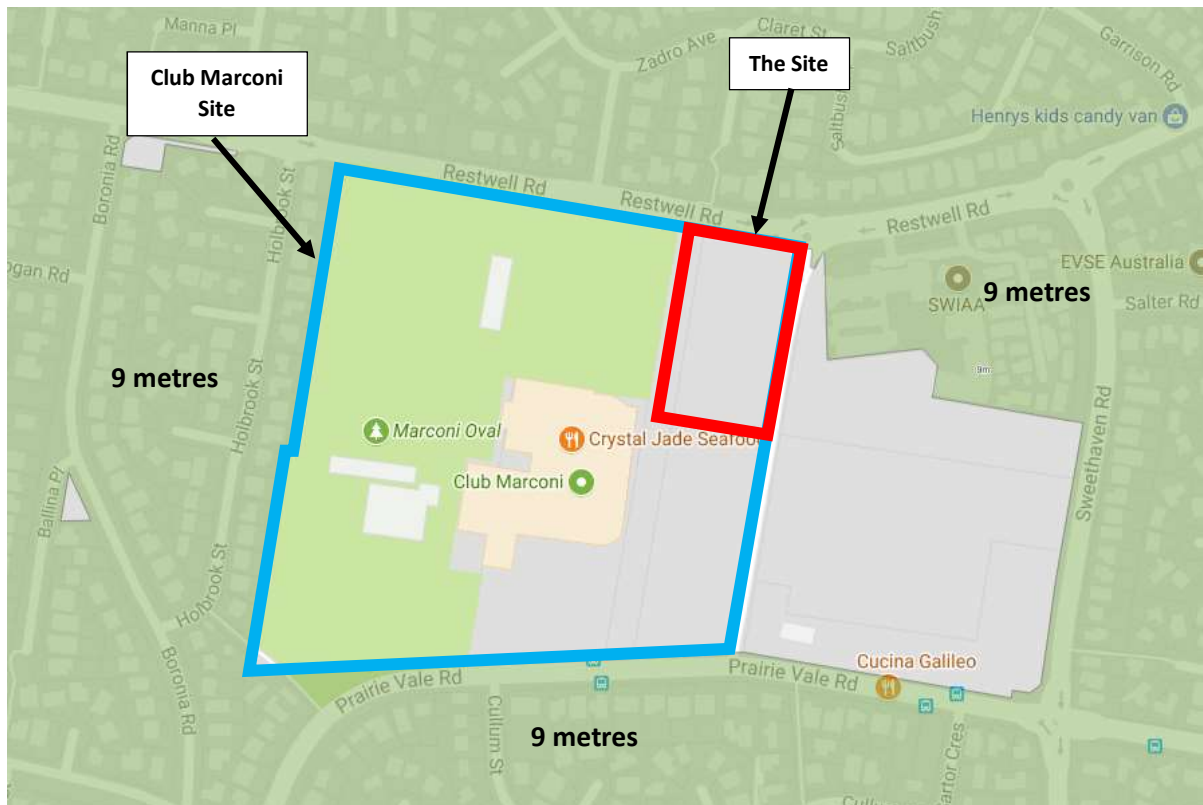


Figure 9: Height of building map extract.

The current SCC application is lesser in bulk and scale in comparison with the previous application for the site. This approach seeks to ensure the development is compatible with the surrounding environment and land uses. Further, built form and building heights are distributed to ensure a transition with the neighbouring context, with taller located towards the centre of the site.

The proposed seniors housing precinct is broken into five (5) detached buildings that are set around a central courtyard, as shown in figure 2 on page 2.

Car parking for the seniors housing will be within the existing parking structure on the site, which also serves club uses. Owing to the configuration of the existing car park, surface levels vary in relation to adjacent ground level(s) (see Figure 10 below).

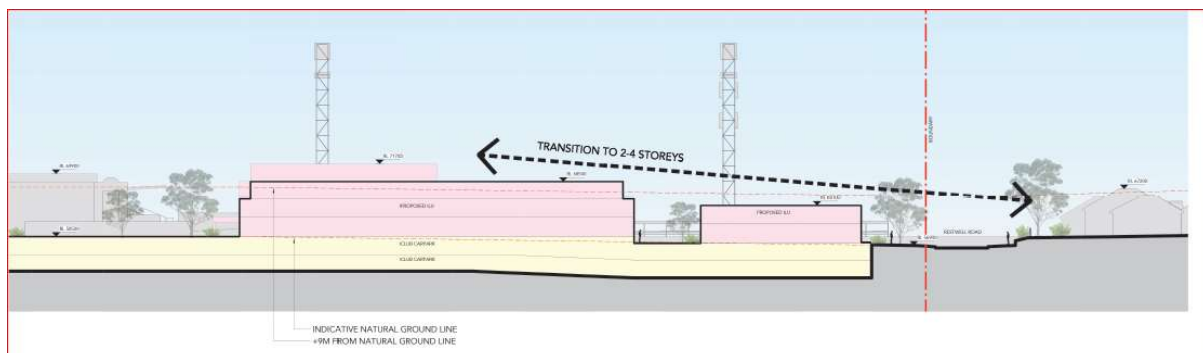


Figure 10: Extract of ILU Massing Section CC

The proposed two storey development presented to Restwell Road is considered appropriate, both in relation to this road and to the adjacent SWIAA development.

Further, these lower buildings towards the street frontage and setbacks will limit the visibility of taller buildings. In addition, the proposed four storey section of the proposal will be seen in the context of larger club building on the site.

Accordingly, from a visual impact perspective, the proposed bulk and height of buildings is not considered to be excessive.

The applicant has advised that detailed design of the buildings has not been undertaken at this stage. The applicant has, however, advised that design principles, are included the supporting urban design package. (refer **Attachments B3 Parts 1-3**). These principles will guide the appearance of the development by articulation and the use of building materials that are compatible with the surrounds.

Council acknowledges that the bulk and scale of the proposal has been greatly reduced than that proposed in the previous application. Council, however, recommends that should a development application be lodged for the proposal, a peer review of the Urbis Urban Design Study would be required. Further, a site-specific development control plan would also be required.

Overshadowing.

The shadow diagrams (page 11 of **Attachment B3 Part 3**) illustrate that the proposed development will create minor additional overshadowing across the Club Marconi car park (Figure 11 below). Some portion of the central communal courtyard will also be overshadowed during the winter solstice at 9am and 3pm.

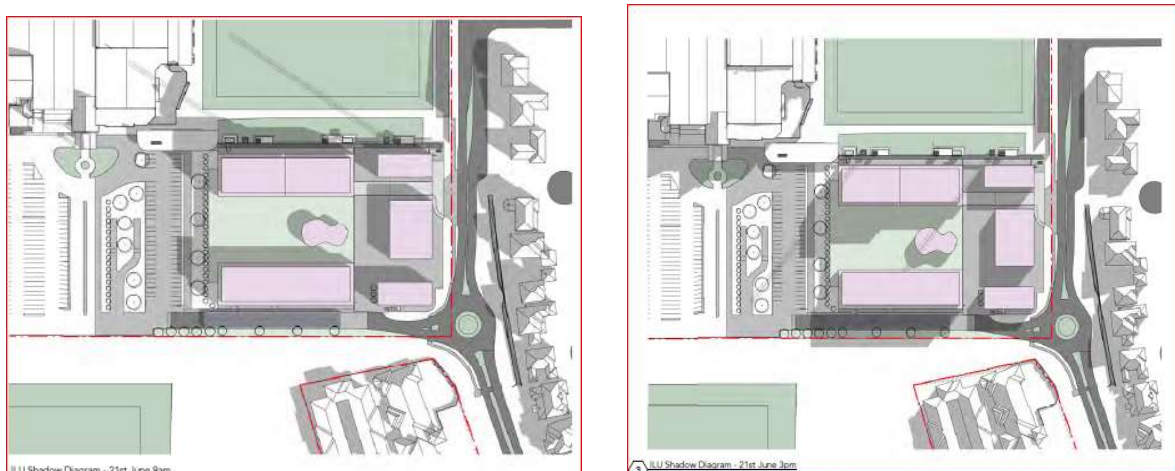


Figure 11: Proposed overshadowing on 21 June at 9am and 3pm.

The shadow diagram may change as further investigations into the final bulk and scale of the proposed development are undertaken at the development application stage.

Traffic impacts

The traffic and parking assessment (**Attachment B5**) concludes that the proposal will not have any parking or traffic implications on the surrounding road network. In addition, the proposal can provide parking for residents and visitors on-site and will be subject to further assessment at the development application stage. Visitors to the seniors development will also be able to use the parking available for the club.

Waste management

Council raised concerns that the proposed seniors development will result in significant increase in the traffic for waste collection. Council recommends preparation of a waste management plan at development application stage.

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) of the Seniors Housing SEPP)

The *Native Vegetation Act 2003* was repealed on 25 August 2017 and therefore does not apply to this site.

7. The impacts identified in any cumulative impact study provided in connection with the application for the certificate (clause 25(5)(b)(vii) of the Seniors Housing SEPP)

As there are no issued SCC's or undetermined applications for an SCC within a one-kilometre radius of the site, a cumulative impact study is not required to address the impacts of multiple SCC's within the vicinity.

CONCLUSION

The Department concludes that the proposed development for the purposes of seniors living is compatible with the site and the surrounding land uses, given:

- the site adjoins land 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 a registered club, identified as Club Marconi of Bossley Park Social Recreation and Sporting Centre Ltd;
- the site is treated as land zoned primarily for urban purposes in accordance with clause 4(5)(b) of the Seniors Housing SEPP, as the land contains a registered club and most of the land that it adjoins is zoned for urban purposes;
- the land is not identified by any exclusions listed in schedule 1 of the SEPP; and
- in view of the nature of the site and the availability of services and infrastructure.

Further, the Department considers that the site of the proposed development is suitable for more intensive development as the proposal aims to contribute to seniors housing needs in the locality and there are no significant constraints to more intensive development.

With regard to the need for consideration to be given to the Western City District Plan and other strategic plans, it is considered that the information provided by the applicant is sufficient for the purpose of the application proceeding (refer **Attachment B2** – p.18).

The other issues raised by Council can be addressed at the development application stage and do not preclude issuing a SCC. To support the issue of a certificate, however, it is recommended that the following be considered by the Panel for attachment as requirements to the SCC, particularly to address matters raised by Council:

1. A subsequent development application is to be supported by:
 - a peer review of the urban design study addressing the bulk, scale and height of the proposal in relation to the existing urban areas;
 - a site-specific development control plan detailing controls for future development of the site, clearly demarcating the proposed pedestrian linkages to the club from Restwell Road through to Prairieville Road; and,
 - a waste management plan.

Contact officer: Terry Doran
Acting Director, Western
Central River City and Western Parkland City