



CUMBERLAND
CITY COUNCIL

OA2024/0007

16 May 2024

Department of Planning, Housing and Infrastructure
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Dear Sir/Madam,

Subject: Request for comments – Proposed Cumberland Golf Club Seniors Housing Development - SSD
Application No: OA2024/0007
Property: 246-248 Old Prospect Road Greystanes
Proposal: Ministerial Consent - Proposed Cumberland Golf Club Seniors Housing Development - Advice on EIS - SSDA-64795219

Reference is made to the Department of Planning, Housing and Infrastructure referral received on the 18 April 2024 inviting Council's comments for the proposed development.

Council has reviewed the submitted information and the following response is provided.

Planning Comments:

- 1) The site is zoned RE2 Private Recreation pursuant to the Cumberland Local Environmental Plan 2021 (CLEP 2021).

State Environmental Planning Policy (Housing) 2021 reads as follows:

- 86 Development standards for seniors housing—Zones RE2, SP1, SP2 and RU5**
- (1) *Development consent must not be granted for development for the purposes of seniors housing unless the consent authority is satisfied as follows—*
- (a) *for development on land in Zone RE2 Private Recreation—*
 - (i) *the development is carried out on land used for the purposes of an existing registered club, and*
 - (ii) *the land adjoins land in a prescribed zone,*

At the pre-lodgement held with Council on the 11th of March 2024, Council raised concerns on permissibility with the above clause in respect to the location of the registered club not being on the same lot of land with all the 'seniors housing'. Given that the 'registered club' will be sited on its own lot of land, Council still raises concern on permissibility pursuant to Clause 86(1)(i) of the State Environmental Planning Policy (Housing) 2021 (SEPP Housing 2021).

Page 14 of Appendix D, Statutory Compliance Table states that 'registered clubs' are prohibited in an RE2 Private Recreation zone pursuant to the Cumberland Local

Environmental Plan 2021. This should be reviewed. 'Registered Clubs' are permissible with consent in an RE2 Private Recreation zone pursuant to the Cumberland Local Environmental Plan 2021. In addition, this should also address the permissibility of other proposed uses sought for consent such as but not limited to 'Temporary display suite', 'ancillary café', 'health and wellness and consulting rooms', 'signage' and any other land uses not addressed. The land uses stated in Appendix D do not align with 'table 6 permissibility' in the Environmental Impact Statement dated 5 April 2024.

- 2) Division 7, Section 107 and 108 of the SEPP Housing 2021 outlines the 'non-discretionary development standards for residential care facilities and independent living units.

Section 107(2)(a)-(b) and Section 108(2)(a)-(b) outlines the requirements for the height of building and servicing equipment on the roof of a building.

The proposal seeks buildings with a building height of greater than 9.5 metres to the residential care unit as well as the independent living units (ILUs).

Any variation to the building height requires the submission of a Clause 4.6 variation request which has not been provided for consideration. Refer to section 4.15(3) of the Environmental Planning and Assessment Act, 1979.

Section 107(2)(c) of the SEPP Housing 2021 states that the density and scale of the building when expressed as a floor space ratio (FSR) is 1:1 or less. The proposal seeks a FSR of 0.86:1 (for the residential care unit).

Section 108(2)(c) of the SEPP Housing 2021 states that the density and scale of the building when expressed as a floor space ratio (FSR) is 0.5:1 or less. The proposal seeks a FSR of 1.25:1 (for the ILUs).

Any variation to the FSR requires the submission of a Clause 4.6 variation request which has not been provided for consideration. Refer to section 4.15(3) of the Environmental Planning and Assessment Act, 1979.

Consideration of the surrounding R2 Low Density Residential Zone should be taken into consideration to ensure the proposal is compatible with the surrounding area.

Development Engineer:

- 1) The development application shall be referred to Transport for NSW (TfNSW) for comment.
- 2) Following matters shall be addressed:

Subdivision

- a) The following error in the 88B instrument shall be corrected.

Easement 'D'

4. Identity of Easement
fourthly referred to in
abovementioned plan

Easement to drain water 2 wide

Lots burdened.
1

SCHEDULE OF LOTS AFFECTED

Lots Benefited.
4, 2, 3

Easement 'F'

6. Identity of Easement
sixthly referred to in
abovementioned plan

Easement to drain water variable width

Lots burdened.
2
3

SCHEDULE OF LOTS AFFECTED

Lots Benefited.
3
2

- b) The right of way access between the Kunyal Place and Old Prospect Road and associated stormwater works shall be completed prior to the issue of any occupation certificate.
- c) Appropriate easement/restrictions/covenants shall be created if the subdivision is proposed prior to the demolition of the existing club building.
- d) It is noted that the existing drainage easement 'H' is modified as part of the proposal. In this regard, written consent shall be obtained from the beneficiaries for the proposed modification.
- e) Proposed easement ('E') benefit to Council shall be verified based on the stormwater investigation. Council does not require the easement benefit if existing street drainage does not drain to the subject site.
- f) The easement for the Onsite Stormwater Detention (OSD) basins and dams shall be separate to the standard drainage easement to facilitate the detention of stormwater.

Stormwater

- a) Site survey plan shall be submitted. Survey shall refer to Australian Height Datum (AHD).
- b) The proposed modifications to the dam basins (eastern and western) are not acceptable as it increases the outflow from the development site.
- c) The peak flow comparison table 8 of the Stormwater and Flood Management Report conflicts with the table 9.
- d) The table 9 shows that proposed outflow exceeds the pre-development outflow. Stormwater runoff from the eastern and western dams to Council system shall not be increased.

Table 8 – Peak Flow Comparison at Old Prospect Road

CONDITION	1% AEP PEAK FLOWRATES (m³/s)
Existing Q ₁₀₀	0.763
Proposed Q ₁₀₀	0.657

Table 9 – Performance of Basins for the 1% AEP

EXISTING SYSTEM				
	Stage (mAHD)	Volume (m³)	In Flow (m³/s)	Out Flow (m³/s)
Dams	59.174	2,706	1.59	0.377
Dry Basin	56.093	1,392	1.268	0.404
Total		4,098		
PROPOSED SYSTEM				
	Stage (mAHD)	Volume (m³)	In Flow (m³/s)	Out Flow (m³/s)
Dam 1 (Western)	59.47	2,786	0.902	0.1
Dam 2 (Eastern)	59.943	3,893	1.76	0.342
Dry Basin - Mod	56.041	280	0.74	0.352
OSD #1	55.03	138	0.137	0.031
Total		7,076		

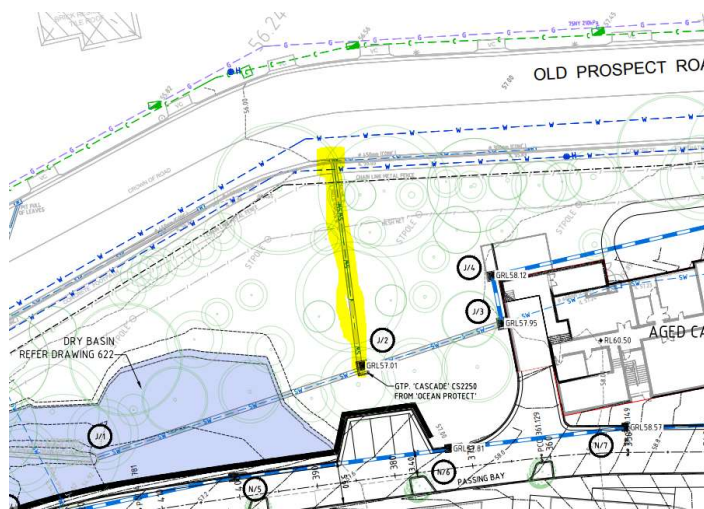
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- e) Street drainage connection details conflicts with the Council's mapping details. In this regard, stormwater plan shall verify the connection between the street stormwater pit and pit J/2 within the site.



- f) The above ground basins shall be fenced in accordance with Council's DCP requirements. The matter shall be addressed.
- g) Basement drainage system shall comply with Council's Stormwater DCP. Above and below ground storages shall be provided as per the DCP requirements. Basement pump out tank design calculations shall be provided.

Traffic/Access

- a) Proposed internal roadway/driveway widths are not adequate. The width for the two-way access shall be minimum 5.5m. The design shall comply with Australian standard AS2890.1 requirements. In this regard easement carriage way widths shall be widened. If on-street parking spaces are proposed, additional width shall be provided.
- b) The SIDRA analysis indicates the some of the approaches, particularly southern approach, at the Old Prospect/ Greystanes Road have been adversely affected by the proposal. The matter shall be addressed.
- c) The Paroo Street /Old Prospect Road and Beresford Road/ Old Prospect Road intersection performance shall also be analysed in the traffic report.
- d) Access driveway for the club access shall be designed to comply with Section 3.2 of the Australian standard AS2890.1.
- e) Dimensions (parking space length and width, aisle width, parking space gradients, head height clearance, extensions at dead end aisles, etc.) and levels have not been annotated on the plans. Parking layout and access driveway/ramp shall comply with Australian standard AS2890.1 and AS2890.6.
- f) Relocation of the driveway shall be discussed with the relevant bus operator and the change shall be submitted to Council's Local Traffic Committee for consideration.
- g) The Traffic report shall also include the details of the traffic entry and exit distributions among the driveways, that is used in the assessment.

The following issues need to be addressed or conditions applied to any consent issued to ensure that Community expectations are met:

1) Tree Protection -

- Condition - Tree protection measures are to be implemented in accordance with those recommended in the Arboricultural Impact Appraisal and Method Statement (Rev A) prepared by Naturally Trees and dated 29 January 2024.
- Condition - Protected Trees not approved for removal that are removed or suffer irreparable damage during construction or die within one year of completion of the works are to be replaced with the same species in a 100ltr container.

2) Unidentified trees and screen planting within construction area adjacent to Building F-

Trees seen at the rear of 21 and 23 Kootingal Street will need to be assessed by the Arborist and included in future documentation. The trees and large shrubs currently screen the site from the properties and would have contributed to screening of Building F and possibly reducing potential overlooking of the rear yards of these properties. As the trees have not been identified, no assessment can be made based on the location of existing and proposed drainage works and potential cut and fill associated with the development. Reference was made to Section F.S2 in the landscape drawing package and recent Nearmap aerial images.

3) Tree removal –

- Condition: 167 existing trees are approved to be removed as part of a proposed development as noted in the Arboricultural Impact Appraisal and Method Statement (Rev A) dated 29 January 2024. This will require the following tree replacement offset planting to be included on the landscape documentation:
 - for existing trees removed that are a height of between 4m-9m, a 1:1 replacement offset applies; and
 - for existing trees removed that are a height greater than 10m, a 2:1 replacement offset applies.
 - Biodiversity of replanting and general planting design is to maximise the use of local indigenous species also consider the proposed use by seniors. Deciduous planting would be permissible in those areas where solar access is beneficial to residents as well as providing seasonal variation.
 - Tree species to be used for offset planting must be installed as minimum 45L container stock size and be able to attain a similar height to that removed.
 - Reference to be made to Cumberland Council DCP Part G7 Tree Management and Landscaping for further details.

4) Car Park Screening - Inadequate screen along Old Prospect Road - The proposed stacked car parking indicated on the Landscape Drawing - Site Plan DA200 Rev A dated 14.03.2024 and Architectural Site plans on the northern boundary with Old Prospect Road on the Eastern corner of the site is unacceptable. There is no allowance for screening of the carpark from the street within the site. All plans need to be amended to remove parking no closer than 2m from the street boundary and allow for shrub planting to a height of 1-1.2m and tree planting where appropriate.

Environmental Health:

1) **NOISE/ACOUSTICS**

A Noise and Vibration Impact Assessment was prepared by Acoustic Logic, dated 8 February 2024, reference 20230044.2/0802A/R1/PF.

Noise impacts on nearby development will be dependent on the activity and where on the site the activity is undertaken. Excavation works (e.g., use of piling rig) tend to be the loudest typical activity. Work close to the northern, eastern and western boundaries will have the greatest impact on nearby receivers. It is also noted that the current clubhouse will be retained during stage 2, which will provide considerable noise attenuation.

Stage 2 - Primary noise emissions occur when using piling rig, with equipment items typically having sound power levels of approximately 112 dB(A)Leq(15min). Predicted noise levels at residential receivers R1, R2 and R3 will not exceed the HNML but will generally exceed NML when work is conducted close to the receiver.

Stage 3 - Predicted noise levels at residential receivers R2 and R3 will not exceed the HNML but will generally exceed NML when work is conducted close to the receiver. R1 will be the most affected receiver during this stage as majority of the activities are to be undertaken along eastern boundary of the site. It is anticipated that exceedance (higher than HNML) might occur when using piling rig along eastern boundary.

The highest levels of vibration are likely to be produced when excavation activities are undertaken with the use of piling rig. This activity would only produce a moderate level of vibration close to the work site. Given the closest residential receiver is approximately 25m away from the site (R1), the impact at the surrounding properties is moderate considering amenity and structure damage.

It is recommended that all advice given within the assessment are complied with including direction given under 10.4 General Discussion, 11 Noise and Vibration Management and Control, 11.1 Noise and Vibration Monitoring, Reporting and Response Procedures, 11.2 General Noise Control Methods and 12 Control of Construction Noise and Vibration - Procedural Steps.

2) **FOOD / PUBLIC HEALTH**

All cooling tower decommissioning and installation would be conducted in accordance with the Australian Standard AS/NZS3666 and Cumberland Council will be notified of the installation of a cooling water system within one month after the new cooling tower system is installed.

The design, construction, and fitout of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the Food Act 2003 and AS 4674 - 2004 Design, Construction and Fitout of Food Premises.

3) **CONTAMINATION / REMEDIATION**

A Preliminary Site Contamination Assessment was prepared by RCA Australia, dated 12 February 2024, reference: 16424a-201/1.

This report presents the findings of a preliminary site (contamination) assessment undertaken for the **southern portion** of the golf course at the Cumberland Country Club located at 246-248 Old Prospect Road, Greystanes, NSW ("the site").

The **northern portion** of the golf course area located to the north and northeast of the site is proposed to be redeveloped primarily for a seniors' living village, a new clubhouse, and a childcare centre. A previous assessment (Ref [1]) of that area did not identify any contamination which would pose a constraint to the development.

A Detailed Site Contamination Assessment was prepared by RCA Australia, dated 8 March 2024, reference: 16424-201/1.

RCA considers that the site is suitable for the proposed residential development without further investigation, remediation or formal management. It is recommended that an unexpected finds protocol be implemented such that works are ceased if stained, odorous material or anthropogenic waste inconsistent with RCA's observations are encountered to allow for assessment by an appropriately experienced contamination consultant.

Specific assessment will be required of any soil being removed from site however results to date indicate that the majority of excavated material will likely be suitable for classification as excavated natural material (ENM) in accordance with the NSW EPA Order (Ref [12]) and as general solid waste (Ref [13]). Based on the understanding that the development will be aiming for an earthworks balance, RCA recommends that the programme include an allowance for classification of soil to be removed from the site near the end of earthworks such that only material being removed from the site is classified.

All material removed from site must be tracked to demonstrate that it has been suitably managed, transported and placed in accordance with the requirements of the NSW waste legislation.

No assessment of groundwater has been undertaken however is considered to be required only if it is to be extracted for use either as part of the long-term development or as dewatering during the construction.

The Waste Management Plan, prepared by MRA Consulting Group, dated 11th March 2024, reference: 10742891 advises that the existing buildings may contain potentially hazardous materials. Should contaminated or potentially hazardous materials be discovered they would be handled according to the demolition and/or materials management plan.

The Hazard Materials Survey, prepared by Trinitas Group, dated 4 February 2024, reference: 001241, provides recommendations whenever ACM is identified and is advised to be complied with.

The EHU are satisfied with documentation put forward and have no further comment or objection to the ministerial consent being granted subject to conditions from a EHU perspective.

Resource Recovery:

This is a mixed use commercial and residential site. The Waste Management Plan (WMP) meets both Council and commercial operational requirements, as well as Council's Development Control Plan, Part G8 Waste Management.

Developer contributions

Council developer contributions apply to the application. Contributions will apply for the development but may be exempt if the housing is to be managed by a registered housing provider and any consent issued would need to be conditioned to have this registered on the title

Council requires the cost of works or breakdown of units (234 ILU's) to determine the applicable contributions for the development.

Should you have any further enquiries please do not hesitate to contact Haroula Michael on 8757 9403 in relation to this matter.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'H. Pearman', written over a horizontal line.

Harley Pearman
Executive Planner