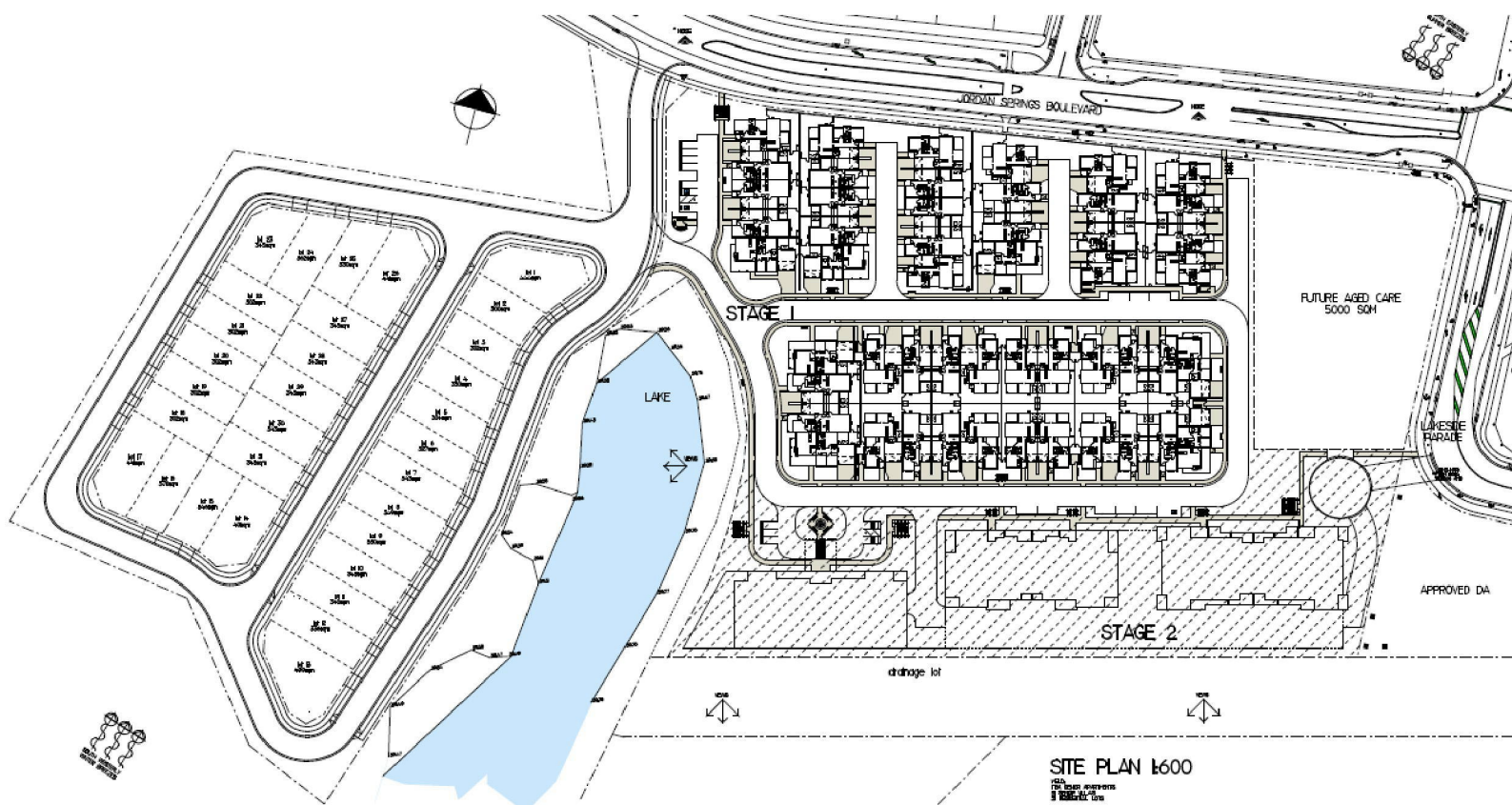


Statement of Environmental Effects Section 4.55(1A) Modification

Jordan Springs Seniors Living Lot 1 in DP 1248137
Jordan Springs Boulevard, Jordan Springs



Prepared for Lendlease RL Jordan Springs Holding Pty
Ltd as trustee of Lendlease RL Jordan Springs Trust
Submitted to Penrith City Council

DA/2018/0678
June 2019

Contact



Dan Keary
Director
E: dan@keylan.com.au

Michael Woodland
Director
E: michael@keylan.com.au

Cover image: Approved site plan (Source: Lendlease Retirement Living)

All Rights Reserved. No material may be reproduced without prior permission of Keylan Consulting Pty Ltd. While Keylan Consulting Pty Ltd working on this project has tried to ensure the accuracy of the information in this publication, it accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in the information in this report. This report has relied on information provided by Lendlease RL Jordan Springs Holding Pty Ltd in good faith and accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damage arising from reliance in the information in this report.

Table of Contents

1	Introduction	4
2	The site and locality	5
2.1	The site	5
2.2	Surrounding locality	6
3	Application history.....	8
4	Proposed modification to the Development Consent	8
4.1	DA/2018/0678 (Concept Plan, Stage 1 and Stage 2)	8
5	Section 4.55 Assessment	12
5.1	Section 4.55(1A)	12
5.2	Section 4.55(3)	14
5.3	Section 4.15(1) Assessment	14
5.4	Western Precinct Plan and Development Control Strategy	15
6	Likely impacts of the development	16
6.1	Built Form	16
6.2	Other impacts	20
6.3	Suitability of the site for the development.....	20
6.4	Public interest.....	20
7	Conclusion	21

Figures

Figure 1: Location of the site	5
Figure 2: Location of the site	6
Figure 3: Bushfire Prone Land.....	6
Figure 4: Lot detail plan	7
Figure 5: Approved colour scheme	16
Figure 6: Proposed colour scheme	16
Figure 7: Approved extract from Sheet 8 elevation for Villa SV27	18
Figure 8: Proposed Sheet 8 elevation demonstrating proposed maximum RL for Villa SV27	18
Figure 9: Extract of Villa SV45 from approved plan detailing approved gable design	19
Figure 10: Extract of proposed Villa SV45 detailing proposed hip roof design	19

Tables

Table 1: Section 4.55(1A) Assessment.....	13
Table 2: Section 4.15(1) Assessment	15

Appendices

Appendix 1	Copy of Development Consent
Appendix 2	Schedule of modifications to villas
Appendix 3	Amended drawings, prepared by Lendlease Retirement Living

1 Introduction

This Statement of Environmental Effects (SEE) has been prepared by Keylan Consulting Pty Ltd (Keylan) to accompany a section 4.55(1A) application to modify DA/2018/0678 (the Development Consent) for development at Lot 1 DP 1248137 (previously known as Lots 3990 and 3991, DP 1190132), Jordan Springs Boulevard, Jordan Springs.

This application has been prepared on behalf of Lendlease RL Jordan Springs Holding Pty Ltd as trustee of Lendlease RL Jordan Springs Trust (the Applicant) and submitted to Penrith City Council (Council) under section 4.55(1A) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This application is the first modification sought to DA/2018/0678. A copy of the original Development Consent is provided in Appendix 1.

This proposal seeks approval to modify Condition 1 of the Development Consent to amend the:

- external colour schedule and materials of the villas
- rear fencing height of the villas from 1500mm to 1800mm
- fencing from open vertical fencing to masonry fencing for villas SV1, SV10, SV19, SV20 and SV27 fronting Jordan Springs Boulevard
- roof configuration from gable to hip for villas SV2 – SV3, SV8 – SV9, SV11 – SV13, SV15, SV20, SV23, SV24, SV27, SV42 and SV45
- maximum RL for Villas SV1 - SV7 and SV9 - SV27 inclusive, which have marginally increased as a result of the approved fill across the site and detailed engineering design
- maximum RL for Villa SV51 to reduce the overall height as a result of the approved cut in this section of the site and the subsequent detailed engineering design

The proposal is the result of further design refinements to improve the development. The modification is also the result of the civil works approved for the site (as detailed in Condition 1 – civil plans) which required fill across the majority of the site and the subsequent detailed engineering design. The fill has resulted in a minor increase in the maximum RL for several Villas (SV1 - SV7 and SV9 - SV27 inclusive) and a reduction to the maximum RL for Villa SV51. The remainder of the Villas retain the approved height.

A schedule of the proposed modifications (Appendix 2) and amended drawings (Appendix 3) have been prepared by the Applicant in support of this modification.

This SEE concludes that the proposed modification:

- is minor in nature and will result in substantially the same development as the development for which consent was granted
- will have a positive impact on the streetscape, and
- will not result in any significant environmental impacts.

Accordingly, we recommend that the proposed modification be supported and approved by Council.

2 The site and locality

2.1 The site

The site is located in the St Marys Development Site within the Penrith Local Government Area (LGA). The site has an area of approximately 3.101ha. The land is legally described as Lot 1 in DP 1248137 (previously Lots 3990 and 3991 in DP1190132).

The location of the site is shown in the figures below.

The site is irregular in shape and has a primary street frontage to Jordan Springs Boulevard. Jordan Springs Boulevard is a two-way local road running east-west between the Northern Road and Lakeside Parade. The Northern Road runs north-south along the western fringe of Jordan Springs.

The site comprises large cleared areas. Vegetation on the site consists of a mix of young and mature Cumberland Plain Woodland, Cumberland Plain woodland in various stages of regeneration and low diversity native grassland derived from Cumberland Plain Woodland.

The site is partially bushfire prone, with a Vegetation Category 1 and a Vegetation Buffer placed across the site (Figure 3).

There are no heritage items located on land subject to the modification.

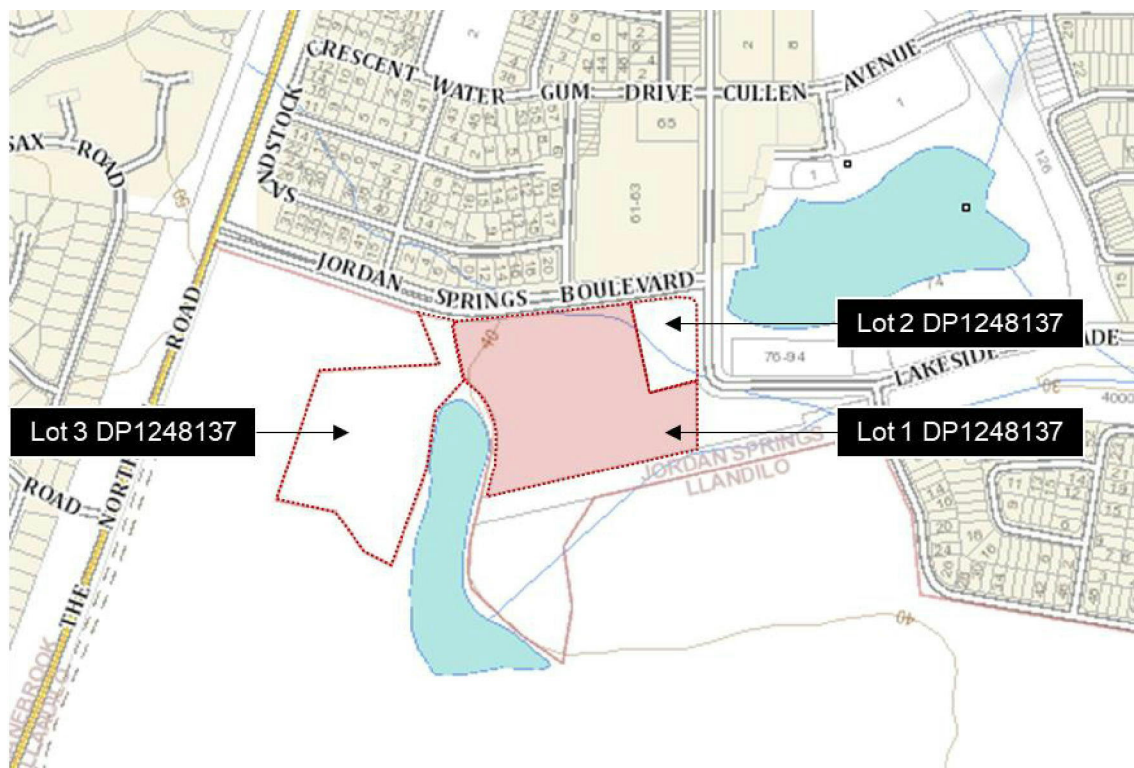


Figure 1: Location of the site filled in red (Source: SIX Maps)



Figure 2: Location of the site as highlighted in red (Source: Six Maps)

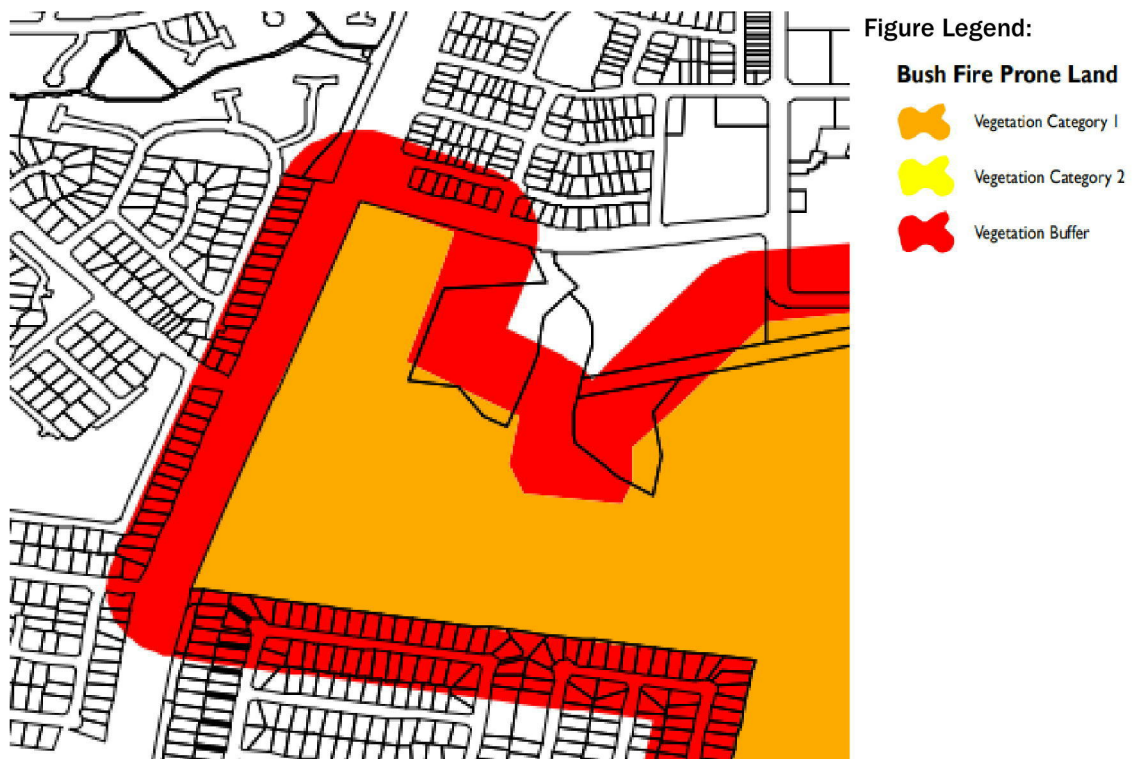


Figure 3: Bushfire Prone Land (Source: Penrith City Council)

2.2 Surrounding locality

The site is bound by the Wianamatta Regional Park on the south and west boundaries, and by an artificial waterbody (lake) to the west. The lake is a permanent water feature with limited vegetation, located within the Regional Park.

To the north and east of the site is the established suburb of Jordan Springs, comprising retail, commercial and open space uses. The Jordan Springs Town Centre is located to the immediate north and north-east of the site.

To the immediate west of the site within Lot 3 in DP 1248137 (previously Lots 3990 and 3991 in DP 1190132) is vacant land. Development consent was granted by Council on 21 January 2019 for subdivision for 31 residential lots (DA2018/0655). A proposed perimeter road will be situated between the approved subdivision (DA2018/0655) and the approved seniors housing development (DA2018/0678) on the site. Vehicle access to both sites is from a shared new road connection to Jordan Springs Boulevard.

To the immediate south of the site is a drainage lot. The drainage lot runs parallel along the southern boundary of the site from Jubilee Drive to the lake.

A separate development for an Aged Care facility is proposed (and subject to a separate approvals process by another entity) for the north-eastern corner of Lot 2 in DP 1248137 (previously Lot 3991). To facilitate this development, separate development consent was obtained for a 3 lot torrens title subdivision on Lot 3991 (DA2018/0714) as shown in Figure 4. This development consent subdivided Lot 3991 into 3 lots comprising of:

- Lot 1 - with an area of 3.141ha, will comprise of the approved seniors living development (the subject approval DA2018/0678)
- Lot 2 - with an area of 5,004m², will comprise of the separate aged care development
- Lot 3 - with an area of 2.294 hectares and a 34.64m frontage to Jordan Springs, will comprise the approved subdivision (DA2018/0655)



Figure 4: Lot detail plan (Source: Lendlease Retirement)

3 Application history

On 16 February 2019 the Sydney Western City Planning Panel granted consent for a Staged Concept Development comprising Stage 1 works involving the construction of 51 seniors living villas, civil works and landscaping; and Stage 2 Concept Development for future independent living units (DA2018/0678).

4 Proposed modification to the Development Consent (DA2018/0678)

This proposal seeks approval to modify Condition 1 of the Development Consent to amend the:

- external colour schedule and materials of the villas
- rear fencing height of the villas from 1500mm to 1800mm
- fencing from open vertical fencing to masonry fencing for villas SV1, SV10, SV19, SV20 and SV27 fronting Jordan Springs Boulevard
- roof configuration from gable to hip for villas SV2 – SV3, SV8 – SV9, SV11 – SV13, SV15, SV20, SV23, SV24, SV27, SV42 and SV45
- maximum RL for Villas SV1 - SV7 and SV9 - SV27 inclusive, which have marginally increased as a result of the approved fill across the site and detailed engineering design
- maximum RL for Villa SV51 to reduce the overall height as a result of the approved cut in this section of the site and the subsequent detailed engineering design

The proposal is the result of further design refinements to improve the development. The modification is also the result of the civil works approved for the site (as detailed in Condition 1 – civil plans) which required fill across the majority of the site and the subsequent detailed engineering design. The fill has resulted in a minor increase in the maximum RL for several Villas (SV1 - SV7 and SV9 - SV27 inclusive) and a reduction to the maximum RL for Villa SV51. The remainder of the Villas retain the approved height.

The proposed modification is supported by a schedule of modifications (Appendix 2) and architectural plans (Appendix 3) which detail the proposed amendments to each villa.

The words proposed to be inserted are shown in **bold italics** and words proposed to be deleted are shown in **bold italics strikethrough**.

4.1 DA/2018/0678 (Concept Plan, Stage 1 and Stage 2)

It is recommended that Condition 1 of DA/2018/0678 be amended as follows:

Condition 1:

Drawing Title.	Drawing No	Prepared By	Dated
Site Plan	AND-28405 (Sheet 2) Issue 1 Issue M	JH Architects A&N Design Group	27/06/2018 15/01/2018
Building Envelope Plan	AND-28405 Issue 1	JH Architects A&N Design Group	27/06/2018 15/01/2018

Floor Plans	AND-28405 (Sheets 3-7) Issue 1 Issue M	JH Architects A&N Design Group	27/06/2018 15/01/2018
Elevations	AND-28405 (Sheets 8-10) Issue 1 Issue M	JH Architects A&N Design Group	27/06/2018 15/01/2018
External Colour Schedule, Fencing, Letterbox and Pergola	AND-28405 (Sheet 18) Issue 1 Issue M	JH Architects A&N Design Group	27/06/2018 15/01/2018
Stormwater Management Strategy	110487-02	J. Wyndham Prince	14/06/2018
Civil Plans	11048702/DA101- DA112 (Rev.B)	J. Wyndham Prince	26/10/2018
Waste Management Plan	-	Elephants Foot	07/06/2018

5 Section 4.55 Assessment

5.1 Section 4.55(1A)

Section 4.55(1A) of the EP&A Act states:

A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

Section 4.55(1A) Provision	Response
(a) <i>it is satisfied that the proposed modification is of minimal environmental impact, and</i>	<p>The modification seeks minor amendments to the approved Development Consent, which have arisen as a result of further design consideration and civil requirements approved under Condition 1 of the consent.</p> <p>Amending the overall RL and configuration of the roof of the villas; fencing height and configuration; and external colour palette are of minimal environmental impact and is consistent with the impacts assessed as part of the approved DA.</p>
(b) <i>it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and</i>	<p>The development, as proposed to be modified, is considered substantially the same development as the development for which consent was originally granted.</p> <p>The modification sought is minor in nature. The proposed amendments are the result of the further design refinement of the villas and requirements for fill across the majority of the site as approved in Condition 1 of the development consent.</p>
(c) <i>it has notified the application in accordance with:</i> <ul style="list-style-type: none"> i. <i>the regulations, if the regulations so require, or</i> ii. <i>a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and</i> 	<p>Council will notify the modification application, if required, in accordance with the Regulations and Council's notification policy.</p>
(d) <i>it has considered any submissions made concerning the proposed modification within any period prescribed by the</i>	<p>Consideration will be given to any submissions (if required) to the application should Council advertise or notify the proposal.</p>

Section 4.55(1A) Provision	Response
<i>regulations or provided by the development control plan, as the case may be.</i>	

Table 1: Section 4.55(1A) Assessment

5.2 Section 4.55(3)

Section 4.55(3) of the EP&A Act states:

In determining an application for modification of a consent under this section, the consent authority must take into consideration of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.

The following section of the report provides an assessment against the statutory environmental planning instruments relevant to the development. The section also includes discussion and evaluation of the key issues and matters for consideration under section 4.15(1) of the EP&A Act.

5.3 Section 4.15(1) Assessment

This section provides an assessment against section 4.15(1) of the EP&A Act.

Provision	Comment
<i>(a) The provisions of:</i>	
<i>(i) any environmental planning instrument, and</i>	<p>The original DA addressed the development's level of compliance against relevant planning instruments, including the:</p> <ul style="list-style-type: none"> • Sydney Regional Environmental Plan No. 30 – St Marys • State Environmental Planning Policy No. 19 – Bushland in Urban Areas • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • Draft State Environmental Planning Policy (Environment) • Draft Remediation of Land State Environmental Planning Policy • St Marys Environmental Planning Strategy 2000 • Western Precinct Plan and Development Control Strategy <p>Given the minor nature of the proposed modification, the proposal remains consistent with the above planning instruments.</p>

Provision	Comment
(ii) <i>any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</i>	<p>The original DA addressed the development's level of compliance against relevant planning instruments, including the:</p> <ul style="list-style-type: none"> • <i>Draft Sydney Environmental Planning Policy (Environment) 2017</i> • <i>Draft Remediation of Land State Environmental Planning Policy</i> <p>Given the minor nature of the proposed modification, the proposal remains consistent with the above planning instruments.</p>
(iii) <i>any development control plan, and</i>	The proposed modification remains consistent with the relevant provisions of the Penrith Development Control Plan 2014.
(iiia) <i>any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</i>	Not applicable.
(iv) <i>the regulations (to the extent that they prescribe matters for the purposes of this paragraph)</i>	There are no known matters prescribed by the Regulations that are relevant to the consideration of this application.
(v) <i>(Repealed)</i>	
<i>that apply to the land to which the development application relates,</i>	
(b) <i>the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</i>	The likely impacts of the proposal are discussed in Section 6 of this report.
(c) <i>the suitability of the site for the development,</i>	The site is suitable for the proposed minor modification to the approved development.
(d) <i>any submissions made in accordance with this Act or the regulations,</i>	The modification application will be notified (if required) in accordance with Council's notification policy. Any submissions received will be considered.
(e) <i>the public interest.</i>	<p>The original DA addressed public interest.</p> <p>Given the minor nature of the proposed modification, the proposal remains consistent with the original assessment of the public interest.</p>

Table 2: Section 4.15(1) Assessment

5.4 Western Precinct Plan and Development Control Strategy

The site is within the Village Centre Character Area and Bushland Edge under the *Western Precinct Plan* (WPP). The SEE submitted with the original DA assessed the relevant clauses of the WPP and the Development Control Strategy (DCS). As the proposed modifications are minor, the original assessment against the WPP and DCS remains relevant to the modification.

6 Likely impacts of the development

The modification is consistent with the conclusion of the SEE submitted with the original DA.

Notwithstanding, Section 4.15(1) of the EP&A Act requires an assessment of the impact of development on environmental impacts and social and economic impacts. These are discussed in detail below.

6.1 Built Form

This proposal seeks approval to amend the external colour scheme and the configuration and maximum RL of several of the villas. The proposal also seeks to modify the fences for several units. The schedule of proposed changes for each villa is provided in Appendix 2 to assist in the assessment of the proposed modification.

External colour scheme

A colour scheme was prepared for the villas in the original DA and is included in Condition 1 of the development consent. The modification proposes to amend the colour scheme identified in the palette as shown in Figure 5. The amended colours are a slightly darker colour palette than what was approved as shown in Figure 6.

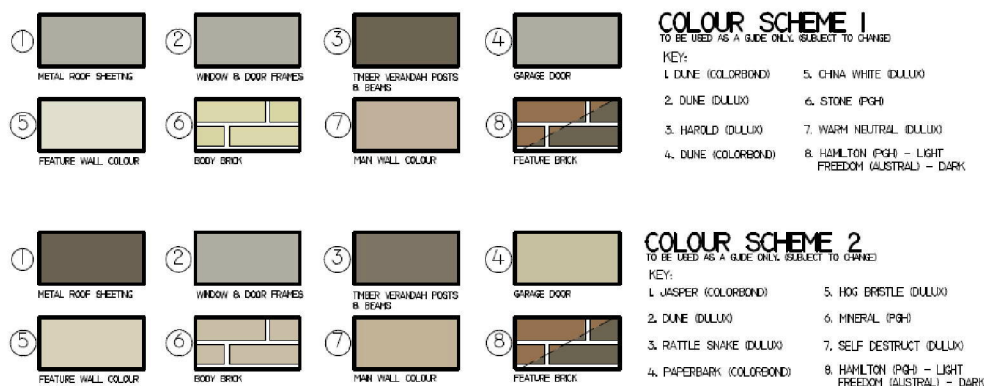


Figure 5: Approved colour scheme (Source: Lendlease Retirement Living)

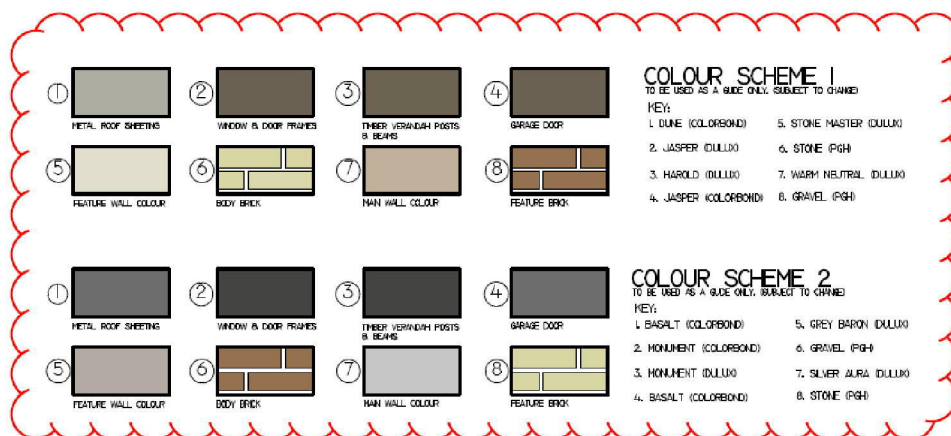


Figure 6: Proposed colour scheme (Base Source: Lendlease Retirement Living)

The proposed change is minor and maintains a similar colour palette as was approved. The proposed scheme incorporates a slightly darker palette and is considered to be suitable for the proposed development and site. The proposal maintains a similar architectural expression that was achieved through the approved colour scheme. Based on the above, the proposal is not likely to result in any adverse built form, streetscape or other impacts.

Roof maximum RL and configuration

The approved civil plans included in Condition 1 (Site layout, cut and fill plan number 11048702/DA102 B) require fill to be placed across the majority of the site. The detailed engineering design has been completed to reflect the fill as part of the detailed design phase. As a result, the maximum RL's for Villas SV1 - SV7 and SV9 - SV27 inclusive, as detailed in Appendix 2, have increased marginally from between 0.03m to 0.59m. Figures 7 and 8 provides an extract of the approved and proposed elevation detailing the overall RL for comparison for Villa SV27.

The modification seeks to reconfigure the roof design of approved villas SV2 – SV3, SV8 – SV9, SV11 – SV13, SV15, SV20, SV23, SV24, SV27, SV42 and SV45 from a gable design to a hip design as shown in the Figures 9 and 10 for Villa SV45. This is a minor design change which has resulted from further refinement undertaken by the project design team.

Fencing

The proposal seeks to alter the design of sections of the approved fencing along Jordan Springs Boulevard. This amendment is sought for villas 1, 10, 19, 20 and 27 fronting Jordan Springs Boulevard to increase the residents privacy by increasing screening to the approved living rooms and bedrooms fronting the street. This modification seeks to replace the open vertical fencing with masonry fencing and closed vertical panels as detailed in Appendix 3 of this modification and Figures 7 and 8 below.

The proposal also seeks to increase the rear fence height for the villas from 1500mm to 1800mm. This minor increase in fence height will further improve the amenity for future residents.

Solar Access to Private Open Spaces

The architectural plans demonstrate there is no additional overshadowing to the private open spaces of the villas as a result of the proposed modification. The architectural plans are provided in Appendix 3.



Figure 7: Approved extract from Sheet 8 elevation for Villa SV27 (Source: Lendlease Retirement Living)

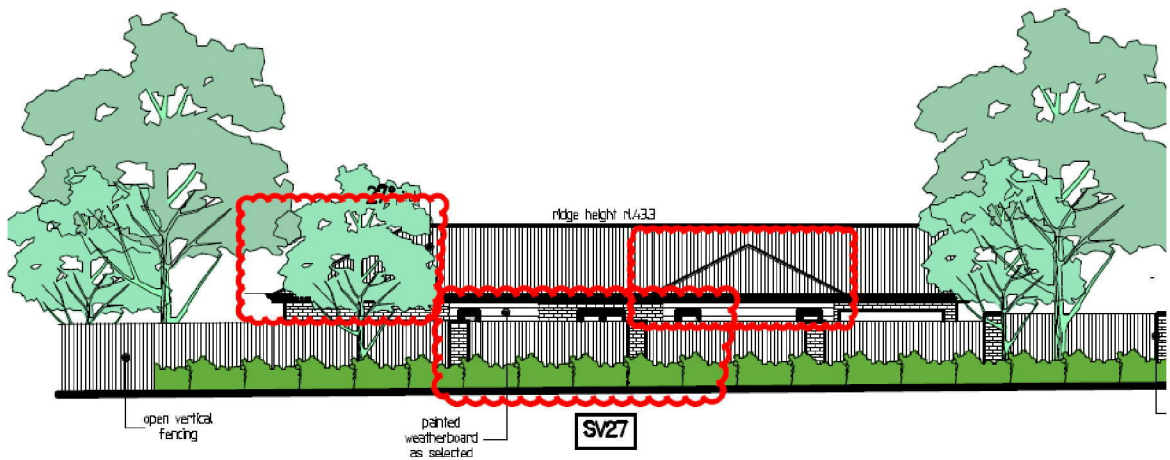


Figure 8: Proposed extract from Sheet 8 elevation demonstrating proposed maximum RL for Villa SV27 (Source: Lendlease Retirement Living)

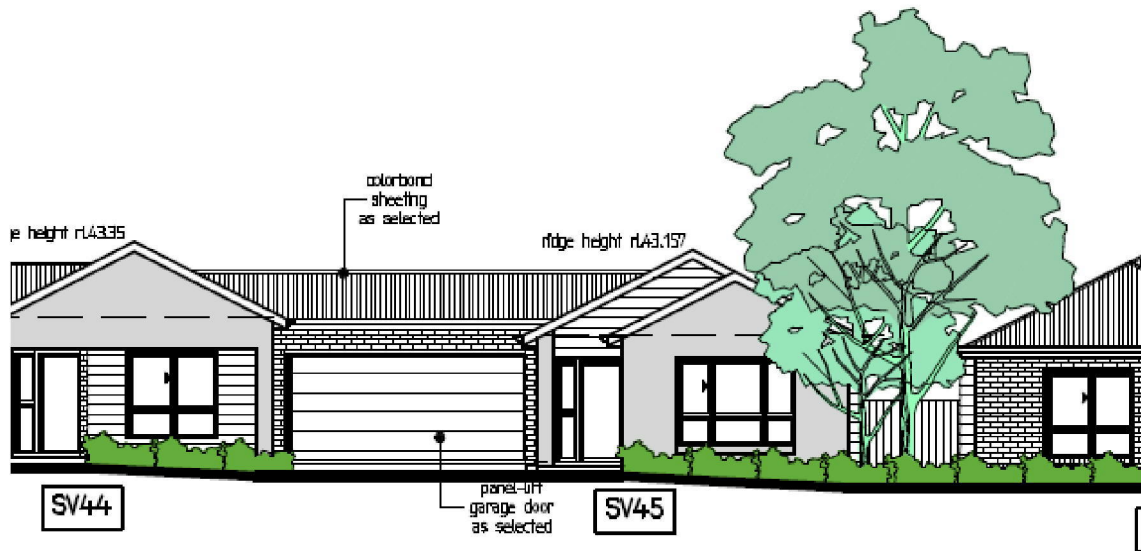


Figure 9: Extract of Villa SV45 from approved plan detailing approved gable design

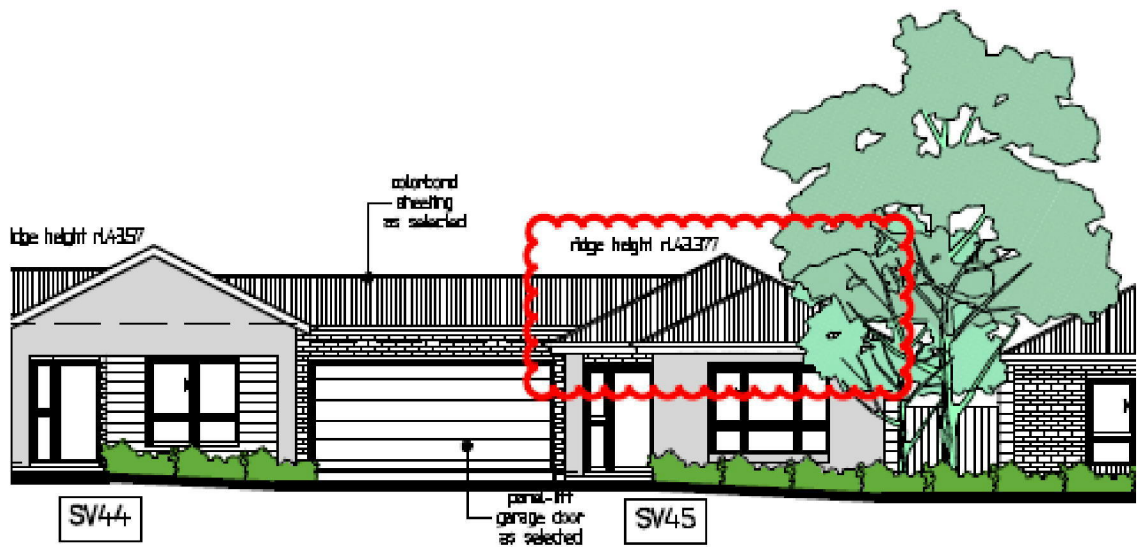


Figure 10: Extract of proposed Villa SV45 detailing proposed hip roof design

6.2 Other impacts

The modification will not generate additional noise or traffic impacts above that considered in the original DA.

6.3 Suitability of the site for the development

The site remains suitable for the proposed development for the reasons outlined below:

- the proposal will provide for a vibrant new neighbourhood, including the provision of seniors living units, buildings and public domain of the highest quality, and maximise the efficient use of this vacant parcel of land;
- the site is capable of being developed in a manner that will minimise impacts to the natural, artificial, historical, and environmental qualities of the site and neighbouring sites. All impacts of the modification were considered in the original approval and can be appropriately managed and mitigated;
- the development is designed in accordance with ESD principles and will achieve a high standard of sustainable design; and
- the proposed modification will not result in any local populations of threatened species or occurrences of ecological communities becoming extinct.

6.4 Public interest

The proposal continues to be in the public interest as the modification will result in substantially the same development as the development for which consent was granted. The proposal will have a positive impact on the streetscape and will not result in any significant environmental impacts.

In addition, Council will consider any public submissions relating to the proposal during its assessment. Accordingly, it can be concluded that the proposed development is entirely in the public interest.

7 Conclusion

This SEE supports a modification to DA/2018/0678 for development at Lot 1 in DP 1248137 (previously Lots 3990 and 3991), Jordan Springs Boulevard, Jordan Springs to make minor amendments to Condition 1 of the consent to:

This proposal seeks approval to modify Condition 1 of the Development Consent to amend the:

- external colour schedule and materials of the villas
- rear fencing height of the villas from 1500mm to 1800mm
- fencing from open vertical fencing to masonry fencing for villas SV1, SV10, SV19, SV20 and SV27 fronting Jordan Springs Boulevard
- roof configuration from gable to hip for villas SV2 – SV3, SV8 – SV9, SV11 – SV13, SV15, SV20, SV23, SV24, SV27, SV42 and SV45
- maximum RL for Villas SV1 - SV7 and SV9 - SV27 inclusive, which have marginally increased as a result of the approved fill across the site and detailed engineering design
- maximum RL for Villa SV51 to reduce the overall height as a result of the approved cut in this section of the site and the subsequent detailed engineering design

The proposal is the result of further design refinements to improve the development. The modification is also the result of the civil works approved for the site (as detailed in Condition 1 – civil plans) which required fill across the majority of the site and the subsequent detailed engineering design. The fill has resulted in a minor increase in the maximum RL for several Villas (SV1 - SV7 and SV9 - SV27 inclusive) and a reduction to the maximum RL for Villa SV51. The remainder of the Villas retain the approved height.

It is concluded that the proposed modification warrants approval for the following reasons:

- the proposed amendments are substantially the same development, are generally minor in nature and do not fundamentally alter the approved development
- the proposal maintains an appropriate built form/streetscape
- the proposal maintains compliance with all the relevant strategic policies and EPIs applying to the site
- the proposal will have minimal environmental impact
- granting consent is considered to be in the public interest

Given the positive planning merits of the development, it is recommended that the proposed modification is supported and approved by Council.