



STATEMENT OF ENVIRONMENTAL EFFECTS

DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF PROPOSED

SENIORS DEVELOPMENT

6-8 LINKSVIEW AVE, LEONAY

JUNE 2020

GLENSTONE CONSTRUCTIONS

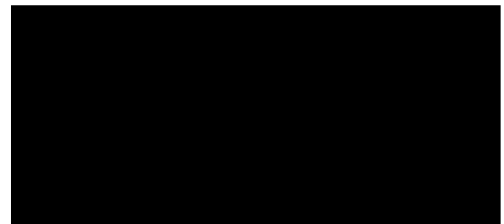
STATEMENT OF ENVIRONMENTAL EFFECTS

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Client and Land Details

Client: Glenstone Constructions
Subject Site: Lot 68 DP218969, Lot 69 DP218969, 6-8 Linksvie Ave, Leonay
Proposal: Demolition of Existing Structures and Construction of Proposed Seniors Development



Warwick Stimson RPIA
Director



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1 INTRODUCTION

1.1 PROJECT OVERVIEW

Stimson & Baker Planning has been engaged by Glenstone Group to prepare a Statement of Environmental Effects in relation to a proposed Seniors Development on the property known as 6-8 Linksvie Ave, Leonay.

The proposed development includes the demolition of all existing structures on the site, and construction of five, two-bedroom seniors housing dwellings.

The site is zoned R2 Low Density Residential under Penrith Local Environmental Plan 2010 with the proposal being permissible with consent. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies to the assessment of this application.

The proposal is defined as development in Section 4 of the Environmental Planning and Assessment Act 1979 (EPA Act). The EPA Act stipulates that the development must not be carried out on the subject site until consent has been obtained. Furthermore, the application does not trigger any of the 'integrated development' provisions of the Act and so no third-party approvals are required.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives, and development provisions of Council's LEP and DCP, and Section 4.15 of the EPA Act.

1.2 REPORT STRUCTURE

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 3: Project Description – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Considerations – provides for an assessment of the proposal against the specific planning instruments and policies that are applicable.
- Section 5: Key Planning Issues – provides an assessment of the key issues identified in the preparation of the application.
- Section 6: Section 4.15 Assessment – provides an assessment against section 4.15 of the EPA Act.
- Section 7: Conclusion and Recommendation – summarises the report and presents a recommendation.

1.3 HISTORY OF THE APPLICATION

Applications for the development of the site for seniors housing has been considered by Council previously.

DA18/1253 was refused by Council on 8 May 2019. This proposal was for six dwellings and the consent authority for that decision was the Local Planning Panel. Since that time, a number of meetings have occurred between the proponent and Council staff,

Design amendments that have been made, as well as other considerations since DA18/1253, have been detailed in the Architectural Design Statement appended to this report. That Statement also responds specifically to a pre-DA meeting that was held on 20 March 2020.

1.4 SUPPORTING DOCUMENTATION

The proposed is accompanied by the following documentation:

Documentation	Prepared by
Survey	Richard Hogan and Co
Architectural Drawings	Integrated Design Group
Hydraulic Report/Stormwater Plans	Abel and Brown
Erosion and Sediment Control Plan	Abel and Brown
Landscape Plan	Nicholas Bray Landscapes
Arborists Report	Arborist Network
Access Report	Funktion
BASIX/NatHERs	ESD Synergy
Traffic Manoeuvring Report	Stanbury Traffic Planning

1.5 LEGISLATION, ENVIRONMENTAL PLANNING INSTRUMENTS AND POLICIES TO BE CONSIDERED

- *Biodiversity Conservation Act 2016*
- *Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

1.6 CONSENT AUTHORITY

The consent authority for this application is Penrith City Council.

2 THE SITE AND SURROUNDS

The subject site and its surrounds have the following characteristics.

Site Address	6-8 Linksvie Ave, Leonay
Lot/DP	Lot 68 DP 218969, Lot 69 DP 218969
Site Area	1746 sqm approx
Local Government Area	Penrith City Council
Zoning	R2 Low Density Residential
Current Land Use	Residential
Proposed Land Use	Residential
Surrounding Land Uses	Low density residential
Topography	Gently sloping west to east
Terrestrial Biodiversity	Not mapped in LEP
Vegetation	Not mapped in LEP
Heritage	Not mapped in LEP
Bushfire	Not mapped



Figure 1 Site Plan – Cadastre

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2.1 SURROUNDING CONTEXT

The surrounding area is characterised by a diverse range of housing types, sizes and of building materials. A detailed Contextual Analysis is provided within the set of architectural plans. The proposal is of a scale and bulk that is not inconsistent with the range of buildings within the locality.

The primary setback from Linksvue Avenue is consistent with that of the dwelling to the south. The secondary frontage setback is also consistent with the secondary setback on the property to the north (opposite Fairways Avenue).

The contribution of the development to the character of the locality has been considered later in this report.

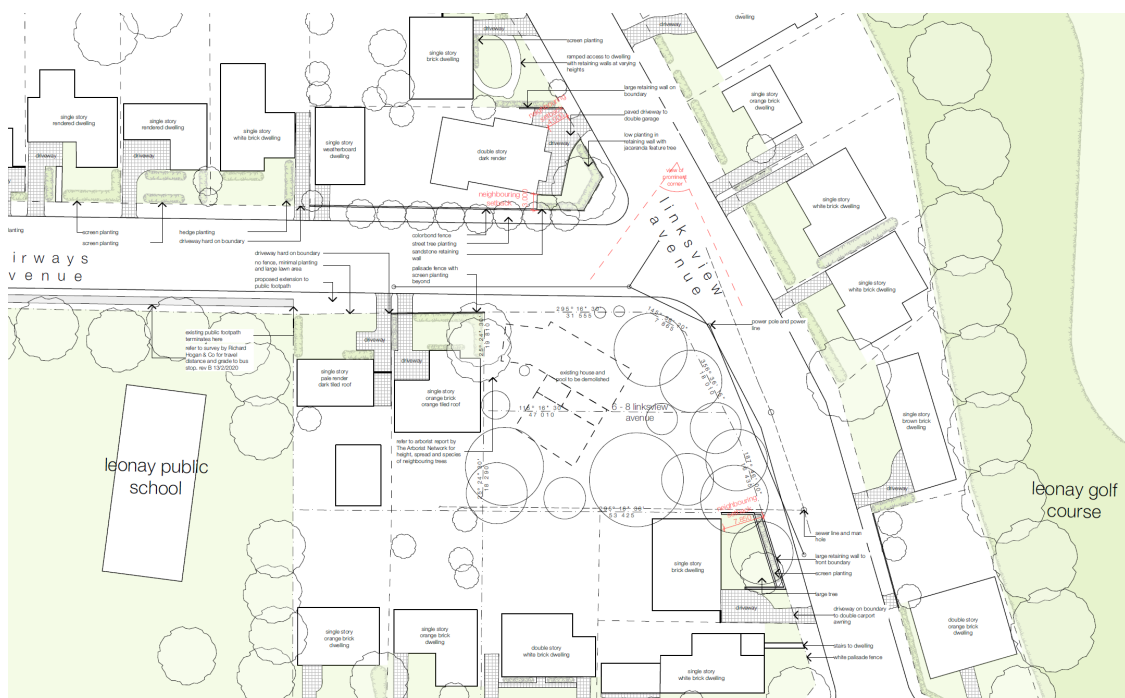


Figure 4 Site Analysis - Context

2.2 TRANSPORT NETWORK

The site is well serviced by the Route 689 Penrith bus service, providing links to the Penrith CBD. The nearest bus stop satisfies the locational requirements of the SEPP(Seniors) 2004 as detailed in the submitted survey plans.

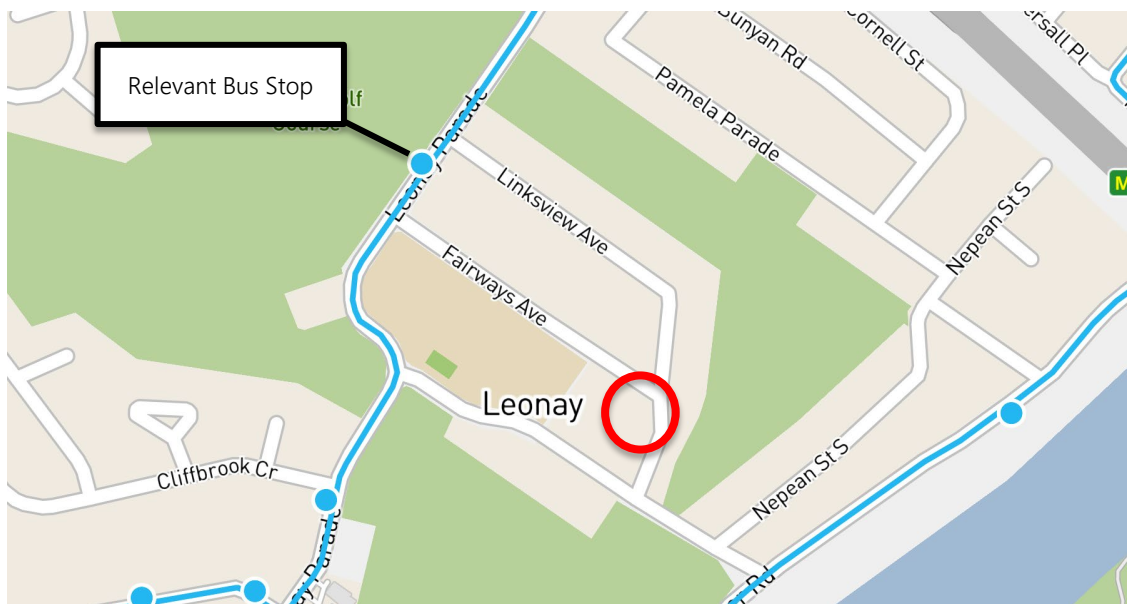


Figure 5 Bus Route – Route 689 (Subject site circled)

3 PROJECT DESCRIPTION

3.1 OVERVIEW

This application seeks approval for a seniors housing development, comprising 5 x 2 bedroom villas. Associated parking, hardstand, landscaping and stormwater infrastructure is also proposed.

The demolition of all existing structures on the site is included within this application.

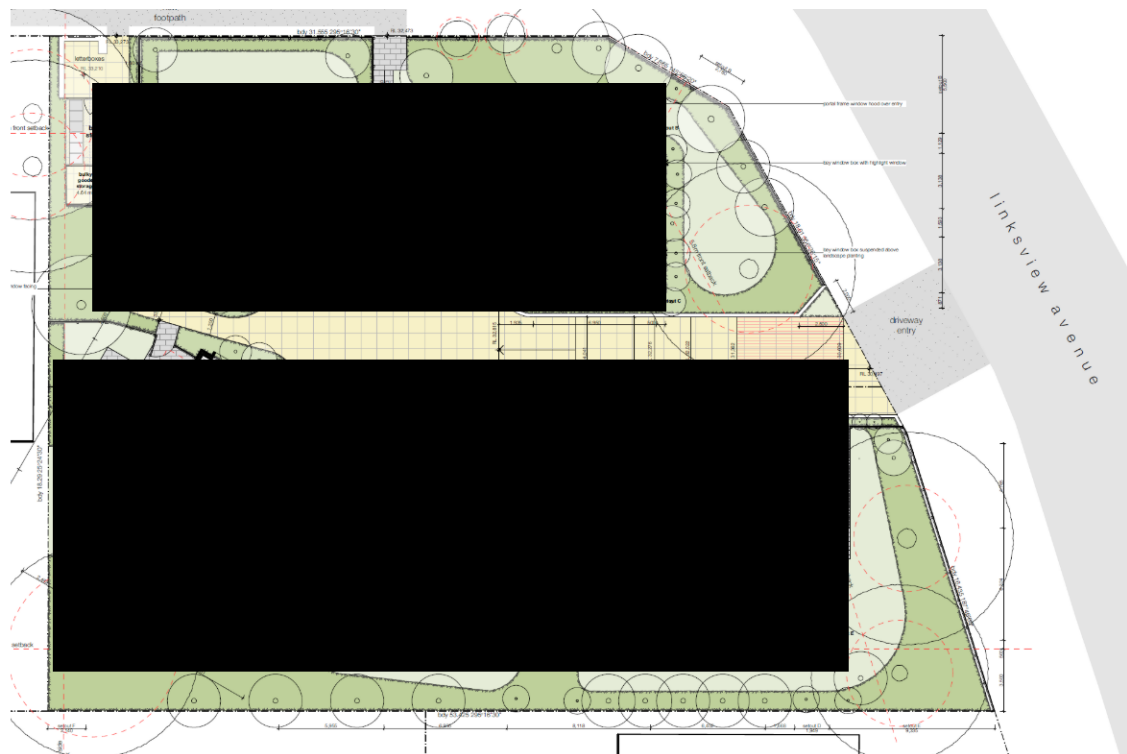


Figure 6 Proposed Ground Floor Plan

The following has been included in the plans and details the compliance of the development.

area schedule

	GFA* (m ²)	private open space (m ²)	bedrooms		parking
			2B	3B	
unit 1	101.56	80.99	1		1
unit 2	118.63	178.57	1		1
unit 3	105.59	188.53	1		1
unit 4	112.15	91.56	1		1
unit 5	100.82	139.81	1		1
total	538.75	679.46	5	0	5

totals

site area (m ²)	1,762 m ²	total dwellings	5
total GFA	538.75 m ²	total adaptable dwellings	5
total landscape	632.11 m ²	total car parks	5
total deep soil	511.77 m ²		

SEPP compliance

proposed FSR	0.31	:1	0.5:1 allowable	complies
private open space	>15m ²	m ²	15m ² per dwelling	complies
landscape area	35.87%	%	33% of site area	complies
deep soil	29.04%	%	15% of site area	complies
parking	5	spaces	0.5 per bedroom	complies
allowable height	<8	m	8m ceiling level above NGL	complies

Figure 7 Development Details and Compliance Tables

3.2 BUILT FORM

The development comprises a contemporary built form with a high level of quality materials and finishes proposed. The low scale villas will present as a minor built element within this locality where larger homes are found. The high level of landscaping will assist in further breaking down the built form of the development.

It is also noted that the built form generally follows the topography of the site. This assists where street and secondary street setbacks contain access to the site and also some open space. As a result of this, car storage and manoeuvring has been internalised within the development ensuring minimal, if not imperceptible vehicular areas.



Figure 8 Elevational Perspective



Figure 9 Materials and Finishes

The contemporary mix of materials and finishes that are proposed as part of the development will provide a significant positive impact on the existing local streetscape, and also contribute important elements to the landscape setting of the development.

3.3 VEHICULAR ELEMENTS

One entry point is provided from Linksvie Avenue for the development that opens up into an internalised car court providing access to each of the dwelling garages and visitor parking.

One covered space is provided for each dwelling. On street parking is also available within this locality.

The parking and access arrangements have been considered by the project traffic engineer and their assessment, including swept paths, accompanies the application.

3.4 LANDSCAPING AND OPEN SPACE

A Landscape Plan accompanies the application and demonstrates high quality landscaping outcomes. Landscaping contributes to breaking down the mass of the development and improving the relationship with adjoining properties. Importantly, landscaping has been used within the street frontages to assist in enhancing the landscape setting of the locality.

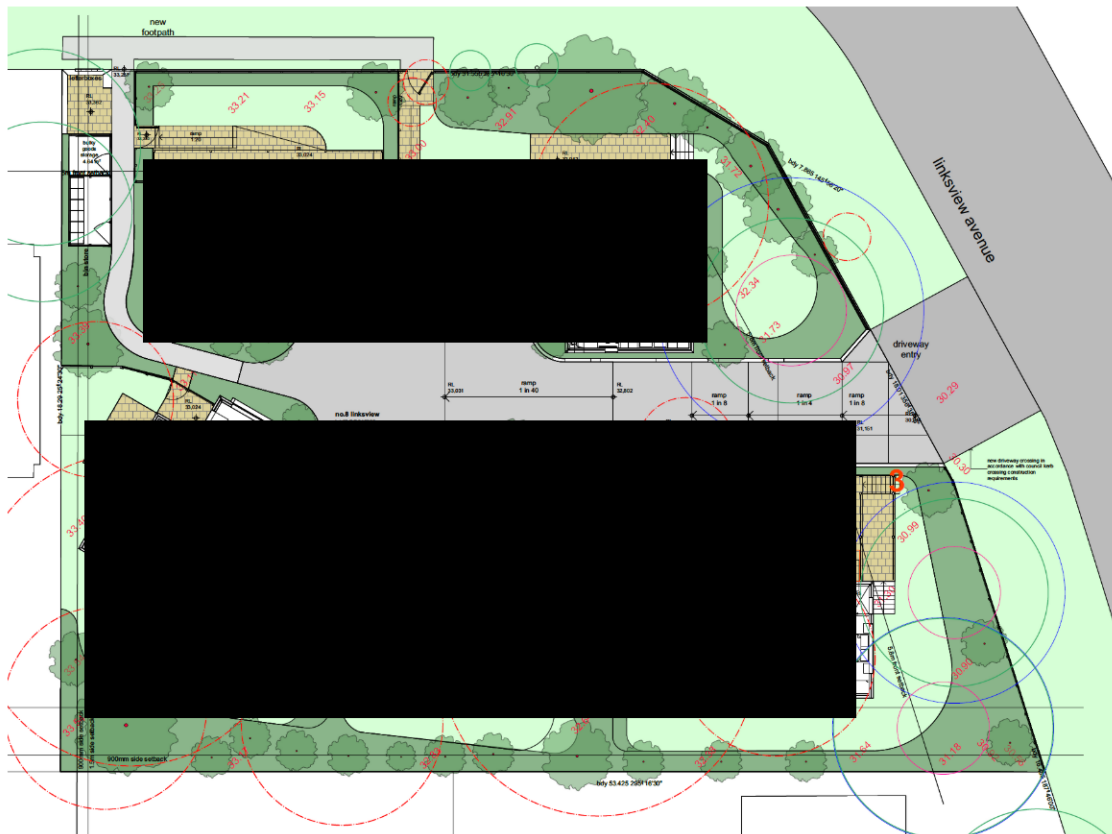


Figure 10 Landscape Plan extract

3.5 STORMWATER DRAINAGE

A stormwater drainage concept plan accompanies the application and demonstrates compliance with Council's controls. Stormwater will be managed on site and directed to Linksvue Avenue where it is proposed to be connected to Council's system.

Further information is appended to this report in regard to the stormwater management on the site. MUSIC modelling has been carried out and accompanies the application.

3.6 UTILITIES

The site will be appropriately serviced to accommodate the proposed use. Some utility upgrades are likely to be required and will be confirmed with the relevant service authority.

3.7 WASTE MANAGEMENT STRATEGY

Waste bins will be provided for each of the dwellings in dedicated waste storage areas shown below. Waste will be collected by Council and organised through the owners/managers of the building or the body corporate if subject to strata subdivision in the future.

Document Set ID: 9188509
Version: 1, Version Date: 24/06/2020

4 STATUTORY CONSIDERATIONS

The applicable statutory planning instruments and relevant guidelines have been considered below.

4.1 BIODIVERSITY CONSERVATION ACT 2016

The NSW *Biodiversity Conservation Act 2016* (BC Act) commenced on 25 August 2017. The Act applies to all of NSW.

The Biodiversity Offsets Scheme (BOS) applies to local developments assessed under Part 4 of the EPA Act that trigger the BOS threshold or that are likely to have a significant effect on threatened species based on the 'test of significance' at s7.3 of the BC Act.

Amongst other changes, the Act introduced new mandatory requirements for biodiversity assessment and reporting and requires proponents to offset biodiversity impacts by retiring biodiversity credits through the BOS. This is a significant change to the previous legislation where non-significant impacts did not require offsets.

As part of the biodiversity reforms, the State Government established the Biodiversity Assessment Method (BAM) which replaces previous assessment methodologies such as the BioBanking Assessment Methodology. The BAM is an evolution of these previous methodologies and determines the number and type of credits required at a development site, and the number and type of credits created at a Biodiversity Stewardship Site (offset site).

The key principle of BAM is 'no net loss', where impacts of development are offset by improving the condition of vegetation or habitat at a Biodiversity Stewardship Site. Importantly, developments cannot proceed simply by securing the required offsets, they are required to firstly demonstrate avoidance, minimisation and mitigation of impacts through reasonable measures prior to offsets being used.

For Local Development (i.e. Part 4 Development Applications under the EP&A Act) the BC Act and BAM apply. There are three ways in which detailed assessment through BAM and the Biodiversity Offset Scheme are triggered:

1. Proposed clearing for your project exceeds the thresholds for minimum lot size in the relevant Local Environmental Plan (LEP)
2. Sensitive Biodiversity Values have been mapped within your project area (as mapped by the State Government); or
3. Impacts on threatened species, populations or communities are likely to be 'significant' as determined through the new 'five part test'

For this proposal, no native vegetation clearing is proposed, and the site is not mapped on the NSW Sensitive Biodiversity Values map. Given there is no significant vegetation on the development area of the site, it is highly unlikely that any impact on any threatened species will occur.

Accordingly, we submit that no further consideration of this Act is required for this type of application.

4.2 SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20 – HAWKESBURY NEPEAN RIVER

The aim of SREP 20 is to protect the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Appropriate conditions of consent would normally be applied to any approval to ensure the health of the river system is not compromised by way of sediment or erosion from the works or use.

4.3 STATE ENVIRONMENTAL PLANNING POLICY (HOUSING FOR SENIORS OR PEOPLE WITH A DISABILITY) 2004

The proposed development is permissible through the provisions of SEPP Seniors. The SEPP also contains development standards for a proposal of this nature, as well as design criteria.

A full assessment against the relevant provisions of the SEPP is provided at Appendix A. The proposed development satisfies the provisions of the SEPP, and the Seniors Living Urban Design Guidelines, that are also called up.

4.4 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

The Penrith LEP is the main environmental planning instrument applicable to the subject site. The objectives of the LEP are as follows:

- (a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,
- (b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,
- (c) to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,
- (d) to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,
- (e) to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,
- (f) to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,
- (g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,

- (h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change

It is submitted that the proposed development is not inconsistent with these objectives.

The subject site is zoned R2 Low Density Residential with the following zone objectives applying to that zone.

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To promote the desired future character by ensuring that development reflects features or qualities of traditional detached dwelling houses that are surrounded by private gardens.
- To enhance the essential character and identity of established residential areas.
- To ensure a high level of residential amenity is achieved and maintained.

The proposed development is consistent with the objectives of the zone in that:

- The proposed development is consistent with the objectives of the zone in that:
- Seniors housing is in significant demand within the Penrith LGA, but also within Leonay specifically. The site and this development present an opportunity to provide this form of housing in an appropriate location that satisfies the relevant controls.
- The proposal will contribute to the housing needs of the community.
- The scale of the proposed building will not negatively impact on the existing or future character of the locality. The landscaping proposed will result in a unique development that will be dominated by landscaping when viewed from the public domain.
- A high level of architectural design is evident within the proposal and it is considered that this will contribute to the visual amenity of the locality.

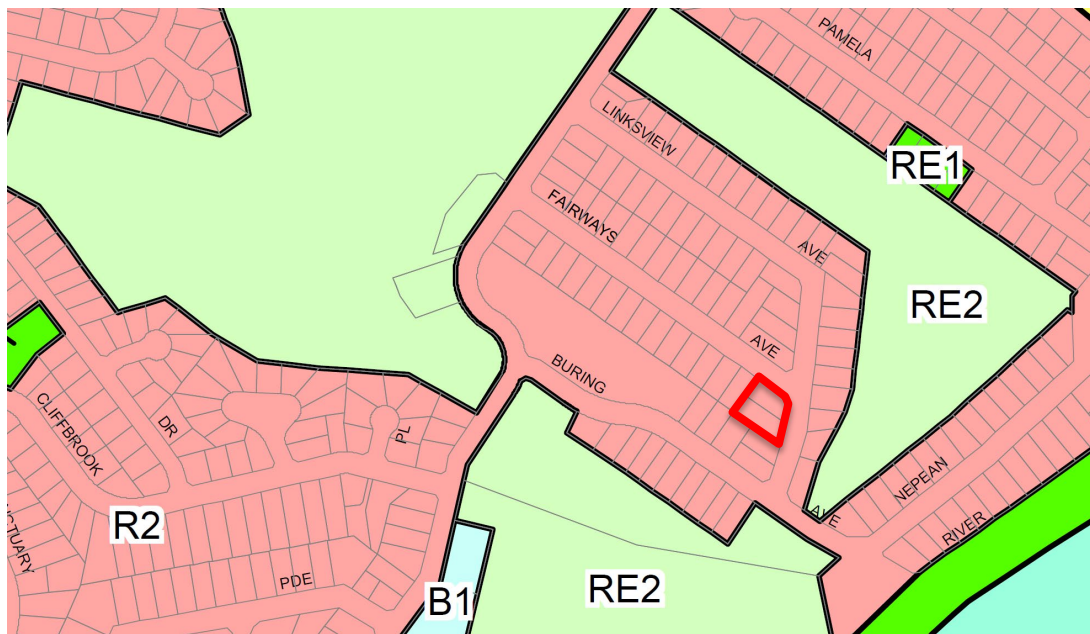


Figure 12 Land use zoning map

The following relevant clauses have also been considered in respect of this development proposal.

Part 4 Principal Development Standards:

Standard	Permitted	Proposed	Comment
4.3 Height of Buildings:	8m	<8m	Complies
4.4 Floor Space Ratio	See SEPP Assessment		Complies

Part 5 Miscellaneous Provisions

Provision	Comment
5.1 Relevant acquisition authority	N/A
5.2 Classification and reclassification of public land	N/A
5.3 Development near zone boundaries	N/A
5.4 Controls relating to miscellaneous permissible uses	N/A
5.5 Development within the coastal zone	N/A
5.6 Architectural roof features	N/A
5.7 Development below mean high water mark	N/A
5.8 Conversion of fire alarms	N/A
5.10 Heritage conservation	N/A
5.11 Bush fire hazard reduction	N/A

5.12	Infrastructure development and use of existing buildings of the Crown	N/A
5.13	Eco-tourist facilities	N/A
5.14	Siding Spring Observatory—maintaining dark sky	N/A
5.15	Defence communications facility	N/A
5.1	Relevant acquisition authority	N/A
5.2	Classification and reclassification of public land	N/A
5.3	Development near zone boundaries	N/A
Part 7 Additional Local Provisions		
Provision	Comment	
7.1	Earthworks	N/A
7.2	Flood planning	N/A
7.3	Development on natural resources sensitive land	N/A
7.4	Sustainable development	The proposal incorporates appropriate sustainable development characteristics and design elements. These contribute to the accompanying BASIX assessment.
7.5	Protection of scenic character and landscape values	N/A
7.6	Salinity	N/A
7.7	Servicing	The site is appropriately serviced to accommodate the proposal.
7.8	Active street frontages	N/A
7.9	Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	N/A
7.10	Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
7.11	Penrith Health and Education Precinct	N/A
7.12	Maximum gross floor area of commercial premises	N/A
7.13	Exhibition homes limited to 2 years	N/A
7.14	Cherrywood Village	N/A
7.15	Claremont Meadows	N/A
7.16	Glenmore Park Stage 2	N/A
7.17	Dwelling houses on certain land in Castlereagh, Cranebrook, Llandilo, Londonderry, Kemps Creek and Mulgoa	N/A

7.18	Mulgoa Valley	N/A
7.19	Villages of Mulgoa and Wallacia	N/A
7.20	Orchard Hills	N/A
7.21	Twin Creeks	N/A
7.22	Waterside	N/A
7.23	Location of sex services premises and restricted premises	N/A
7.24	Sydney Science Park	N/A
7.25	Warehouses and distribution centres on land zoned B7 Business Park	N/A
7.26	Serviced apartments	N/A

The provisions of the LEP have been satisfied for this development proposal.

4.5 PENRITH DEVELOPMENT CONTROL PLAN 2014

The following assessment has been made in respect of the general development controls within the DCP.

Part C1: Site Planning and Design Principles

The design methodology is explained on the accompanying plans and accompanying Architectural Design Statement. The site has been responded to with the proposed development and a Context and Site Analysis Plan accompanies the application.

The location of the bulk of the building element towards the external boundaries of the site is preferred as it internalises the majority of vehicular movements and storage. From an urban design aspect, this will more positively contribute to the streetscape and the visual amenity of the locality, particularly given the substantial landscaping proposed.

Part C2: Vegetation Management

A Landscape Concept Plan accompanies the application and provides for a mix of planting that integrates with the development and surrounding area. Good deep soil areas can accommodate deep rooted tree planting. Several significant trees have been retained to ensure the development will contribute to the landscape setting of the locality.

Part C3: Water Management

Appropriate initiatives are proposed for on-site stormwater management and a BASIX assessment has been carried out. These have been incorporated into the design of the development. A Stormwater Concept Plan accompanies the application demonstrating suitable management of stormwater quality and quantity.

Part C4: Land Management

Appropriate measures will be put in place to ensure the site is protected from erosion and sedimentation. An erosion and sedimentation control plan is provided. It is submitted that there are no concerns around potential contamination of the site given the historical residential use.

Part C5: Waste Management

The provision for waste management on site is considered satisfactory. A Waste Management Plan accompanies the application outlining the waste requirements.

C6: Landscape Design

A detailed Landscape Concept Plan accompanies this application.

The plants that will be used in the landscaping will be varieties that require low levels of maintenance and are drought resistant to reduce water use within the development.

C7: Culture and Heritage

The site is not a heritage item and does not adjoin a heritage item or precinct.

C10: Transport, Access and Parking

The proposal is considered to be acceptable in this regard. The site is within acceptable proximity of public transport options for residents. Appropriate access and manoeuvring has been provided to the site.

C12: Noise and Vibration

There is no anticipated noise or vibration generated from the proposed development. The proposal is considered to be satisfactory.

C13: Infrastructure and Services

As stated previously, the subject site is already serviced to accommodate the proposed development and any augmentation required will be confirmed with the relevant service providers.

The proposal is consistent with the provisions of the DCP.

5 KEY PLANNING ISSUES

The following impacts have been considered in the preparation of this development proposal.

5.1 FLORA AND FAUNA

Some trees are proposed to be removed as part of this application and an Arborist Report accompanies this application responding to this. Six significant trees are proposed to be retained that will continue to contribute to the landscape setting on the site and locality. No native vegetation is proposed to be removed.

5.2 TRAFFIC GENERATION AND PARKING

The proposed development does not propose any significant increase in parking demand or traffic generation. It is considered acceptable in this regard. Appropriate vehicle access and manoeuvring has been demonstrated.

5.3 COMPATIBILITY OF THE PROPOSAL ON THE LOCALITY

We note the NSW Land and Environment Court has published a planning principle in relation to locating seniors developments within low density zones. The issue of compatibility between a seniors development and a surrounding low-density zones arises in the majority of such applications. This is because the Policy allows development with different physical characteristics to what is permissible under the zoning. It is therefore useful to state some planning principles for assessing compatibility. The case of *GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council [2003] NSWLEC 268 at 14-18*, cites the following principles to be considered in this scenario. We have provided commentary in response to those principles (the Principles cite the old SEPP 5 Policy).

Principle	Response
The first principle is that buildings in a SEPP 5 development do not have to be single-storey to be compatible with the streetscape even where most existing buildings are single-storey. The principle does not apply to conservation areas where single-storey dwellings are likely to be the major reason for conservation.	<p>The majority of the proposed development is single storey in height with only 1 dwelling being two storeys in height.</p> <p>All built form on the site is within the applicable height limit.</p> <p>The site is not within a conservation area.</p> <p>The surrounding locality is characterised by a mix of 1 and 2 storey dwellings. The proposal is therefore not in conflict with this Principle.</p>
The second principle is that where the size of a SEPP 5 development is much greater than the other buildings in the street, it should be visually broken up so that it does not appear as one building. Sections of a building, or separate buildings should be separated by generous breaks and landscaping.	<p>The proposed development is spread over 2 building elements and is largely single storey in nature. The size and scale of the development is considered to be small. In addition to that, whilst the SEPP allows for a FSR of up to 0.5:1 to be built, the proposal is closer to 0.3:1.</p> <p>Substantial perimeter planting is proposed around the site to create a garden setting that is improved on the current streetscape presentation.</p>
The third principle is that where a site has existing characteristics that assist in reducing the visual dominance of development, these characteristics should be preserved. Topography that makes development appear smaller should not be modified. It is preferable to preserve existing vegetation around a site's edges to destroying it and planting new vegetation.	<p>Leonay is characterised as a suburb within a landscaped setting. Accordingly, this proposal includes increased landscaping, and a retention of existing significant trees that were proposed to be removed in the previous application. Once completed, the landscaping proposed will itself contribute to the landscape setting of the site.</p>

The fourth principle is that a SEPP 5 development should aim to reflect the materials and building forms of other buildings in the street. This is not to say that new materials and forms can never be introduced, only that their introduction should be done with care and sensitivity.

Built form in the locality is currently characterised by a mix of materials and finishes and the proposed development is not inconsistent with that, nor would it be considered to offend the locality.

When considered against the Planning Principle, the proposed development is not offensive or in conflict with the outcomes sought by them. It is submitted that the development satisfies the Principles and that it can be supported on that basis.

The site is therefore considered suitable for the proposed development.

5.4 VISUAL IMPACT

The proposed development is designed with a high level of architectural merit that exceeds that of nearby and adjoining properties. Its visual impact will be positive on the streetscape and the design of the development is expected to contribute to the visual amenity of the locality.

5.5 SERVICES

The site is appropriately serviced to allow for the proposed development.

5.6 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)

The consideration of CPTED issues has been prepared having regard to various published CPTED literature and academic works, and specifically includes the *"Crime Prevention and Assessment of Development Application Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979"* published by the former Department of Urban Affairs and Planning.

The advice is structured in accordance with Part B of the above guidelines – *Principles for Minimising Crime Risk*. In this regard, the advice considers the responsiveness of the proposed design to each of the adopted four principles for CPTED (surveillance; access control; territorial reinforcement and space management).

CPTED principles have been adopted by the NSW Police Force, based on recognition that the design of spaces plays a pivotal role in facilitating the safety and security of its users. The NSW Police Force has identified key principles of CPTED being:

- Establish opportunities for **good surveillance**, both casually and technically.
- Provide legible barriers for **access control** for spatial definition.
- Create a sense of ownership over spaces that are also clearly demarcated between public and private ownership for **territorial reinforcement**.
- Establish spaces that are utilised appropriately through **proper space management**, relating to litter and graffiti removal, and ensuring lighting fixtures are working.

When implemented, these measures are likely to reduce opportunities for crime by using design and place management principles.

Surveillance

The proposed development will provide numerous opportunities for surveillance. The following casual surveillance opportunities have been provided through the design of the project:

- Opportunities for visual observance through a high percent of transparent glazing along all frontages allow normal space users to see and be seen by others.
- Entries are located in highly visible locations.
- Active communal areas are well positioned.
- Clear visual pathways within resident areas as well as from public streets to private entrances.
- Areas of entrapment are limited due to multiple exit points from around the development.

Access Control

Access control to public, semi public and private areas of the development is considered to be well managed and effective. Access control to the dwellings can be effectively managed through lockable entry doors.

Overall access to the development will be managed by the body corporate and residents on a day to day basis, mainly through passive surveillance.

Territorial Reinforcement

Clear separation exists between public and private space in terms of the relationship between the proposal and the public domain. Appropriate landscaping, site furnishings and paving will provide good environmental cues about the transition or movement from public to private domain.

Space Management

For most modern residential developments, space management is increasingly carried out in a professional manner, often by third party specialist building management businesses. Therefore, the effectiveness of management systems will influence the perceived level of care of the project. In this case, the body corporate will ensure that processes are established to respond to and fix services and structures and under whose responsibilities these services are assigned.

5.7 WASTE MANAGEMENT

Appropriate waste management measures would be put in place on the site that are consistent with Council's requirements and those arrangements in place for established residential areas.

6 SECTION 4.15 ASSESSMENT

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 4.15 of the EPA Act has been undertaken.

6.1 SECTION 4.15(1)(A)(I) – ANY ENVIRONMENTAL PLANNING INSTRUMENTS

The relevant environmental planning instruments have been considered earlier in this report. These include the following:

- *Biodiversity Conservation Act 2016*
- *Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River*
- *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant controls.

6.2 SECTION 4.15(1)(A)(II) – 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

There are no known draft Environmental Planning Instruments applicable that will alter this assessment of the development.

6.3 SECTION 4.15(1)(A)(III) – ANY DEVELOPMENT CONTROL PLAN

Compliance against the relevant DCP's has been considered earlier in this report.

6.4 SECTION 4.15(1)(A)(IIIA) – ANY PLANNING AGREEMENT OR DRAFT PLANNING AGREEMENT ENTERED INTO UNDER SECTION 7.4

There are no known planning agreements that apply to the site or development.

6.5 SECTION 4.15(1)(A)(IV) – THE REGULATIONS

There are no sections of the regulations that are relevant to the proposal at this stage.

6.6 SECTION 4.15(1)(A)(V) – ANY COASTAL ZONE MANAGEMENT PLAN

Not relevant to the proposed development.

6.7 SECTION 4.15(1)(B) – THE LIKELY IMPACTS OF THAT DEVELOPMENT

6.7.1 Natural Environment Impacts

The proposal will result in the removal of exotic vegetation from the site, as well as the retention of six significant trees. Substantial perimeter planting is also proposed that will provide an improved streetscape presentation.

All other environmental impacts associated are considered to be mitigated as per the information supporting this application.

6.7.2 Social and Economic Impacts

The additional seniors housing is considered to be a positive result of this proposal. No negative economic or social impacts are expected.

6.7.3 Built Environmental Impacts

The scale and bulk of the development is considered to be minor in the context of the surrounding diverse range of housing that currently exists.

There will be no unacceptable impacts arising from this permissible development.

6.8 SECTION 4.15(1)(C) – THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the development would not result in any unacceptable impact on any adjoining landowners or buildings.

For the reasons outlined in this report the site is considered suitable for this development proposal.

The site is considered to be suitable for the development for the reasons outlined below:

- The proposal is permissible with consent in the zone.
- The proposal represents an appropriate land use and built form located on an appropriately serviced site that is in an accessible location.
- The proposal is compatible with surrounding land and surrounding built elements.
- The proposal represents an increase in seniors housing in Leonay.

6.9 SECTION 4.15(1)(D) – ANY SUBMISSION MADE

Council will undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to any submissions that might be made.

6.10 SECTION 4.15(1)(E) – THE PUBLIC INTEREST

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

7 CONCLUSION AND RECOMMENDATION

The proposed development has been assessed against the requirements of the Penrith LEP and DCP and is considered to represent a form of development that is acceptable. The proposal also satisfies the provisions of the SEPP(Seniors).

The proposed seniors development would not result in any unacceptable impact on the locality, will contribute to the visual amenity of the locality, and the supply of much needed seniors housing in the Penrith LGA.

The site is considered quite suitable for a use of this nature and is consistent with the character sought in this area. The site is unique in that it presents an opportunity within an established residential area to provide high quality seniors housing within a development that is of an appropriate scale that will not impact on the amenity of nearby and adjoining development.

An assessment against Section 4.15 of the EPA Act has not resulted in any significant issues arising.

Accordingly, it is recommended that the proposed development of seniors housing at 6-8 Linksvie Ave, Leonay be approved.



APPENDIX A

SEPP (Housing for Seniors or People with a Disability) 2004 and
Seniors Living Urban Design Guidelines

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

The relevant clauses of the SEPP have been considered as follows:

Chapter 1 Preliminary	
Provision	Comment
2 Aims of Policy	
(1) <i>This Policy aims to encourage the provision of housing (including residential care facilities) that will:</i>	
(a) <i>increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and</i>	Satisfied
(b) <i>make efficient use of existing infrastructure and services, and</i>	Satisfied
(c) <i>be of good design.</i>	Satisfied
4 Land to which Policy applies	
(1) General <i>This Policy applies to land within New South Wales that is land zoned primarily for urban purposes or land that adjoins land zoned primarily for urban purposes, but only if:</i>	
(a) <i>development for the purpose of any of the following is permitted on the land:</i>	
(i) <i>dwelling-houses,</i>	Satisfied
(ii) <i>residential flat buildings,</i>	
(iii) <i>hospitals,</i>	
(iv) <i>development of a kind identified in respect of land zoned as special uses, including (but not limited to) churches, convents, educational establishments, schools and seminaries, or</i>	
(b) <i>the land is being used for the purposes of an existing registered club.</i>	
Chapter 2 Key Concepts	
Provision	Comment
10 Seniors housing	
<i>In this Policy, seniors housing is residential accommodation that is, or is intended to be, used permanently for seniors or people with a disability consisting of:</i>	
(a) <i>a residential care facility, or</i>	The proposal is for a group of self-contained dwellings.
(b) <i>a hostel, or</i>	
(c) <i>a group of self-contained dwellings, or</i>	
(d) <i>a combination of these but does not include a hospital.</i>	
Chapter 3 Development for seniors housing	
Part 1 General	
Provision	Comment
14 Objective of Chapter	
<i>The objective of this Chapter is to create opportunities for the development of housing that is located and designed in a manner particularly suited to both those seniors who are independent, mobile and active as well as those who are frail, and other people with a disability regardless of their age.</i>	Satisfied

18 Restrictions on occupation of seniors housing allowed under this Chapter

- (1) Development allowed by this Chapter may be carried out for the accommodation of the following only:
- (a) seniors or people who have a disability, Noted.
 - (b) people who live within the same household with seniors or people who have a disability, Noted.
 - (c) staff employed to assist in the administration of and provision of services to housing provided under this Policy. Noted.
- (2) A consent authority must not consent to a development application made pursuant to this Chapter unless:
- (a) a condition is imposed by the consent authority to the effect that only the kinds of people referred to in subclause (1) may occupy any accommodation to which the application relates, and Noted.
 - (b) the consent authority is satisfied that a restriction as to user will be registered against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, limiting the use of any accommodation to which the application relates to the kinds of people referred to in subclause (1). Noted.

Part 2 Site-related requirements

Provision	Comment
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26 Location and access to facilities

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that residents of the proposed development will have access that complies with subclause (2) to:
- (a) shops, bank service providers and other retail and commercial services that residents may reasonably require, and
 - (b) community services and recreation facilities, and
 - (c) the practice of a general medical practitioner.

(2) Access complies with this clause if:

- (a) the facilities and services referred to in subclause (1) are located at a distance of not more than 400 metres from the site of the proposed development that is a distance accessible by means of a suitable access pathway and the overall average gradient for the pathway is no more than 1:14, although the following gradients along the pathway are also acceptable:
 - (i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,
 - (ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,
 - (iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time, or
- (b) in the case of a proposed development on land in a local government area within the Greater Sydney (Greater Capital City Statistical Area)—there is a public transport service available to the residents who will occupy the proposed development:
 - (i) that is located at a distance of not more than 400 metres from the site of the proposed development and the distance is accessible by means of a suitable access pathway, and

Site complies. See survey accompanying this application.

<p>(ii) that will take those residents to a place that is located at a distance of not more than 400 metres from the facilities and services referred to in subclause (1), and</p> <p>(iii) that is available both to and from the proposed development at least once between 8am and 12pm per day and at least once between 12pm and 6pm each day from Monday to Friday (both days inclusive), and the gradient along the pathway from the site to the public transport services (and from the public transport services to the facilities and services referred to in subclause (1)) complies with subclause (3), or</p>	<p>The relevant bus service provides access to the Penrith CBD where these services can be found.</p> <p>Bus services are provided throughout each day servicing the Leonay community providing a connection to the Penrith CBD.</p>
<p>(3) For the purposes of subclause (2) (b) and (c), the overall average gradient along a pathway from the site of the proposed development to the public transport services (and from the transport services to the facilities and services referred to in subclause (1)) is to be no more than 1:14, although the following gradients along the pathway are also acceptable:</p> <p>(i) a gradient of no more than 1:12 for slopes for a maximum of 15 metres at a time,</p> <p>(ii) a gradient of no more than 1:10 for a maximum length of 5 metres at a time,</p> <p>(iii) a gradient of no more than 1:8 for distances of no more than 1.5 metres at a time.</p>	<p>Refer to the survey attached to this assessment. Compliance is achieved.</p>
<p>28 Water and sewer</p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage</p>	<p>Connections will be confirmed at the time of obtaining a Construction Certificate however the level of existing development in the area suggests that this will be acceptable.</p>
<p>Part 3 Design requirements</p> <p>Division 1 General</p>	
<p>30 Site analysis</p> <p>(1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the applicant has taken into account a site analysis prepared by the applicant in accordance with this clause.</p>	<p>A Site Analysis Plan is within the set of architectural plans.</p>
<p>31 Design of in-fill self-care housing</p> <p>In determining a development application made pursuant to this Chapter to carry out development for the purpose of in-fill self-care housing, a consent authority must take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration) the provisions of the Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004.</p>	<p>The Guidelines have been considered at the end of this assessment.</p>
<p>32 Design of residential development</p> <p>A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied that the proposed development demonstrates that adequate regard has been given to the principles set out in Division 2.</p>	<p>The proposal can satisfy the principles.</p>

Part 3 – Division 2 Design principles

Provision	Comment
<p>33 Neighbourhood amenity and streetscape</p> <p><i>The proposed development should:</i></p> <ul style="list-style-type: none"> (a) <i>recognise the desirable elements of the location's current character (or, in the case of precincts undergoing a transition, where described in local planning controls, the desired future character) so that new buildings contribute to the quality and identity of the area, and</i> (b) <i>retain, complement and sensitively harmonise with any heritage conservation areas in the vicinity and any relevant heritage items that are identified in a local environmental plan, and</i> (c) <i>maintain reasonable neighbourhood amenity and appropriate residential character by:</i> <ul style="list-style-type: none"> (i) <i>providing building setbacks to reduce bulk and overshadowing, and</i> (ii) <i>using building form and siting that relates to the site's land form, and</i> (iii) <i>adopting building heights at the street frontage that are compatible in scale with adjacent development, and</i> (iv) <i>considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i> (d) <i>be designed so that the front building of the development is set back in sympathy with, but not necessarily the same as, the existing building line, and</i> (e) <i>embody planting that is in sympathy with, but not necessarily the same as, other planting in the streetscape, and</i> (f) <i>retain, wherever reasonable, major existing trees, and</i> (g) <i>be designed so that no building is constructed in a riparian zone.</i> 	<p>The neighbourhood amenity and streetscape principles have been considered in the design. The proposal is a high-quality designed development that will positively contribute to the amenity of the locality.</p> <p>The siting of buildings on the site are considered to be the most appropriate and are sympathetic to the adjoining properties.</p> <p>Existing vegetation has been retained where possible and this is reflected in the accompanying landscape plan.</p>
<p>34 Visual and acoustic privacy</p> <p><i>The proposed development should consider the visual and acoustic privacy of neighbours in the vicinity and residents by:</i></p> <ul style="list-style-type: none"> (a) <i>appropriate site planning, the location and design of windows and balconies, the use of screening devices and landscaping, and</i> (b) <i>ensuring acceptable noise levels in bedrooms of new dwellings by locating them away from driveways, parking areas and paths.</i> 	<p>The proposal is considered acceptable in this regard. There will be negligible acoustic and visual impacts arising from this low impact development.</p>
<p>35 Solar access and design for climate</p> <p><i>The proposed development should:</i></p> <ul style="list-style-type: none"> (a) <i>ensure adequate daylight to the main living areas of neighbours in the vicinity and residents and adequate sunlight to substantial areas of private open space, and</i> (b) <i>involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation solar heating and lighting by locating the windows of living and dining areas in a northerly direction</i> 	<p>The proposal has considered these principles, and these are reflected in the plan set.</p>
<p>36 Stormwater</p> <p><i>The proposed development should:</i></p> <ul style="list-style-type: none"> (a) <i>control and minimise the disturbance and impacts of stormwater runoff on adjoining properties and receiving waters by, for example, finishing driveway surfaces with semi-pervious material, minimising the width of paths and minimising paved areas, and</i> 	<p>The accompanying stormwater concept plan reflect these principles.</p>

- (b) include, where practical, on-site stormwater detention or re-use for second quality water uses.

37 Crime prevention

The proposed development should provide personal property security for residents and visitors and encourage crime prevention by:

CPTED and Safer by Design principles have been considered within the SEE.

- (a) site planning that allows observation of the approaches to a dwelling entry from inside each dwelling and general observation of public areas, driveways and streets from a dwelling that adjoins any such area, driveway or street, and
- (b) where shared entries are required, providing shared entries that serve a small number of dwellings and that are able to be locked, and
- (c) providing dwellings designed to allow residents to see who approaches their dwellings without the need to open the front door.

38 Accessibility

The proposed development should:

Appropriate access has been provided around the site, as well as into and out of it.

- (a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and
- (b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.

39 Waste management

The proposed development should be provided with waste facilities that maximise recycling by the provision of appropriate facilities.

Noted. Site can comply.

Part 4 Development standards to be complied with

Division 1 General

Provision

Comment

40 Development standards—minimum sizes and building height

(1) General

A consent authority must not consent to a development application made pursuant to this Chapter unless the proposed development complies with the standards specified in this clause.

(2) Site size

Site complies.

The size of the site must be at least 1,000 square metres.

(3) Site frontage

Site complies.

The site frontage must be at least 20 metres wide measured at the building line.

(4) Height in zones where residential flat buildings are not permitted

If the development is proposed in a residential zone where residential flat buildings are not permitted:

- (a) the height of all buildings in the proposed development must be 8 metres or less, and Site complies.
- (c) a building located in the rear 25% area of the site must not exceed 1 storey in height. Site complies.

Division 3 Hostels and self-contained dwellings—standards concerning accessibility and useability

Provision	Comment
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41 Standards for hostels and self-contained dwellings

(1) A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of a hostel or self-contained dwelling unless the proposed development complies with the standards specified in Schedule 3 for such development.	The proposed development can comply.
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Part 7 Development standards that cannot be used as grounds to refuse consent

Division 4 Self-contained dwellings

Provision	Comment
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50 Standards that cannot be used to refuse development consent for self-contained dwellings

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:

(a) building height: if all proposed buildings are 8 metres or less in height (and regardless of any other standard specified by another environmental planning instrument limiting development to 2 storeys),	Proposal complies.
(b) density and scale: if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	Proposal complies.
(c) landscaped area: if:	
(i) in the case of a development application made by a social housing provider—a minimum 35 square metres of landscaped area per dwelling is provided, or	N/A
(ii) in any other case—a minimum of 30% of the area of the site is to be landscaped,	Proposal complies,
(d) deep soil zones: if, in relation to that part of the site (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed, there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15% of the area of the site (the deep soil zone). Two-thirds of the deep soil zone should preferably be located at the rear of the site and each area forming part of the zone should have a minimum dimension of 3 metres,	Proposal complies.
(e) solar access: if living rooms and private open spaces for a minimum of 70% of the dwellings of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,	Proposal complies.
(f) private open space for in-fill self-care housing: if:	Proposal complies.
(i) in the case of a single storey dwelling or a dwelling that is located, wholly or in part, on the ground floor of a multi-storey building, not less than 15 square metres of private open space per dwelling is provided and, of this open space, one area is not less than 3 metres wide and 3 metres long and is accessible from a living area located on the ground floor, and	
(ii) in the case of any other dwelling, there is a balcony with an area of not less than 10 square metres (or 6 square metres for a 1-bedroom dwelling), that is not less than 2 metres in either length or depth and that is accessible from a living area,	N/A
(g) (Repealed)	
(h) parking: if at least the following is provided:	
(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or	Satisfactory parking provided for the development.

- (ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider. Satisfactory visitor parking provided for the development.

Seniors Living Urban Design Guidelines

Seniors Living Policy	
Rules of Thumb	Comment
Site Planning and Design	
<ul style="list-style-type: none"> The proportion of the site given to landscaped area and deep soil should be increased in less urban areas, on large lots, and in areas already characterized by high proportion of open space and planting. 	A high proportion of the site is provided as open space, supported by the percentage of landscaped area exceeding the controls within the SEPP. Landscaping of the site will be high quality and significantly contribute to the appearance of the development when viewed in the streetscape.
Impacts on Streetscape	
<ul style="list-style-type: none"> Respond to council planning instruments that specify the character or desired character for the area. 	The proposal is not considered to represent a negative element in the streetscape.
<ul style="list-style-type: none"> Where there is a consistent front building alignment, new development should not encroach on the front setback. 	The proposal would see appropriate setbacks established on this unique corner block. It is considered that the Guidelines have been appropriately responded to.
<ul style="list-style-type: none"> Driveways or basement car park entries should not exceed 25% of the site frontage. 	Proposal complies.
<ul style="list-style-type: none"> Garage doors should be set back a minimum of 1metre behind the predominant building façade on both the street frontage and common driveways. 	Proposal complies.
Impacts on Neighbours	
<ul style="list-style-type: none"> Where side setbacks are less than 1.2m, a maximum of 50% of the development should be built to this alignment. 	Proposal complies in terms of unit numbers. The western boundary is a side boundary for the adjoining property and the setback arrangements proposed are considered to be acceptable, allowing for the entire site to be developed in an orderly fashion, maximising the outcome on the site for this seniors development.
<ul style="list-style-type: none"> The length of unrelieved walls along narrow side or rear setbacks should not exceed 8 metres 	Minor articulation is provided along all elevations that cannot be viewed from the public domain. Those that face the public domain contain significant articulation and landscaping.
<ul style="list-style-type: none"> Living rooms of neighbouring dwellings should receive a minimum 3 hours direct sunlight between 9.00-3.00 in mid-winter neighbouring dwellings. 	Can comply.
<ul style="list-style-type: none"> Solar access to the private open space of neighbouring dwellings should not be unreasonably reduced. 	Can comply.
Internal Site Amenity	
<ul style="list-style-type: none"> Separation of 1.2 metres should be achieved between habitable rooms and driveway or car parks of other dwellings: <ul style="list-style-type: none"> This can be reduced if adequate screening is provided. 	Proposal complies.



APPENDIX B

Architectural Design Statement

architect's design statement

date: 5 June 2020

project: Seniors Living Development

address: 8 Linksview Avenue, Leonay

This statement is prepared with regard to the proposed development at 8 Linksview Avenue, Leonay and outlines the amendments to the plans for Development Application to address the issues raised by Council in their pre-DA advice dated 20 March 2020.

planning

- Consideration made to previous refused proposal under DA18/1253. A key aspect of the Council's feedback on the previous refused proposal was the loss in vegetation, the impact on privacy to the neighbours, and clarification on compliance with Clause 26 of the Seniors Living SEPP with regard to access to services or transport to services within 400m of the subject site. These issues have been addressed in the revised proposal.
- SEPP Seniors compliance table is located on drawing DA-0005, addressing the requirements specific to this development for self-contained dwellings and indicates full compliance.
- Included in the revised application is a survey of the path to the nominated bus stop on Leonay Parade that is located within 400m of the subject site, in accordance with Seniors SEPP clause 26. Survey prepared and by Richard Hogan & Co. This has resulted in the main entry to the development being located to the northern corner and accessible from all units with minimal impact to existing mature trees.
- Where applicable this development has been designed to comply with the Penrith Development Control Plan 2014, under the D2.4 Multi-Dwelling Housing.
- Setbacks for adjacent neighbouring sites have been measured on site and documented on drawing DA-0003. In accordance with DCP Clause 2.4.5 B) c) the proposal nominates an average setback of 5.8m along Linksview Avenue which is consistent with neighbouring buildings and the prevailing streetscape character. In accordance with Clause 2.4.11 b) 3) (a), we have incorporated a setback of 5.5m along Fairways Avenue (which is an increase on the existing building 2.2m setback. With the retention and setback around the existing trees we believe this setback provides for a consistent streetscape (see 3D perspective images in Statement of Environmental Effects).
- Character of the immediate area - the revised design has maintained significant trees along the Linksview and Fairways front boundary and at the south western corner of the site to minimise the impact on the neighbouring properties backyards. There is also additional screen planting provided to the boundaries

adjacent to neighbouring dwellings, and a feature tree (Crepe Myrtle) has been planted midway along the western boundary which is visible from the pedestrian entry from Fairways Avenue and the vehicle entry from Linksvue Avenue (refer to the landscape architects drawings).

- Communal area has been removed to accommodate additional landscaping as suggested by council. Furthermore, the bin store has been relocated to the north western boundary behind the letterboxes, which is easily accessible from the pedestrian entry and to Linksvue for collection and sheltered from view by screen fencing and existing neighbours trees.
- Additional windows have been incorporated into the Fairways avenue facade in the brick garage walls. In addition to this a landscape bed has been incorporated into the design in front of the garage walls with screen planting to soften the impact to the street (refer to the landscape plan).
- Retaining walls along the boundary have been restricted to 500mm in height in accordance with the Penrith DCP requirements. These retaining walls are appropriately designed to the heights required to adequately maintain the landscaping between the site and the nature strip. The TOW heights are nominated on the architectural site plan DA 0100 and east & west elevations DA 2001.
- The southern boundary setback is a minimum of 3m (in accordance with SEPP Seniors deep soil requirements) allows for substantial planting along the entire length of the southern setback is. At the western end this setback is increased to 6-9m in order to retain the existing mature tree in the south west corner of the site.
- The design has been modified so that the building length along the western boundary is no longer than 8.12m (unit 1) and Unit 5 has been re-designed on an angle to step it away from the boundary. The length of building along the southern boundary is more than 20m, however it is stepped to provide relief in the facade to provide relief and it designed within a significant setback (as noted above) which allows for additional privacy and screen planting of mature trees mitigating the impact of the development on the streetscape.
- Hardstand areas have been reduced slightly, but still provide adequate turning space for all vehicles (refer to traffic engineer report). Hard paved access ramps and bin storage areas have been removed along Linksvue Avenue and replaced with significant landscaping.
- Finishes selected are consistent with the character with surrounding development (face brick and weatherboard). The proposal includes a mix between brick and weatherboard finishes, and the building form is broken down into smaller elements consistent with the local residential development. Refer to photomontage image.
- Study rooms have been modified and incorporated as alcoves to open plan living spaces.

- Private open space fronting Fairways and Linksvue Avenue has been documented in drawing DA-9201, indicating the use of screen planting along the boundary to allow for safe surveillance to and from the street and a level of screened privacy for the unit occupants. We note that the Seniors Living Policy Urban Design Guidelines for Infill Development suggest the use of street frontages to be used as private open space on Northern Facing sites, as noted in Figure 02, Page 6.
- Equitable access is provided throughout the site to all units and car spaces.
- All car spaces are now within garages and accessible directly from units.
- Refer to updated Arborist report with regard to comment on necessity of biodiversity Act and test of significance.

Environmental Management

- We note council's comments about the trees providing significant value to the local streetscape and have amended the design to maintain significant trees along the street boundaries.
- We note the retention of significant trees 1, 2, 7, 10, 14 & 15 due to the increased setbacks to Linksvue Avenue, the southern boundary, and the design of the building in the south-west corner of the site. Please refer to the amended architectural site plan DA 0100 and the amended arborist report.
- Tree 10 retained to benefit neighbours, and buildings have been setback from western boundary to allow protection of neighbours trees on Fairways Avenue frontage.
- Arborist report submitted with Development Application.
- The new dwellings have been designed to ensure that the proposed buildings do not intrude on the TPZ of retained trees or the existing neighbours trees. TPZ information is and SRZ are indicated on the site and ground floor plans.

Engineering

- Stormwater drawings submitted in Development Application from Abel and Brown
- MUSIC modelling submitted electronically.
- Traffic Impact Statement prepared by Stanbury Traffic Planning.
- Internal dimensions for all garages are documented on Drawing DA-1100, complying with 3.8m x 6.0m
- Accessible path of travel to be constructed from the site to connect to the existing path which terminates at the end of Leonay Public School. This footpath leads to the existing bus stop on Leonay Parade which is currently in use of the Seniors Development on Leonay Parade and as we understand is DDA compliant.

- Retaining walls have been designed to be in accordance with Penrith DCP 2014.

Traffic and Parking

- Parking spaces all have a minimum dimension of 3.8 x 6.0m in accordance with AS2890.6
- Headroom clearance of 2.6m is documented on drawing DA-3000 and DA-3001 in compliance with AS2890.6
- Garage doorway clearance of 2.4m is documented on drawing DA-2002 in compliance with AS2896.0
- Each unit is 2 bed and has a garage each to complying with SEPP seniors requirements of 0.5 spaces per bedroom
- Driver sightline of 2.5 x 2.0m at the exit of the driveway in accordance with AS2890.1
- Driveway sections have been documented on drawing DA-9200
- Concrete footpath connect to the main pedestrian entry and to the unit 2 pedestrian entry along Fairways Avenue

Accessibility

- Paths of travel which service the building comply with AS1428.1-2009, all relevant accessible concerns are addressed in the access reports submitted in this DA prepared by Funktion.

Waste

- Communal waste collection has been designed in accordance with Penrith Councils Multi-Unit Dwelling Waste Management Guidelines, this area stores 6 x 240L bins and as been configured in a way that refers to Fig 3 in this document, this configuration integrates into the design more efficiently than the suggested dimensions in council feedback, which refers to fig. 2 in the same document.
- Bin store has been set back from the boundary by 1m, with screen planting in this setback area to create a buffer between the neighbouring property and the bin store
- A 1200mm wide access path from the boundary to the bin store with a grade of less than 1:24 has been provided
- 1.2m wide doorway to the bin store has been documented
- Bulky goods store provided with separate access, with a volume of 4.6m