

# Statement of Environmental Effects

MULTI DWELLING HOUSING

84 COX AVENUE, PENRITH

31 JULY 2020



## QUALITY ASSURANCE

**PROJECT:** Multi-Dwelling Housing – ARH SEPP 2009

**ADDRESS:** 84 Cox Avenue, Penrith

**LOT/DP:** Lot 2 DP 38057

**COUNCIL:** Penrith City Council

**AUTHOR:** Think Planners Pty Ltd

Date	Purpose of Issue	Rev	Reviewed	Authorised
July 2020	Draft Issue	Draft	LK	JW
July 2020	DA Submission	Final	JW	JW

## Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
<b>Concurrence</b>	
SEPP 1- Development Standards	No
SEPP 64- Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

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## EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application for the demolition of existing structures in-order to construct a '*Multi Dwelling Housing*' development pursuant to State Environmental Planning Policy- (Affordable Rental Housing) 2009 at No.84 Cox Avenue, Penrith. The proposal involves a total of 4 dwellings, 1 of which will be an affordable rental dwelling for a period of 10 years. There are a total of 7 on-site parking spaces noting they are all allocated to the residential dwellings and no visitor parking is proposed as there is no requirement for visitor parking.

The subject site can be best described as a predominately regular shaped allotment with a frontage of 15.24m to Cox Avenue, an average site depth of approximately 60.65m which results in a total site area of 921.9m<sup>2</sup>. It is noted that the proposal does not meet the DCP frontage control however the site is an isolated allotment and hence there is no ability to amalgamate. However the DCP enables merit consideration of lots that are 'land locked'- which is the case with this proposal. However the design demonstrates a suitable design response on the narrower frontage noting the adjoining properties were also developed on single width allotments.

The proposed site is located within proximity to local amenities including educational establishments, employment opportunities, and recreational activities including an Industrial Precinct with examples including a tile shop, service station and car wash as well as St Dominic's College and Penrith High School. It should be noted public transportation is within proximity of the proposed site noting bus Routes 677 (Penrith to Richmond via Londonderry) and Route 780 (Penrith to Mount Druitt via Ropes Crossing).

With the subject area zoned for medium density and considering the current demand for housing within Sydney and with the site's proximity to services within established commercial precincts, employment opportunities, educational establishments, public transportation and recreation opportunities, it is expected that the existing stock of low density housing within the locality will undertake a transformation toward medium density development over the next 5-10 years. This is evident with a proliferation of multi dwelling housing within the immediate locality.

As such, the development proposes an attractive modern multi dwelling housing development that is to be consistent with the evolving medium density character along Cox Avenue and will play a positive role in increasing the housing stock of Penrith. The proposal also facilitates the delivery of additional affordable rental housing.

The subject site is zoned R3 Medium Density Residential with a maximum height limit of 8.5m under the Penrith Local Environmental Plan 2010. *'Multi Dwelling Housing'* developments are permissible with consent within the R3 Zone. The proposal seeks to utilise the land in accordance with the zoning and take advantage of its proximity to public transport, essential services, schools, and recreational opportunities.

The development provides a medium density development that is consistent with the evolving medium density-built form character within the subject area that will positively contributing towards increasing the housing stock of Penrith including the stock of affordable housing.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social, or economic impacts, and that the proposal represents an appropriate use of well-located land; the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant, and appropriate conditions of consent.

## SITE AND LOCALITY DESCRIPTION

### LEGAL DESCRIPTION

The subject site is legally defined as Lot 2 DP 38057 though more commonly known as 125 Cox Avenue, Penrith.

### SUBJECT SITE

Located 1.4km west of Penrith Town Centre, the subject land parcel is located on the southern side of Cox Avenue and is approximately 60m east from the intersection of Cox Avenue and Parker Street (A9).

The subject site can be best described as a predominately regular shaped allotment with a frontage of 15.24m to Cox Avenue, an average site depth of approximately 60.65m which results in a total site area of 921.9m<sup>2</sup>.

At present an older style single storey dwelling, trees, associated structures, vehicle crossover and concrete driveway residing within the subject land parcel, as illustrated by a photograph of the subject site below.

**Photograph 1: Shows the subject site as viewed via Cox Avenue**





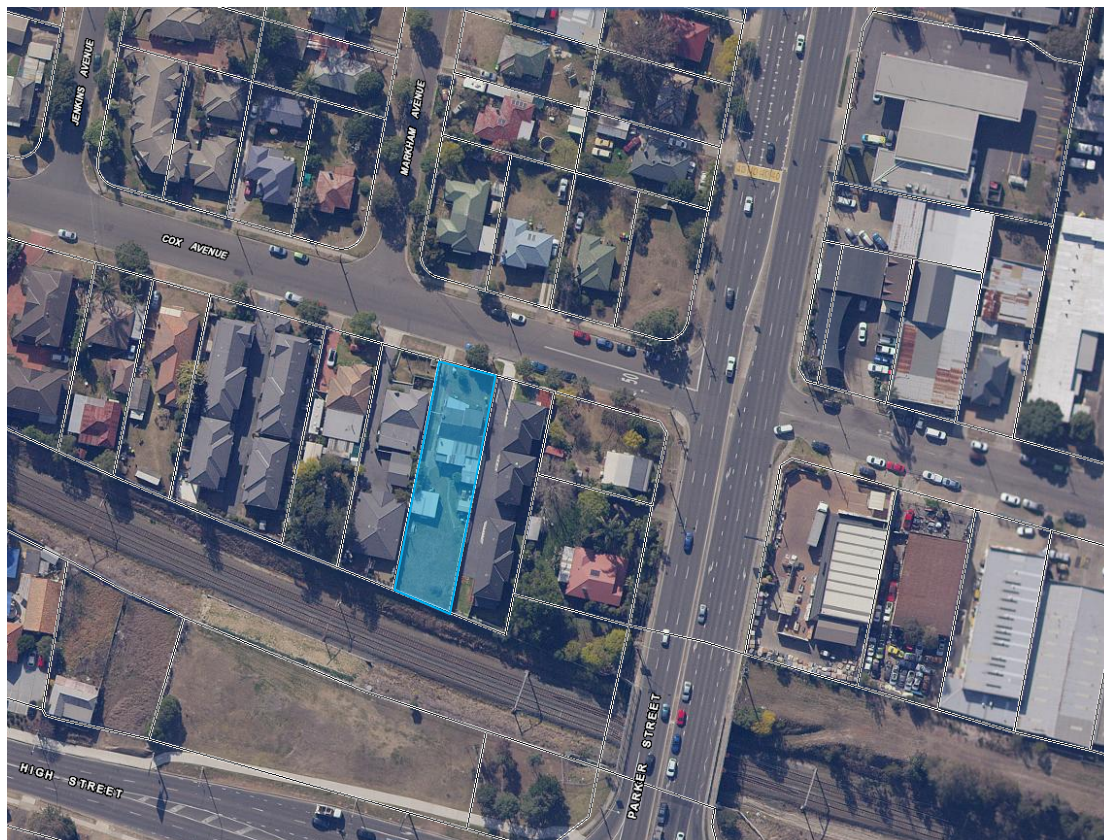
## LOCALITY ANALYSIS

The character of the immediate locality can be described as predominantly medium density residential with built forms varying from older style single storey residential dwellings interspersed with two storey dwelling houses and some more recent multi dwelling housing forms.

It is expected that the existing stock of low density housing within the locality will undertake a transformation toward medium density development over the next 5-10 years.

Currently an older style residential dwelling is located on the subject site. The existing dwelling is to be demolished to facilitate the construction of the multi dwelling housing development. This is illustrated by an aerial map extract provided below.

**Figure 1: Aerial Map Extract of Subject Site (Six Maps)**



■ Subject Site

## ZONING

As evident via the zoning map extract provided below, the subject site is zoned R3 – Medium Density Housing as per the Penrith Local Environmental Plan 2010.

'Multi Dwelling Housing' is permissible with consent within the R3 zone with the subject site permitted a maximum building height of 8.5m.

**Figure 2: Zoning Map Extract (Source: Penrith LEP 2010)**



The existing dwelling is underutilising the site's full zoning potential given its R3 zoning which permits medium density residential development such as multi dwelling housing developments. As such, the existing dwelling is to be demolished in-order to accommodate the proposed 2 storey 'Multi Dwelling Housing' development.



## BUILT FORM CHARACTER

With the subject area zoned for medium density and considering the current demand for housing within Sydney and with the site's proximity to services within established commercial precincts, employment opportunities, educational establishments, public transportation and recreation opportunities, it is expected that the existing stock of low density housing within the subject area will undertake a transformation toward medium density development over the next 5-10 years.

This is evident with a proliferation of multi dwelling housing within the immediate locality as illustrated by an aerial map extract of the subject area in the following page, noting a medium density residential development bounds the development site's immediate western and southern boundaries.

As such, the development proposes an attractive modern multi dwelling housing development that is to be consistent with the evolving medium density character along Cox Avenue and will play a positive role in increasing the housing stock of Penrith. The image below demonstrates the built form character within the locality and within proximity of the subject site.

**Figure 3: Built Form Character of the Subject Area (Source: Penrith LEP 2010)**



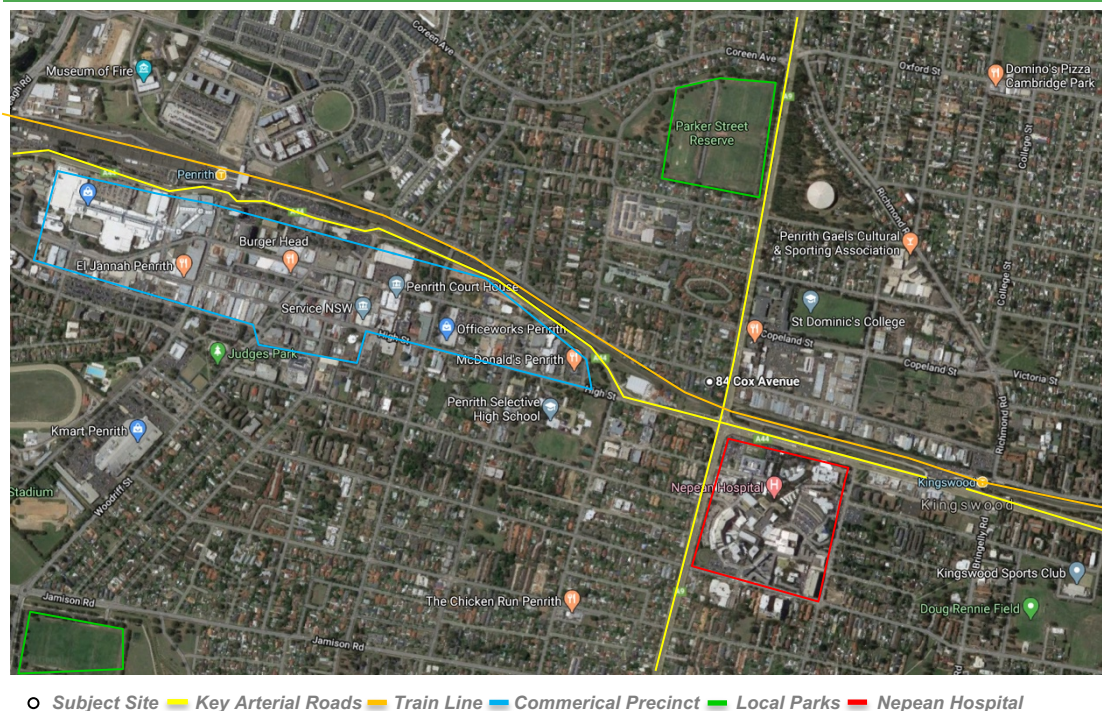
## BROADER LOCALITY ANALYSIS

The Plan for Growing Sydney supports higher residential development in strategic locations to accommodate future population growth, and Penrith City Council has zoned the subject site as R3 Medium Residential, which encourages medium density residential development within the subject area.

The proposed site is located within proximity to local amenities including educational establishments, employment opportunities, and recreational activities including an Industrial Precinct with examples including a tile shop, service station and car wash as well as St Dominic's College and Penrith High School. It should be noted public transportation is within proximity of the proposed site noting bus Routes 677 (Penrith to Richmond via Londonderry) and Route 780 (Penrith to Mount Drutt via Ropes Crossing).

An aerial photograph overleaf demonstrates the sites location within the wider locality is provided below.

**Figure 4: Aerial Map Extract of Broader Locality (Google Map)**



Photographs are provided below that give context to the locality and the relationship of the development site with adjoining developments.



**Photograph 2: Shows the neighbouring MDH development No. 82 Cox Ave**



**Photograph 3: Shows a modern MDH- No 90-92 Cox Avenue, Penrith**

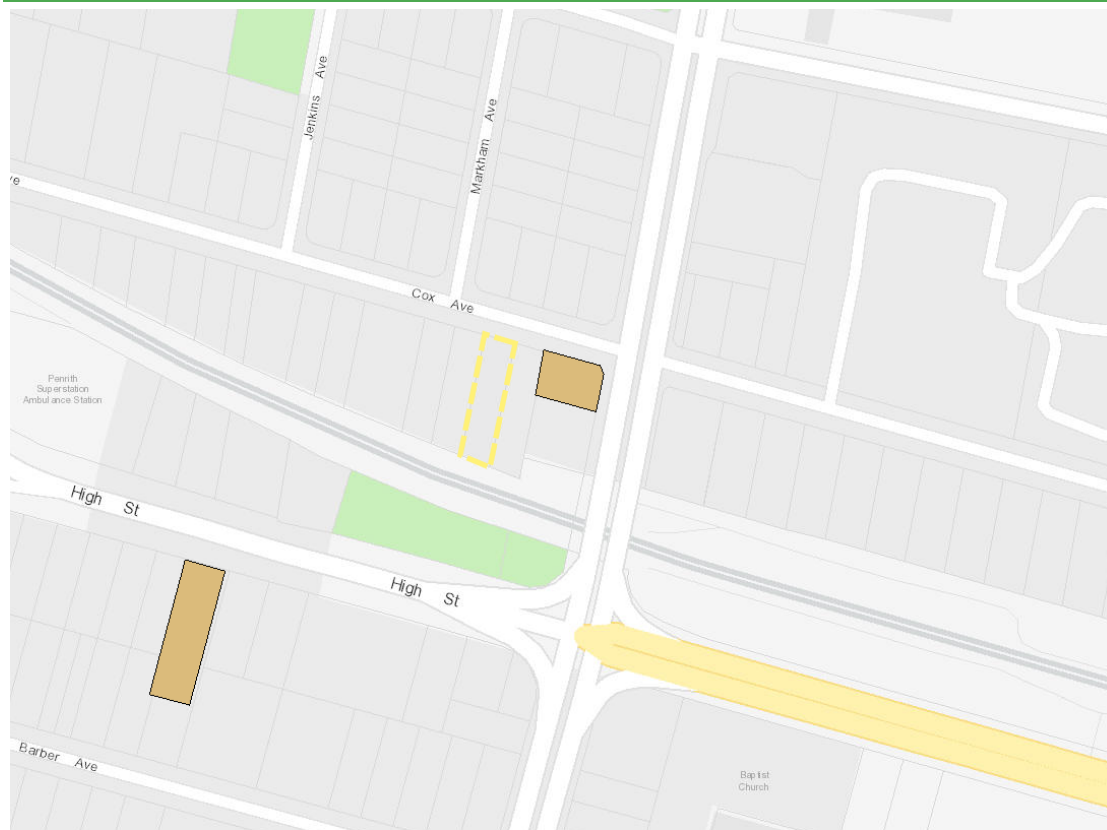




## HERITAGE

The subject site is not identified as a heritage item, it is not located within a heritage conservation area, however there is one heritage item located within the broader vicinity of the development site as illustrated by the heritage extract map below.

**Figure 5: Heritage Map Extract (Source: Penrith LEP 2010)**



Local heritage item 175 is sufficiently separated from the development site with existing development and street networks providing adequate buffer between the subject land parcel and the heritage item such that any significance on that item is mitigated noting the proposed development won't impact on the setting of Item 175 which is a weatherboard cottage that fronts Parker Street as shown in the image below:



As a result, the subject site will not be burdened by any heritage restrictions and there is not significantly impact to the item arising from the development proposal.





## DESCRIPTION OF PROPOSAL

This Development Application is for the demolition of existing structures in-order to construct a 'Multi Dwelling Housing' development pursuant to State Environmental Planning Policy- (Affordable Rental Housing) 2009 at No.84 Cox Avenue, Penrith.

The key aspects of the proposal are as follows:

### Residential Units

A total of 4 residential dwellings with the following mix:

- 4 x 3 bedroom dwellings;

### Parking:

The development proposal includes a total of 7 parking spaces consisting of a mix of single and double garages and an open area between Unit 2 and 3. These are all resident parking spaces with no visitor parking provided.

It is noted that 1 of the dwellings is required to be used for affordable rental housing for a period of not less than 10 years and the actual unit allocation will be determined at CC stage and a condition to this effect is requested.

A brief description of the various aspects of the development is provided in the following page, noting the proposed multi dwelling housing development is designed with 2 distinct levels:

### Ground Floor:

- New double width vehicle cross-over, driveway provides direct access to the site via Cox Avenue.
- The more active areas including kitchen, living/ dining area, and courtyard via direct access from the living areas is located within the ground floor. The internal stairwell, water closet, laundry, front porch, rear patio/verandah, and laundry area is also located within the ground floor.
- A total of 368.5m<sup>2</sup> or 40.19% of the site dedicated as landscaped area
- A total of 337.21m<sup>2</sup> or 36.78%% of the site dedicated as deep soil zone.

### First Floor:

- The more passive areas including 3 x bedrooms and share bathroom (one with an ensuite) noting the internal stairwell grants access to the ground floor.

The proposal also incorporates several ancillary elements, including detailed landscape embellishment works and relevant drainage elements as shown on the submitted plans. The relevant architectural plans for the proposal have been prepared by PreTech, while supporting reports have been prepared by relevant consultants.

The design of the proposal incorporates contemporary architectural aesthetics, whilst being compatible with the evolving medium density character of the wider locality, noting the development has been designed to be consistent with the evolving medium residential density-built form character within the subject area.

Design consideration has been given to the scale, size, and form of the proposal in relation to the unique characteristics of the site, adjoining residence, and existing and future desired character of the area.

## PLANNING CONTROLS

### STATUTORY CONTROLS

The relevant Statutory Planning Controls include:

- State Environmental Planning Policy BASIX
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Affordable Rental Housing) 2009
- State Environmental Planning Policy – (Vegetation in Non-Rural Areas) 2017
- State Regional Environmental Plan (SREP) NO. 20 – Hawkesbury Nepean River
- Penrith Local Environmental Plan 2010.

### POLICY CONTROLS

The applicable policy control documents include:

- Penrith Development Control Plan 2014.

## CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant planning controls in relation to the proposal and the compliance of each.

### STATE ENVIRONMENTAL PLANNING POLICY (BASIX) 2004

The application has been assessed and is accompanied by a complying BASIX certificate demonstrating a commitment to thermal and water efficiency and aligning with the provisions of the SEPP.

### STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

Clause 7 of SEPP 55 provides:

*(1) A consent authority must not consent to the carrying out of any development on land unless:*

*(a) it has considered whether the land is contaminated, and*

*(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*

*(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*

A review of aerial photographs indicates that the development site has historically been utilised for residential purposes with no known potentially contaminating activities being conducted on the site.

If any contaminated material or suspected contaminated material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline document will be undertaken. Further investigation and reporting under SEPP 55 are not considered necessary given the residential use of the site and no indication of potentially contaminated materials on the site.

## STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The development site is located immediately adjacent to the Western Railway line and as a result it is necessary to consider the provisions of Clause 87 of the SEPP. Clause 87 requires a consent authority to consider the impact of the railway on buildings used for residential purposes. The relevant provisions of Clause 87 provide:

- (1) This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:
  - (a) a building for residential use,**
- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*
- (3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
  - (a) in any bedroom in the building—35 dB(A) at any time between 10.00 pm and 7.00 am,*
  - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.**

A noise and vibration assessment accompanies the development application and deals with the matters prescribed by Clause 87.

Therefore Council can grant consent to the development as the matters prescribed by Clause 87 are satisfied.



## STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

The Statement Environmental Planning Policy (Affordable Rental Housing) 2009 was introduced in July 2009 as a response to the ongoing issue of housing affordability within NSW. This section of the Statement addresses the relevant provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 provided below.

### **Part 2 New Affordable Rental Housing: Division 1 In-Fill Affordable Housing**

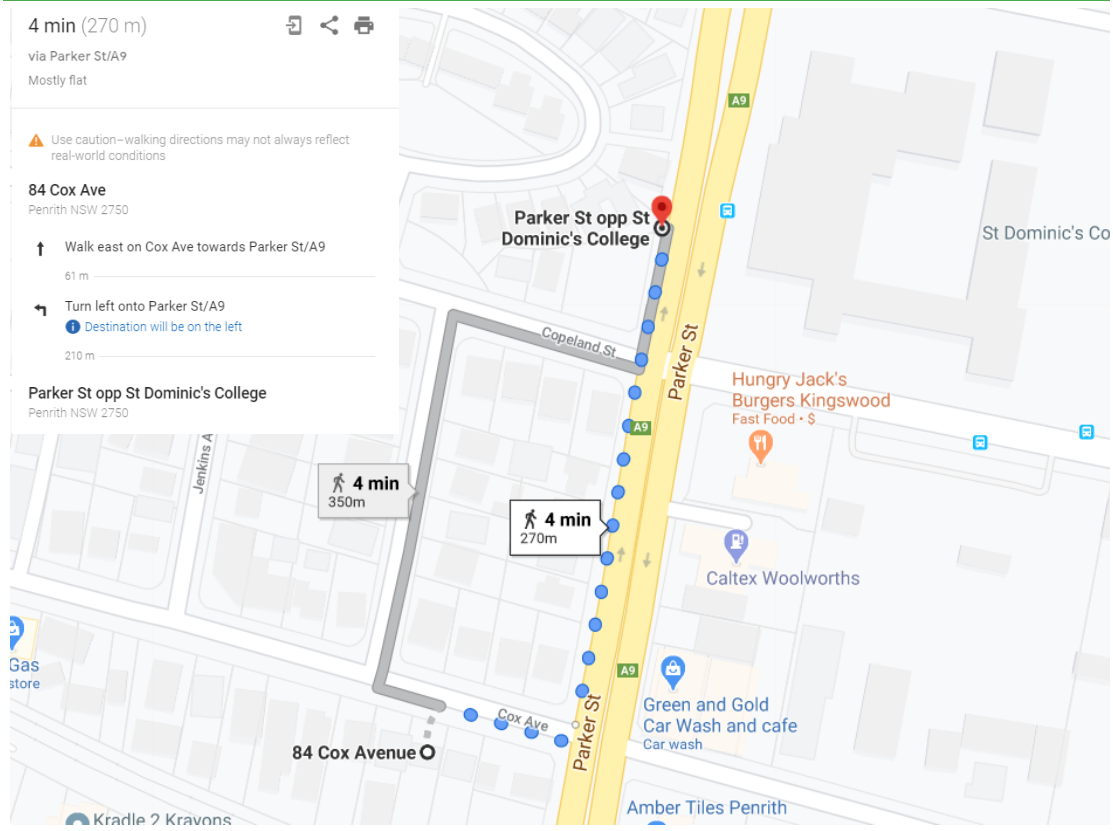
#### *Clause 10 – Development to which Division Applies*

Clause 10 stipulates that for the development of In-fill Affordable Housing to be permitted under the SEPP, the development concerned is permitted with consent under another environmental planning instrument and needs to be within an accessible area, which the SEPP identifies as:

- (a) 800m walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
- (b) 400m walking distance of a public entrance to a light rail station or, in the case of a light rail station, with no entrance, 400m walking distance of a platform of the light rail station, or
- (c) 400m walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

The SEPP applies as 'Multi Unit Housing' is permitted with Council consent within the R3 Zone under the Penrith Local Environmental Plan 2010. Figure 7 below shows the walking distance to a bus stop servicing Route 785 is within a 400m and as such the subject land parcel is considered to be within an 'accessible area'.

Figure 6: Bus Stop Walking Route Map Extract (Source: Google Map)



### Clause 13 – Floor Space Ratios (FSR)

No FSR control apply to the subject site, however the development will provide 20% of the gross floor area as affordable housing which equates to 1 dwelling. The actual allocation will be determined at CC stage and it is requested that this be conditioned accordingly.

### Clause 14 – Standards that cannot be used to refuse consent

The SEPP prescribed a number of standards that cannot be used to refuse consent. They are summaries within the table overleaf:

Control	Numerical Requirement	Proposed Development	Compliance
<b>Site Area</b>	450m <sup>2</sup>	921.9m <sup>2</sup> noting the SEPP prevails over the LEP in terms of lot size.	<b>Yes</b>
<b>Landscaped Area</b>	30% of the site area	A total of 368.5m <sup>2</sup> or 40.19% of the site dedicated as landscaped area. Complies.	<b>Yes</b>

Control	Numerical Requirement	Proposed Development	Compliance
<b>Deep Soil Zones</b>	15% of the site area	A total of 337.21m <sup>2</sup> or 36.78%% of the site dedicated as deep soil zone. Complies.	<b>Yes</b>
<b>Solar Access</b>	3 hours to 70% of dwellings between 9am and 3pm at mid-winter	All units achieve 3 hours of solar access between 9am and 3pm at mid-winter to living areas.	<b>Yes</b>
<b>Parking</b>	1.5 space per 3 or more dwelling (4 x 1.5 = 6 spaces)	The development is to provide a minimum of 6 car parking spaces. The development provides a total of 7 parking spaces for residents which complies.	<b>Yes</b>
<b>Dwelling Size</b>	3 Bed: 90m <sup>2</sup>	3 Bed: >99m <sup>2</sup>	<b>Yes</b>

#### *Clause 15- Design Requirements & Clause 16- Continued Application of SEPP 65*

The proposal involves a multi dwelling housing development and therefore the reference to the Seniors Living Policy: Urban Design Guidelines for Infill Development and SEPP 65 is not relevant to the current proposal.

#### *Clause 16A- Character of Local Area*

The design ensures compatibility with the local area as outlined in the planning principle established in Project Venture Developments Pty Ltd V Pittwater Council. Of particular relevance to the current proposal is the recent decision in Moscaritolo v Ryde City Council where Senior Commissioner Brown outlined, in relation to a proposal under the ARH SEPP, at [18] that:

*I accept that any assessment of the proposed development against the character of the local area should include an assessment of existing building forms and also the character envisaged by the forms of development contemplated.*

Future character is a consideration, however the existing patterns of development are equally important given that the evolving future development within Penrith, as evident with the recent approval of comparable 2 storey multi dwelling housing developments within the subject area and the proliferation of medium density housing within the wider locality. A detailed discussion against the planning principle is provided below.

In accordance with the Planning Principle set out in Project Venture Developments v Pittwater Council (2005) NSW LEC 191 the following tests apply in determining whether development is compatible with surrounding development:

24 Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.

- *Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.*
- *Is the proposal's appearance in harmony with the buildings around it and the character of the street?*

These questions will be dealt with in turn however it is important to note that as set out in the planning principle '*Compatibility is... different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve*'. Therefore, it can be seen that it is not necessary that the development adopt the same built form, scale, and appearance as surrounding developments.

In terms of the physical impacts of development the following points are made:

- The development has been designed to minimise overshadowing of adjoining properties. Refer to attached Shadow Diagrams for detail.
- Privacy impacts are mitigated through the provision of window placement, siting and compliance to setback requirements with landscape embellishments works to mitigate privacy impacts to adjoining properties as far as practicable.
- Noise impacts arising from the proposal are limited to traffic movements. Given the location and design of the driveway, it is not anticipated that the level of noise generated will substantially impact on adjoining properties, noting access is provided via Cox Avenue which has the capacity to accommodate traffic that is expected to be generated by the development. The proposal also mitigates acoustic impacts from the railway line on the development.
- The development proposal does not result in the constrained development potential of the adjoining properties or impact on any existing view corridors, noting that the immediate locality is currently undergoing a significantly transformation of its built form, with the proposal to provide a modern 2 storey multi dwelling housing development that is consistent with the evolving medium density character along Cox Avenue and within the suburb itself.

Therefore, it can be seen that the physical impacts of the proposal are acceptable.

The planning principle establishes that the three (3) key elements that define urban character are building height, setbacks, and landscaping. In this regard the following comments are made in the following page:

#### Height

- The proposed 2 storey multi dwelling housing development is consistent with the prescribed maximum building height under the Penrith LEP 2010.

#### Setbacks

- The development is compliant with front setback controls when considering the emerging character whilst also being compliant with side and rear setbacks controls under the Penrith DCP as well as the front setback controls in terms of the 5.5m minimum setback as the proposal adopts a 7.19m setback.
- The proposed building will sit comfortably in the streetscape. The spatial sequencing of the proposed built form is consistent with the setbacks found within medium density zones. The immediate locality is currently undergoing a significant transformation of its built form, with the proposal to provide a modern 2 storey multi dwelling housing development that is consistent with the evolving medium density character along Cox Avenue and within the suburb itself. Furthermore, the setbacks and separation distances proposed will ensure that the development will not create any adverse amenity, visual or privacy impacts on adjoining properties through the use of offset windows, complying setbacks and appropriate landscape embellishment works.

#### Landscaping

- The landscape concept provides for deep soil and landscape embellishment works along the site's boundaries to incorporate a garden setting and to both maintain and enhance the levels of privacy and amenity enjoyed by existing residents of the area and for future residents of the proposal. The proposed landscaping will help to soften the built form of the proposed development and reduce the visual bulk and mass of the building and this will help the proposal to integrate with the site's context.
- A variety of plant species are proposed including small sized canopy trees, shrubs and hedge plantings, and groundcovers as shown on the landscape plan by RFA.

Based on the foregoing discussion it is considered that the development will exist in harmony with the anticipated future development in the vicinity of the site and as such



is worthy of support by Council as the development is compatible with the desired character of the locality.

*Clause 17- Must be used for Affordable Housing for 10 Years*

It is anticipated that conditions of consent will reinforce that the proportion of floor area to be used as affordable dwellings are to be used for a period of no less than 10 years as affordable dwellings. In this case it is 1 dwelling.

**STATE ENVIRONMENTAL PLANNING POLICY– (VEGETATION IN NON-RURAL AREAS) 2017**

State Environmental Planning Policy (Vegetation in Non-Rural Areas) was introduced in August 2017. This SEPP seeks to protect the biodiversity values of trees and other vegetation in non-rural areas of the state, and to preserve the amenity of non-rural areas of the State through the appropriate preservation of trees and other vegetation.

The subject site is within a well-established residential area, noting that identified trees are to be removed and replaced with more suitably sized small to medium trees as shown on the landscape plan.

The development proposes appropriate landscape treatment that seeks to soften the built form and integrate with the development and the site's context within a medium density zoned residential estate than what current exists.

Landscaping of the site is to be undertaken in accordance with the attached Landscape Plan. Refer to attached Landscape Plan for detail.

**STATE REGIONAL ENVIRONMENTAL PLAN (SREP) NO. 20 – HAWKESBURY NEPEAN RIVER**

The development proposal incorporates a drainage concept that demonstrates that stormwater can be adequately conveyed to the existing street network.

Appropriate erosion and sediment controls can be implemented through construction and it is anticipated that conditions of consent will reinforce this. It is noted that the proposal meets the recently adopted WSUD measures required to achieve appropriate water quality for stormwater discharge.

## PENRITH LOCAL ENVIRONMENTAL PLAN 2010

As shown on the zoning map extract below, the development site is zoned R3 Medium Density Residential under the provision of the Penrith Local Environmental Plan 2010.

*Multi Dwelling Housing* is permissible with consent within the R3 zone with the subject site permitted a maximum building height of 8.5m.

**Figure 7: Zoning Map Extract (Source: Penrith LEP 2010)**



*Multi Dwelling Housing* are permissible with consent within the subject site and the proposal is consistent with the definition contained within the LEP:

***multi dwelling housing** means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.*

The development proposal is also consistent with the prescribed zone objectives that are stipulated as:

- *To provide for the housing needs of the community within a medium density environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land use that provide facilities or services to meet the day to day needs of residents.*
- *To provide for a concentration of housing with access to services and facilities.*
- *To enhance the essential character and identify of established residential areas.*
- *To ensure that a high level of residential amenity is achieved and maintained.*
- *To ensure that development reflects the desired future character and dwelling densities of the area.*

The development seeks to utilise the land in accordance with the zoning and take advantage of its proximity to an established commercial centre, local schools, public transport, and recreational opportunities.

The development will play a positive role in increase housing opportunities and the housing stock of Penrith.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Penrith Local Environmental Plan 2010			
Clause	Control	Comment	Complies
<b>Zoning</b>	R3 – Medium Density Residential	<i>Multi dwelling housing</i> is permissible with Council consent in the R3 – Medium Density Residential zone.	<b>Yes</b>
Part 2 Permitted or Prohibited Development			
<b>2.3</b>	Zone Objectives and Land Use Table	<p>The proposal is consistent with the zone objectives of the R3 – Medium Density Zone and will provide additional housing in the catchment of public transport and services.</p> <p>The site as it is currently existing is underutilised in terms of its potential,</p>	<b>Yes</b>

		<p>noting the planning controls permits medium density residential development.</p> <p>The development proposes a modern MUH development that will contribute towards increasing the housing stock within Penrith.</p>	
<b>Part 4 Principal Development Standards</b>			
<b>4.1A</b>	<p>Minimum Subdivision Lot Size:</p> <p>Multi-dwelling housing: 800m<sup>2</sup></p>	<p>A minimum lot size of 800m<sup>2</sup> is identified for the site under the Penrith Local Environmental Plan 2011 Clause 4.1A.</p> <p>The subject site has a total site area of 921.9m<sup>2</sup>.</p> <p>It should be noted the proposal is subject to State Environmental Planning Policy-Affordable Rental Housing (2009) noting the numerical requirement is 450m<sup>2</sup> for multi dwelling housing. As such the SEPP overrides the LEP and compliance with the 800m<sup>2</sup> is not required in this regard.</p>	<b>Yes-SEPP Prevails</b>
<b>4.3</b>	Height of Building: 8.5m	<p>Penrith Local Environmental Plan 2010 Height of Buildings Map Sheet indicates that the maximum building height within the subject site is 8.5m.</p> <p>No part of the proposal exceeds 8.5m in height. Complies.</p>	<b>Yes</b>
<b>4.4</b>	Floor Space Ratio	No FSR control applies to the subject site.	<b>N/A</b>
<b>Part 5 Miscellaneous Provisions</b>			
<b>5.10</b>	Heritage Conservation	<p>The subject site is not identified as a heritage item nor is it located within proximity to any heritage items.</p> <p>As discussed earlier, there is a heritage item (I75) that is located within proximity however it is sufficiently separated from the development site with existing development and street networks providing adequate buffer between the subject land parcel and the heritage item.</p> <p>As a result, the subject site will not be burdened by any heritage restrictions.</p>	<b>N/A</b>
<b>Part 7 Additional Local Provisions</b>			

7.1	Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation and fill work are consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p>	Yes
7.2	Flood Planning	Council's Flood Planning Map indicates that the site is not identified as being flood prone.	N/A
7.3	Development on Natural Resources Sensitive Land	The subject site is not identified on the Natural Resource Sensitive Map. Not applicable.	N/A
7.4	Sustainable Development	<p>The proposal satisfies the LEP in that:</p> <p>(a) <i>conserving energy and reducing carbon dioxide emissions,</i>  (b) <i>embodied energy in materials and building processes,</i></p> <p>Proposal incorporates a BASIX certificate relating to energy efficiency.</p> <p>(c) <i>building design and orientation,</i>  (d) <i>passive solar design and day lighting,</i>  (e) <i>natural ventilation,</i></p> <p>All units receive good solar access and natural ventilation (including at first floor).  (f) <i>energy efficiency and conservation,</i>  (g) <i>water conservation and water reuse,</i></p>	Yes

		<p>Proposal incorporates a BASIX certificate relating to energy/water efficiency.</p> <p><i>(h) waste minimisation and recycling,</i></p> <p>Waste management and recycling can be addressed through the remediation action plan.</p> <p><i>(i) reduction of vehicle dependence,</i> Bus stop with services to between Mt Druitt and Penrith is located within a 230m walking radius from the development site. Furthermore, the development site is within a reasonable proximity to Penrith Town Centre and Train Station.</p> <p><i>(j) potential for adaptive reuse.</i></p> <p>Given the zoning of the site as R3 there is limited adaptive re-use potential on the site.</p>	
7.5	Protection of Scenic Character and Landscape Values	The site is not identified on the Land with Scenic and Landscape Values Map.	N/A
7.6	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils.	N/A
7.7	Servicing	The development site is well serviced by water and sewer and the required utility clearances will be obtained prior to works commencing on site.	Yes

## DRAFT AMENDMENT TO LEP LOT SIZE

A draft LEP has recently been exhibited by Council seeking to increase the lot size to 1200sqm. This is in the early phase of consideration and whilst the proposal is non-compliant with this (being 1096sqm) the Draft LEP is not considered imminent or certain as it has only just come off exhibition.

Beyond that the lot size is sufficient to cater for the development and the site is isolated between existing townhouse developments and therefore cannot amalgamate with the adjoining properties. The departure is limited and the development of this large site for townhouses permits the orderly and economic development of the land for an outcome that is consistent with the desired future character in the locality.





## PENRITH DEVELOPMENT CONTROL PLAN 2014

All relevant Council controls have been identified and considered in the following compliance table.

Penrith Development Control Plan 2014			
Clause	Control	Comment	Complies
C1 Site Planning and Design Principles			
1.1	Site Planning	<u>1.1.1 Site Analysis</u>	
		A Site Analysis has been prepared and is attached as part of this application.	Yes
		The site analysis identifies the relevant considerations required by Council and acknowledges the unique opportunities and constraints of the site that have informed the design of the development proposal.	
		<u>1.1.2 Key Areas with Scenic and Landscape Values</u>	
		The subject site is not located within the Scenic and Landscape Values Map under the Penrith LEP 2010. Not applicable.	N/A
1.2	Design Principles	<u>1.2.2 Built Form – Energy Efficiency and Conservation</u>	
		The proposed development seeks to maximise solar access to the units. A BASIX certificate is attached to this statement.	Yes
		<u>1.2.3 Building Form – Height, Bulk and Scale</u>	
		It is considered that the proposal will result in an appropriate outcome on site that responds to the unique characteristics of the site.	Yes
		The site complies with maximum height that applies for the site under Penrith LEP 2010.	

It is noted that the subject area is currently ongoing a transformation from low density residential dwelling to more medium density housing, with the proposal aims to be consistent with the evolving medium density character within the suburb.

1.2.4 Responding to the Site's Topography and Landform

The site experiences a gentle fall from the southern boundary to the northern boundary (from the rear to the front) with the development designed to minimise cut and fill.

**Yes**

1.2.5 Safety and Security (Principles of Crime Prevention through Environmental Design)

The proposed development incorporates an active façade that will permit casual surveillance of Cox Avenue, as well as common areas and landscaped areas of the proposal.

**Yes**

The front dwelling is oriented with habitable rooms and windows oriented to Cox Avenue.

The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.

The proposed landscaping and fencing are appropriate when considering CPTED principles and will not permit easy concealment of intruders.

The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.

1.2.6 Maximising Access and Adaptability

The proposed development incorporates a suitable path of travel from the street to all 4 Units.

**Yes**

C2 Vegetation Management			
2.1	Preservation of Trees and Vegetation	<p>The subject site is within a well-established residential area, having historically been used for residential purposes.</p> <p>The development proposes to remove identified trees in-order to accommodate the proposed development noting where appropriate existing trees are to be retained.</p> <p>The site is not identified as being located within the Natural Resource Sensitive Map under Penrith LEP 2010.</p> <p>The proposal will incorporate landscape embellishment works in accordance with the landscape plan to help soften the physical bulk and built form of the proposed development then what currently exists.</p> <p>The proposal landscape scheme will improve and enhance the subject site within a medium residential density context. Refer to attached landscape plans for detail.</p>	Yes
2.2	Biodiversity Corridors and Areas of Remnant Indigenous Vegetation in Non-Urban Areas	The subject site is not identified as being within a Natural Resource Sensitive Land under Penrith LEP 2010. Not applicable.	N/A
2.3	Bushfire Management	The subject site is not identified as being within Bushfire Prone Land.	N/A
C3 Water Management			
3.2	Catchment Management and Water Quality	<p>Appropriate management of the site during the demolition and construction phases will contribute towards protecting the water system.</p> <p>A Stormwater Management Plan has been prepared and is attached as part of this application.</p>	Yes
3.3	Watercourses, Wetlands and Riparian Corridors	The subject site is not located within proximity to a watercourse, wetland, or riparian corridor. Not applicable.	N/A

3.4	Groundwater	The proposed development is to be for a multi dwelling housing development. It is therefore considered that the risk of site contamination occurring during construction and future use of the site is low. Not applicable.	N/A
3.5	Flood Planning	Council's Flood Planning Map indicates that the site is not flood prone.	N/A
3.6	Stormwater Management and Drainage	A Stormwater Management Plan has been prepared and is attached as part of this application	Yes
3.9	Water Sensitive Urban Design	<p>The proposed development incorporates Water Sensitive Urban Design (WSUD) principles that seek to minimise and manage the impact of stormwater on site and within the area.</p> <p>The proposed development appropriately addresses the unique characteristics of the site and will allow for the efficient management of stormwater. See attached Stormwater Management Plan for detail.</p>	Yes
<b>C4 Land Management</b>			
4.1	Site Stability and Earthworks	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>The proposal will not adversely affect or disrupt drainage and flood patterns, flood storage or soil stability in the area.</p> <p>The proposed excavation is consistent with the current and future use of the land and will develop the site into context with its surrounds and in accordance with Councils current and proposed planning strategies.</p>	Yes



		It is considered unlikely due to the location of the site as well as previous development that excavation will lead to the disturbance of relics.	
4.3	Erosion and Sedimentation	<p>This application seeks Council consent for the excavation of the site as per the attached plans.</p> <p>It is considered that the proposed excavation, will have minimal adverse environmental or amenity impact.</p> <p>The proposal results in an appropriate outcome when considering the nature of the development, the unique characteristics of the site and compliance with relevant Council controls.</p> <p>An Erosion and Sediment Control Plan is attached as part of this application.</p>	Yes
4.4	Contaminated Lands	<p>The site was previously used for urban purposes. The land is not known to have been used for any purposes that may give rise to the likelihood of contamination.</p> <p>If any contaminated material or suspected material is unearthed during the construction process, then actions consistent with the legislative requirements and guideline documents will be undertaken.</p>	Yes
4.5	Salinity	Due to the nature and location of the site it is not likely to be affected by Saline Soils, Not relevant.	N/A
C5 Waste Management			
		<p>A Waste Management Plan is attached as part of this application. Notwithstanding it is noted that waste is to be appropriately managed during the demolition and construction stages of the development.</p> <p>An enclosed communal bin storage area and bulky goods storage area are provided in proximity to the front setback and bins will be wheeled to the street on collection day.</p>	Yes

Bin storage area is designed to comply with relevant Council requirements within the DCP.		
<b>C6 Landscape Design</b>		
A landscape concept plan accompanies this development application.		<b>Yes</b>
The concept plan details the landscape embellishment works that is appropriate within a medium residential density context that will contribute towards softening the proposed built form.		
<b>C7 Cultural and Heritage</b>		
<b>7.1</b>	Heritage	<p>The subject site is not identified as a heritage item nor is it located within proximity to any heritage items.</p> <p>As discussed earlier, there is a heritage item (I303) that is located within the boarder locality however it is sufficiently separated from the development site with existing development and street networks providing adequate buffer between the subject land parcel and the heritage item.</p> <p>As a result, the subject site will not be burdened by any heritage restrictions.</p>
<b>7.2</b>	Aboriginal Cultural and Heritage	Not relevant. <b>N/A</b>
<b>7.3</b>	Significant Trees and Gardens	The subject site does not contain any trees or gardens that is considered to be of cultural, historical, scientific, or aesthetic significant. <b>N/A</b>
<b>C10 Transport, Access, and Parking</b>		
<b>10.2</b>	Traffic Management and Safety	<p>It is considered that the vehicular access and exit points are clearly defined and provide for the safe and efficient movement of vehicular traffic on site and entering and exiting the site.</p> <p>The proposed parking area and ancillary driveway will not contribute to the creation of traffic hazards.</p>

		<p>The proposal provides for the safe and efficient movement of pedestrian and vehicular traffic within the site and both entering and exiting the site.</p> <p>Vehicle and pedestrian routes are clearly indicated and accessible.</p>	
10.3	Key Transport Corridors	<p>The subject site is not located within a key transport corridor.</p> <p>However, the proposed vehicular crossover and driveway from Cox Avenue will not result in negative traffic outcomes to the local road networks.</p>	Yes
10.5	Parking, Access, and Driveways	<p>The proposal complies with the ARH SEPP in terms of parking with 7 spaces provided.</p>	SEPP ARH Prevails
C11 Subdivision			
		<p>No subdivision is proposed as part of this application and as such the controls that regulate subdivision contained under C11 does not apply to the current development.</p>	N/A
D2 Residential Development			
2.4	Multi Dwelling Housing	<p><u>2.4.2 Preferred Configuration for New Dwellings</u></p> <p>1. With the surrounding land uses zoned for medium densities the proposed development aims to be consistent with other comparable multi dwelling housing within the subject area as well as Penrith Local Government Area (LGA).</p> <p>All four dwellings face Cox Avenue and has access via Cox Avenue. It should be noted the proposed dwellings adopt a traditional orientation with the living room and verandah to the primary frontage to the street setback.</p> <p>The garage is concealed behind the dwelling and landscape embellishment works will contribute towards softening the built form, whilst positively contribute to the cohesiveness and visual appreciation of the streetscape.</p>	Yes

		<p>2. The proposed multi dwelling housing comprises a series of attached building blocks that are separated from one another by the detached car parking space by Unit 3. See attached plans for detail.</p> <p>The proposed layout and siting of the units are consistent with the layout patterns of other comparable multi dwelling housing development within Penrith and within the wider Penrith LGA.</p> <p>3. The rear portion of the site is to be appropriately landscaped. See attached landscaped plans for detail.</p> <p>4. The development proposes to incorporate an attractive landscape front setback to Cox Ave that is considered appropriate within a medium residential development context, which will also positively contribute to the streetscape.</p> <p>5. All garages are located behind the dwelling and therefore not visible when viewed from the street level and as such will have negligible impact on the streetscape along Cox Avenue.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
2.4.3	Development Site	<p>1. DCP requires a minimum lot width of 22m to undertake a development for a multi dwelling housing within the R3 Zone.</p> <p>The development site has a frontage of 15.25m and therefore is not consistent with Council minimum lot width provision. Refer to discussion at the end of this table for further detail.</p>	Variation
2.4.4	Urban Form	<p>1. All four dwellings adopt a traditional orientation with its living room, verandahs and front porch addressing the site's front setback.</p> <p>Where appropriate, the front setback is to be landscaped and garages incorporated into the design of the development (and located behind the front building line).</p>	Yes



	<p>3. The proposed development avoids developing a 'gun barrel' style development by incorporating a small-scale development noting only four (4) dwellings are proposed.</p> <p>The proposal provides an appropriate building length.</p> <p>The proposed design provides a series of steps in the building and to the carport areas that breaks up the massing of the building and the building is designed with an articulated form that meets the intent of the control and the minor departure is reasonable given the small scale of the development and suitable setbacks to the boundaries.</p> <p>Finally, the use of verges and garden beds will contribute towards breaking up the driveway and as such the proposal is considered to be consistent with the intent of the control and therefore the minor variation to block separation controls is considered appropriate on the site.</p>	<p><b>Yes</b></p>
<p><b>2.4.5</b></p> <p>Front and Rear Setbacks</p> <p>Rear Setback:</p> <p>-Single storey component:4m</p> <p>-Second storey component:6m</p>	<p>4. The multi dwelling housing development has been articulated through shadow casting features and stepping external walls. The internal blocks are separated by pedestrian pathways, planter box areas and landscape strips with the proposed buildings designed to incorporate a variety of roof forms and pitches. It is noted that the proposal provides windows in every elevation.</p> <p>1. The DCP requires a minimum rear setback of any single storey component of a building at 4m and a minimum rear setback of any two storey component at 6m.</p> <p>The proposal has provided a minimum rear setback of 4m to the ground floor and 6m for the first floor component.</p>	<p><b>Yes</b></p>

	Front Setback: Average of neighboring development or 5.5 minimum	<p>3. The development adopts a front setback of 7.19m from the primary building line to the site's frontage to Cox Avenue, which is consistent with the front setback of a recently constructed comparable medium density development and the emerging character in the locality.</p> <p>5. No garages are proposed in the front setback and as such is compliant with council controls Not applicable.</p>	<p><b>Yes</b></p> <p><b>N/A</b></p>
<b>2.4.6</b>	Building Envelope and Side Setbacks	1. The proposal is within the building envelope. Complies.	<b>Yes</b>
	Side Setbacks: 2m	<p>2. Development provides a minimum side setback of 2m to both the ground floor and first floor to the primary building line.</p> <p>Given the breaks in the building the proposed side setbacks along the building line is appropriate as there are considerably larger breaks between buildings relative to side boundaries and in this context, is consistent with the control.</p> <p>4. Cut and fill limited to &lt;500mm.</p> <p>5. Appropriate roof provided that is consistent with other roof forms within the locality associated with comparable multi dwelling housing developments.</p> <p>6. The proposal provides adequate separation and landscaping between neighboring buildings.</p> <p>7. The proposal provides a minimum side setback of greater than 2m for all side boundaries.</p>	<p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p> <p><b>Yes</b></p>
<b>2.4.7</b>	Driveways and Parking Areas	<p>1. The proposal complies with the provisions in accordance with the ARH SEPP.</p> <p>2. Driveways, access ways and car parking spaces are to be appropriately dimensioned in accordance with Council controls.</p>	<p><b>Complies with SEPP</b></p> <p><b>Yes</b></p>

		<p>Furthermore, the driveway permits the safe movement and parking of vehicles on site and allow vehicles to enter and leave the site in a forward direction. See attached plans for detail.</p> <p>It is also noted that the proposed driveway is separated from dwelling by appropriate landscape verges and also minimised paved areas within the front setback.</p> <p>3. No garages are located in the front setback nor do not directly face the street as they are concealed behind the front dwelling.</p> <p>It is noted parking is provided that all garages have provided an appropriate setback noting all four garages do not dominate the streetscape along Cox Avenue.</p>	Yes
2.4.8	Landscaped Area	<p>1. Landscaped areas will provide effective separation between building blocks with all private courtyards oriented to maximise solar access.</p> <p>The front setback will provide sufficient space to permit landscaping works that will positively contribute to the streetscape along Cox Avenue</p> <p>DCP requires development with dwelling greater than 10 dwellings to provide centrally located communal open space area, comprising 10% of the minimum landscape area requirement.</p> <p>The development proposes a maximum of 4 dwelling and as such no communal open space is required to be provided, however sufficient private open space is provided to all 4 dwellings.</p>	Yes
	Minimum landscaped area 40% of the site	<p>2. The development is required to provide a total of 40% of the site area as landscaping.</p> <p>A total of 368.5m<sup>2</sup> or 40.19% of the site dedicated as landscaped area.</p>	Yes

<b>2.4.9</b>	Solar Planning	<p>1. The proposal incorporates appropriate design features including window size and location that will permit adequate solar penetration as well as cross ventilation of the proposed dwellings. All living areas achieve 3 hours and meets the DCP.</p> <p>It is noted that all dwellings receive more than 3 hours sunlight between 9am and 3pm during winter.</p> <p>The proposal does not result in unacceptable overshadowing of adjoining residential properties.</p> <p>Appropriate setbacks are employed to ensure solar access and privacy to adjoining development. See shadow diagram for detail.</p>	<b>Yes</b>
<b>5.4.10</b>	Significant Townscapes & Landscapes	The site is not within an area of townscape or landscape significance. Not relevant.	<b>N/A</b>
<b>2.4.11</b>	Corner Site and Park Frontages	The land parcel isn't a corner allotment, nor does it front a park.	<b>Yes</b>
<b>2.4.12</b>	Building Design	<p>1. The development adopts a variety of architectural features designed to minimise the apparent scale and bulk of the proposed two storey multi dwelling housing by:</p> <ul style="list-style-type: none"> <li>○ Incorporation of stepping alignment of walls.</li> <li>○ Projections on ground floor plan; and</li> <li>○ Projecting verandahs and awnings.</li> </ul> <p>2. The proposal incorporates physical articulation of the built form and a mixed palette of building materials and finishes that are typical of comparable multi dwelling housing within the locality and Penrith LGA.</p> <p>Materials used are consistent with that existing in the area while being contemporary in character, including a mix of face and painted brickwork.</p>	<b>Yes</b>



		<p>The range of materials significantly contributes to the articulation of the building and reducing the overall bulk and mass of the building.</p> <p>3. The facades of the proposed units include windows and doors along all visible walls and the use projecting verandahs to provide an attractive built form.</p>	Yes
2.4.13	Energy Efficiency	<p>The application has been provided with a BASIX certificate indicating energy efficiency for each residential unit is provided.</p> <p>Furthermore, where appropriate living rooms have been oriented to achieve a northerly aspect as far as practicable.</p> <p>Appropriate shading devices including overhanging eaves and pergolas over courtyards are proposed to provide adequate shading from the summer sun.</p>	Yes
2.4.14	Design of Dwelling and Private Courtyards	<p>1. Where appropriate, the proposal incorporates appropriate private open space. It is noted that the private open space provided for each townhouse has a minimum size &gt;25m<sup>2</sup> and has minimum dimension of 5m x 4m.</p> <p>The front dwelling has a portion forward of the building line however this is consistent with the DCP that allows this arrangement noting it is setback from the street and enables suitable privacy.</p>	Yes
2.4.15	Garage Design	<p>1. The garage minimizes disruption to established streetscape and comply with council regulations, noting all at grade parking are located behind the primary building line and not visible from Cox Avenue.</p> <p>2. Development provides 1-2 car parking spaces per dwelling in the form of a covered garage as per the ARH SEPP 2009.</p>	<p>Yes</p> <p>Yes – ARH SEPP 2009</p>

		3. No garage located within the front setback.	<b>Yes</b>
<b>2.4.16</b>	Garden Design	Where appropriate, small to medium trees are to be planted along the sites front and side boundaries. See landscaping plans for detail.	<b>Yes</b>
<b>2.4.17</b>	Paving Design	Where appropriate, hard paved surfaces are minimised to maximise landscaping and gardens. The proposal provides attractive driveways and provide soft verge planting. Refer to attached landscaped plans for detail.	<b>Yes</b>
<b>2.4.18</b>	Fencing and Retaining Walls	<p>The proposed fencing is to be consistent with that existing within Penrith Local Government Area of similar multi-dwelling housing.</p> <p>The proposed fencing is compliant with Council controls.</p>	<b>Yes</b>
<b>2.4.19</b>	Visual and Acoustic Privacy and Outlook	<p>The proposal contains design elements that seek to reduce potential visual, privacy and acoustic impacts and promote a high standard of residential amenity.</p> <p>This includes the siting/layout of dwellings, location/size of windows, as well as the potential to incorporate other elements including using landscaping, offset windows and complying rear and side setbacks.</p> <p>It is considered that the proposed development produces an appropriate outcome on site that will provide a high level of residential amenity for future residents and will not adversely impact upon residential amenity currently enjoyed by adjoining properties.</p>	<b>Yes</b>

2.4.20	Safety and Security	<p>The proposed development incorporates an active façade that will permit casual surveillance to Cox Avenue as well as driveway and landscaped areas of the proposal.</p> <p>The proposal incorporates open space and landscaped areas that will contribute to activity and natural surveillance of the area.</p> <p>The proposed landscaping and fencing are appropriate when considering CPTED principles and will not permit easy concealment of intruders.</p> <p>The proposed development is appropriate and provides measures, built elements, landscaping and design features that are consistent with CPTED principles.</p>	Yes
2.4.21	Accessibility and Adaptability	<p>The proposal has been designed to provide access to and from the site for people with a disability.</p> <p>Dwellings have been designed to meet the needs of an ageing population.</p>	Yes
2.4.22	Storage and Services	<p>The proposal provides &gt;10m<sup>3</sup> of storage per dwelling. Letter boxes and other services are provided.</p>	Yes

### ***Minimum Lot Frontage Provision***

The Penrith DCP 2014 has recently been updated including controls regulating multi dwelling housing, in particular minimum lot frontage controls. The DCP previously permitted lots in medium density zones above 800m<sup>2</sup> in area with frontages between 15m and 18m to undertake development for multi dwelling housing. However, the amended DCP now requires lots with a minimum frontage of 22m to develop into multi dwelling housing developments. The DCP also states:

- 3) If a property has been isolated by adjacent development despite Development Site control 2, development applications for multi-dwelling housing will be considered on a merits basis.**

The redevelopment has also resulted in some large R3 zoned lots to become isolated and constrained, including the subject site which has a frontage of 15.24m to Cox Avenue and bounds multi-dwelling housing to its eastern and western boundaries and with no feasible option to amalgamate to comply with the updated minimum frontage control.

The updates would rob the site to be developed to its full zoning potential whilst also resulting in a built form in-consistent with not only the objectives of the R3 Zone but also inconsistent with the evolving medium density built form character within Oxley Park.

As such and considering the site's status as an isolated land parcel, it is acknowledged that the proposal will not achieve strict compliance with only the minimum frontage width control. Therefore, the development proposes a small scale multi dwelling housing development comprising of only 4 units that complies with the majority of key planning controls, indicating that despite non-compliance to site width provision, the current proposal will result in an appropriate development outcome, increase housing opportunities whilst providing a medium density development consistent with the form and scale envisioned by Council within the subject area. The development also complies with the parking requirements under the DCP which will contribute towards minimise using on-street car parking and ultimately minimise creating low amenity within Oxley Park.

Ultimately, considering the constrained isolated status of the development site combined with the proposal complying with the majority of the key planning controls and also considering that the proliferation of medium density development being undertaken within lots with widths <22m within this part of Cox Avenue and an absence of any amenity impacts to neighbouring properties or to the street in-terms of excessive street parking, the non-compliance to the minimum width control is considered acceptable and worthy of Council support as the proposal complies with 2.4.3(3) and can be considered on a 'merit basis' which the proposal satisfies.

## CONCLUSION

Following a review of the relevant planning controls, it is concluded that the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social, or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant, and appropriate conditions of consent.