

# Statement of Environmental Effects

103-109 Laycock Street Cranebrook

Demolition of the existing dwelling and construction of a 22 units under the provisions of state environmental planning policy - housing for seniors and people with a disability 2004

Greater Western Group Pty Ltd





Figure 1: Site Frontage

Client: **Greater Western Group (NSW)**  
 Project: **103-109 Laycock Street Cranebrook**  
 Project No: **19-6952**  
 Date: **August 2019**  
 Project Contact: **Mitchell Drake**

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## 1.0 Executive Summary

### 1.1 Project Overview

This Statement of Environmental Effects (SEE) is to accompany the plans lodged as part of the development proposal to Penrith City Council for demolition of an existing dwelling and construction of a 22 units under the provisions of State Environmental Planning Policy - Housing for seniors and people with a disability 2004, at 103-109 Laycock Avenue Cranebrook.

The statement addresses the relevant elements of Section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979, together with relevant State Environmental Planning Policies, Sydney Regional Environmental Plans, The Regulations and local plans and policies.



Figure 2: Proposed Site Frontage

### 1.2 Legislative Requirements

The site is located in the Penrith City Local Government Area (LGA) within the R2 Low Density Residential Zone. The following state and local legislative controls relate to the proposal:

- State Environmental Planning Policy No. 55 – Remediation of Land.
- State Environmental Planning Policy – BASIX.
- State Environmental Planning Policy – Infrastructure.
- State Environmental Planning Policy – Housing for seniors and people with a disability 2004.
- Sydney Regional Environmental Plan – No 20—Hawkesbury-Nepean River (No 2—1997)
- Penrith City Local Environmental Plan 2010

### 1.3 Non - Legislative Controls

The following Non-Legislative control is applicable to the development:

- Penrith Development Control Plan 2014.

### 1.4 Conclusion

It is our professional opinion that the proposal is consistent with the relevant controls, their underlying objectives, together with the plans and policies at both local and state levels. The proposed works increase the longevity and usability of the existing residential resource and allow



the site to increase its contribution to the existing housing stock within this well-established residential zone.

## 2.0 Summary

<b>Address of Site:</b> 103-109 Laycock Street, Cranebrook
<b>Local Government:</b> Penrith City Council
<b>Real Property Description:</b> Lot 2, DP22283
<b>Area of Site:</b> 7974sqm
<b>SEPP:</b> State Environmental Planning Policy No. 55 - Remediation of Land State Environmental Planning Policy – BASIX State environmental Planning Policy – Infrastructure State Environmental Planning Policy - Housing for Seniors and people with a Disability Sydney Regional Environmental Plan – No 20—Hawkesbury-Nepean River (No 2—1997)
<b>LEP:</b> Penrith Local Environmental Plan 2010
<b>DCP:</b> Penrith Development Control Plan 2014
<b>Zone:</b> R2 Low Density Residential
<b>Name of Owner:</b> Greater Western Group Pty Ltd
<b>Brief Description / Purpose of Proposal:</b> Demolition of an existing dwelling and construction of a 22 units under the provisions of state environmental planning policy - housing for seniors and people with a disability 2004.
<b>Staged Development:</b> No
<b>Assessment Manager / Council Officer Previously Involved:</b> Sandra Fagan
<b>Applicant Contact Person:</b> Mitchell Drake

### 3.0 Site Information and Analysis

#### 3.1 Physical Description

The subject site is legally known as Lot 2, DP22283 and commonly referred to as 103-109 Laycock Street Cranbrook. The allotment is irregular in shape with an angular front boundary to Laycock Street of 73m in width, and an average depth of 108m, equating to a site area of 7974.3sqm.

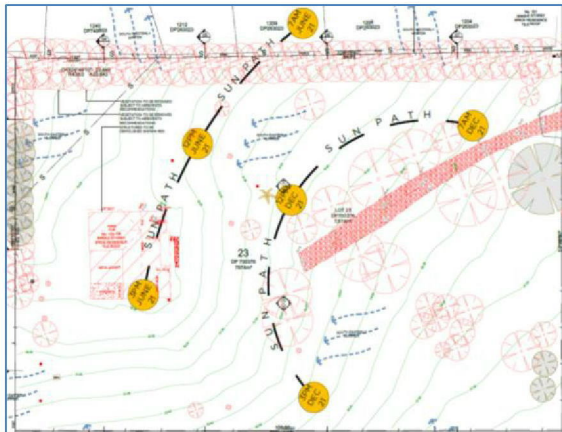


Figure 3: Extract of Site Analysis Plan

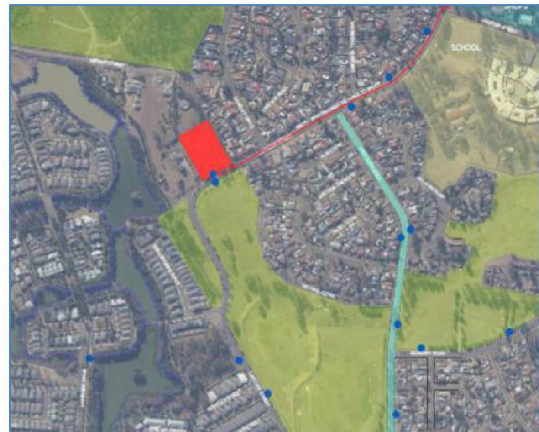


Figure 4: Extract of Site Location Overview Plan

The topographically the site features a slope from north down to south of approximately 13%. The site is currently occupied by a single detached dwelling with associated landscaping and parking. Pedestrian and vehicle access is gained via the site frontage at Laycock Street.



Figure 5: Site Location (Street Pattern)

Surrounding development includes to the north, at the rear of the site, 22 Nepean Street which is occupied by a single dwelling.





**Figure 6: Northern, Rear Boundary**

The site fronts Laycock St, a two-way, single lane in each direction road with parkland opposite to the south east.



**Figure 7: Public open space opposite the site**

To the east are residential dwellings within battle axe residential configuration. Adjoining development to the east is indicative of residential density in the locality.





Figure 8: Side boundary to the east

To the west is an existing detached dwelling on a similar size allotment to that of the current situation within the subject site.



Figure 9: Western Boundary Showing detached dwelling behind existing trees

#### 4.0 The proposal

The applicant seeks approval for the demolition of the existing dwelling and construction of 22 units under the provisions of state environmental planning policy - housing for seniors and people with a disability 2004. The development will offer units within three rows along the length of the site, with landscaping and access for vehicles and pedestrians interspaced throughout the development.

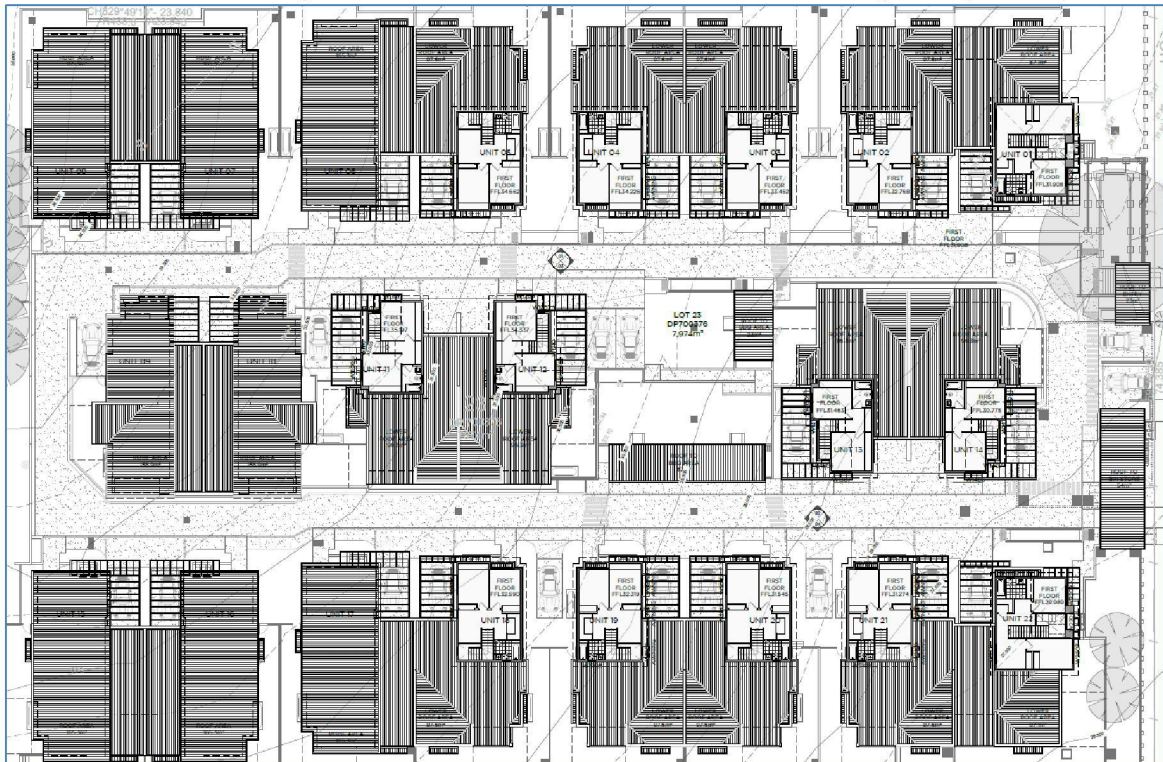
The northern element of the proposal contains eight units, broken up into four distinct building modules. The vehicle and pedestrian access to these units are within the central areas of the site, facing south, away from adjoining sites. All modules are two levels and contain both two and three bedroom dwellings with parking on the ground floor areas.



The central elements are made up of three modules and a large communal open space area central to the site, providing for a sense of openness within the complex. These units also contain two and three bedroom selections with ground floor parking, accessed in the forward module, from both the south, whilst the rearmost modules have their access from the northern elevation.

The southern element of the proposal contains eight units, again broken up into four distinct building modules. The vehicle and pedestrian access to these units are within the central areas of the site, facing north, away from adjoining site. All modules are two levels and contain both two and three bedroom dwellings with parking on the ground floor areas.

It is noted that the building modules within the rear 25% of the site are all single story developments.



**Figure 10: Proposed Footprints**

At the site frontage, a bin hide adjacent to the separate vehicle and pedestrian entries is provided. This is incorporated into a new bus shelter proposed to be constructed by the applicant to service not only this site, but the wider area.



**Figure 11: Site Entry/Exit and Bus Shelter**

Vehicle access is from the eastern boundary at the site frontage to Laycock Street, with separate entry and exit points for all vehicles accessing the one-way driveway, circling the interior of the development. The driveway provides adequate areas for the manoeuvring of vehicles and allows entry and exit to and from the site in a forward direction. There is a total of 43 vehicle parking spaces on site.

The landscaping is mixed throughout the plan of the development with various areas provided. The numerical compliance of 40% of the site area is achieved by the proposal in addition to the merit-based requirements of usability, location, dimensions and built form softening that are integral to the assessment of landscape open spaces. In addition to these landscape areas are the private open spaces required for each unit.

The following table summarises the units and their numerical characteristics:

Unit No	Total Floor Space	Garage Space	Private Open Space	Bedrooms	Parking*
1	139.6sqm	26.6sqm	106.9sqm	3	2
2	143.5sqm	25.6sqm	94sqm	3	2
3	143.5sqm	25.6sqm	91.1sqm	3	2
4	143.5sqm	25.6sqm	88.4sqm	3	2
5	143.5sqm	25.6sqm	85.6sqm	3	2
6	104.5sqm	25.6sqm	80.8sqm	2	2
7	104.5sqm	25.6sqm	86.4sqm	2	2
8	104.5sqm	25.6sqm	121.6sqm	2	2
9	91.6sqm	25.1sqm	41.6sqm	2	2
10	91.6sqm	25.1sqm	42.8sqm	2	2
11	125.3sqm	25.1sqm	31.9sqm	3	2
12	125.3sqm	25.1sqm	43.5sqm	3	2
13	125.3sqm	25.1sqm	34.3sqm	3	2
14	125.3sqm	25.1sqm	35.5sqm	3	2
15	104.5sqm	25.6sqm	98.5sqm	2	2
16	104.5sqm	25.6sqm	68.9sqm	2	2
17	104.5sqm	25.6sqm	77sqm	2	2
18	143.5sqm	25.6sqm	73.3sqm	3	2
19	143.5sqm	25.6sqm	72.2sqm	3	2
20	143.5sqm	25.6sqm	73.3sqm	3	2
21	143.5sqm	25.6sqm	73.3sqm	3	2
22	139.6sqm	26.6sqm	99.9sqm	3	2

\*Three additional spaces for visitor parking is provided.





Figure 12: Typical Car Parking Layout and Internal Street Interface



Figure 13: Typical Private Courtyard

## 5.0 Application History

A pre-lodgement meeting was held at Council chambers on 13 June 2019. The following is an extract of the findings of the meeting and a summary of responses to the points raised by stakeholders.

*As discussed during the pre-lodgement meeting, the site has a large fall/slope, being approximately 8 metres from the street to the rear of the site. This is a significant constraint considering that the proposed use is Seniors Living.*

### Response

Whilst it is acknowledged there is a fall in the land from west to east, this slope is not greater than the 1:14 requirement. Numerically, the site is appropriate for the proposal as it is compliant with the topographical limits which have been set at a strategic level, during the consideration of the policy and its adoption.

Further, works are to be undertaken to allow for an appropriate solution to ease any impact the existing slope may have on the movement of pedestrians throughout the site.

The proposal has been designed to respond to the topography of the site. As can be seen within the below plan extract, with green reflecting fill and red reflecting cut, earthworks are minimal whilst providing numerically compliant grades along vehicle and pedestrian movement areas.

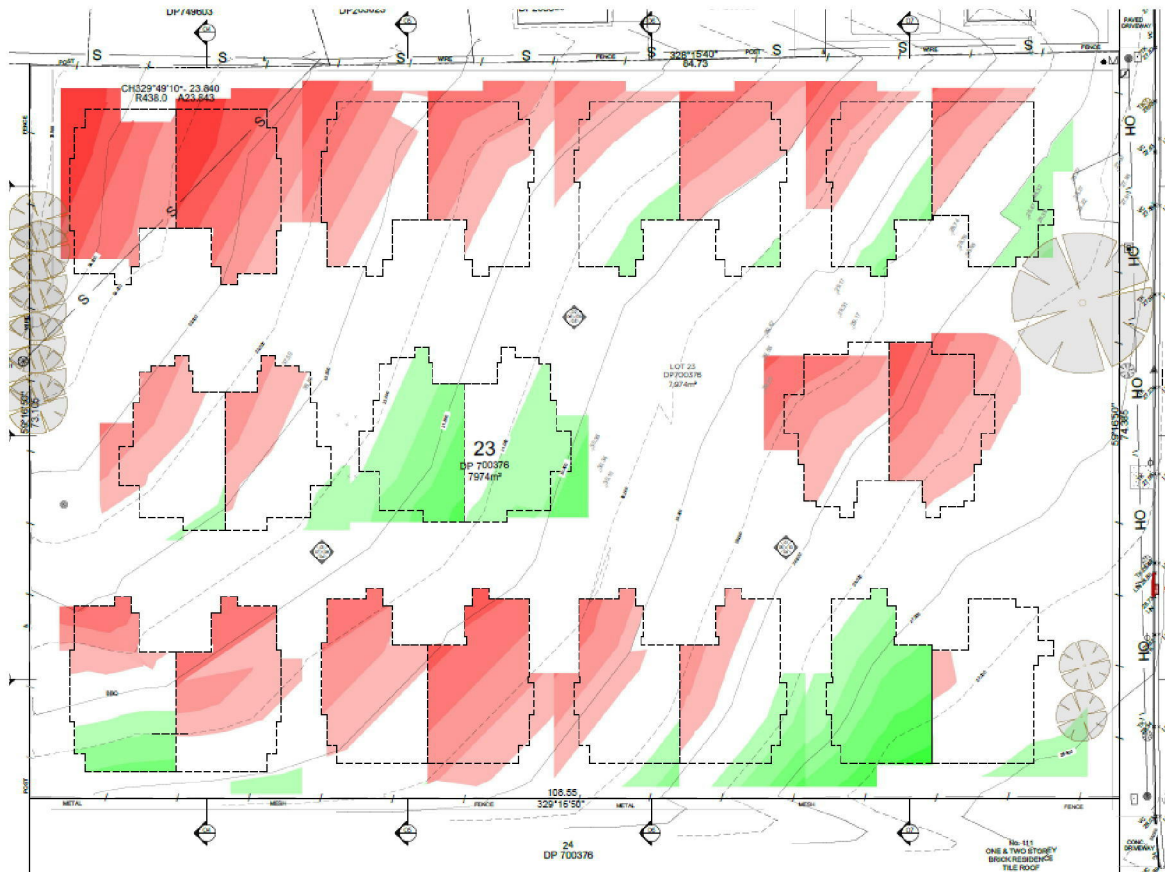


Figure 14: Proposed Earthworks (red depicting cut and green fill)

*It is apparent that the resulting design, which includes cut and fill, contains a series of ramps and paths to deal with the level differences. This greatly affects the legibility and easy manoeuvrability throughout the site. The front setbacks of dwellings are significantly occupied by hardstand areas for ramps, level landings and driveways, thus limiting the ability to provide deep soil planting and vegetation to act as a visual and real buffer in the front setback areas of the dwellings. The realistic paths of travel for residents and visitors on foot is long and convoluted.*

#### Response

referring to the submitted plans, the applicant has reviewed these elements of the proposal and has made the following adjustments and amendments in order to address Councils concerns:

- Cut and fill has been minimised through thoughtful design and appropriate response to the gradual slope. Please refer to figure 14 above.
- Substantial planting areas have been added to the areas adjoining the internal road and access ways to achieve an appropriate visual buffer within this style and type of development. This is detailed within the accompanying architectural and landscape architectural plans.
- Paths of travel are now less convoluted in response to Councils comments and allow for equitable paths of travel. Refer also to access report under separate cover for further detail.



*The design relies too heavily on expecting access only by vehicles. Pedestrian movements to/from and throughout the site should be further considered. For example, the movements to get to the waste area, common open space, and bus stops on Laycock Street are long and fairly complex, especially for dwellings located to the rear of the site. All movements to/from the street frontage appear to require access through the common open space, by a series of ramps.*

*While it is acknowledged that equitable access must be provided for seniors living housing, the existing slope of the land potentially makes this site difficult for the end user and therefore I question whether this site is suitable for the intended use. I believe this issue, foremost, needs to be resolved.*

#### Response

The proposal does not rely on vehicle access only. This is clearly and distinctly demonstrated by both the submitted plans indicating adequate and equitable access to all areas and the use of appropriately designed and sloping ramps in the necessary locations at grades compliant with all plans and policies.

The proposal is accompanied by an accessibility report which indicates the proposal is acceptable in its design and considerations for the requirements in this regard. The accessibility report accompanies the proposal under separate cover.

*Any progression of the proposal will need to include detailed sections through various parts of the development to show in more detail how the level changes work and how manoeuvrability is proposed. This should include details of retaining walls with RL's and references to the relationship and levels of adjoining properties.*

#### Response

The application package includes detailed sections indicating appropriate level changes and adequate manoeuvrability, that is compliant with not only numerical requirements outlined within the policy but also augments the overall access throughout the site. All residents and visitors to the site will have adequate access to all areas of the development.

*The treatment of the rear setback should be reconsidered. The proposed batter limits the usability and vegetation of the area, and the portion of road located in the rear setback should be relocated out of the 4m setback zone.*

#### Response

Referring to the accompanying architectural and landscape plans, it is noted that the access driveway has been shifted out of the 4m rear setback and this area has been heavily landscaped in response to this concern.

*Many of the gaps in the building footprint are occupied by parking spaces, with habitable rooms also fronting these spaces. The gaps between buildings should be designed as green, open spaces as this provides the relief from the building mass and density.*

#### Response

This concern is noted and has been resolved through the revised design. The areas in between the buildings are no longer used for parking and are appropriately landscaped.

*Council's Senior Traffic Engineer mentioned at the meeting that (you) should consider providing a bus shelter at each of the existing bus stops located on Laycock Street. From an*

*amenity perspective, this would benefit your future intended users, particularly given that you rely on the two bus stops to satisfy the SEPP requirements relating to access to services and therefore permissibility. Therefore, you should consider progressing this aspect by contacting Council's Traffic Unit.*

Response

A bus shelter has been incorporated into the design of the development, providing public benefit to the wider locality. As the opposite side of the street is not part of the subject site the proposal does not show a bus shelter on this curb. Notwithstanding

*The site is zoned Low Density Residential. Many of the surrounding sites and dwelling lots have low scale and permeable front fences, which results in a very open appearance to the streetscape and emphasises landscaping in the front setbacks, rather than a closed or solid street presentation.*

Response

The design of the front fence has considered openness to the street whilst showing regard for safety and security and clear delineation of the site from the public realm. It should be noted that, notwithstanding the zone of the land, the development is permissible and thus is considered appropriate at a strategic level.

Careful design consideration has been shown to the front fence, in an area which is undergoing transition from large lot residential areas to a more intensive development typology. The fencing complements the permissible development, with regard shown for the verge and openness of the public open spaces.

*I question the location of the common open space at the front of the site. I understand from the meeting that the intention is to position the space to allow views to the Blue Mountains escarpment. However, you should consider other locations, such as the middle of the site, as this would allow a better sharing and ownership of the space between the dwellings and provide a relief to the building mass.*

Response

The common open spaces have been located more centrally in response to this concern.

*With regard to tree removal please also see comments below about 'Vegetation Management'. The existing line of trees on the side and rear boundaries provide a suitable buffer from the adjoining dwellings, therefore, further thought should be given to keeping more of these trees (acknowledging the need for northern sunlight to the proposed dwellings).*

Response

The proposal is accompanied by an arborist report which considers any issues relating to tree removal.

*Please ensure that your SEE and design justification carefully considers the requirements of the SEPP (Seniors Housing). It would assist if your SEE responds to each site related and design principle of the SEPP.*

Response

This element is addressed within this report under Section 6.1.4.

## 6.0 Environmental Planning and Assessment Act 1979

### 6.1 Environmental Planning Instruments

#### 6.1.1 State Environmental Planning Policy No. 55 – Remediation of Land

Clause 7 (1)(a) of State Environmental Planning Policy (SEPP 55) Remediation of Land requires consideration whether land is contaminated. A review of council records and an inspection of site attributes indicates that the proposal has been utilised as a residential site for a significant period.

In this regard, the works proposed will not result in risks being posed in terms of contamination of land and thus no further consideration is required under the provisions of Clause 7 (1) (b) and (c) of the SEPP. A review of the site indicates there is no evidence contamination and the wider residential locality is well established, the land is suitable for the land use.

#### 6.1.2 State Environmental Planning Policy BASIX

A BASIX certificate has been prepared and accompanies the proposal under separate cover. This BASIX certificate demonstrates a consistency with the policy. Any additional recommendations and compliance with the certificate may be included into any condition consent documents.

#### 6.1.3 State Environmental Planning Policy – Infrastructure

Clause 45 of the State Environmental Planning Policy (SEPP) requires the Consent Authority to consider any development application for any development carried out:

- Within or immediately adjacent to an easement to an easement for electrical purposes,
- Immediately adjacent to an electrical sub-station,
- Within 5m of an overhead power line,
- Includes instillation of a swimming pool any part of which is within 30m of a structure

A site inspection has indicated that the site subject to the proposal is within 5m of an overhead powerline thus a referral to Ausgrid is required. Any recommendations resulting from the referral to Ausgrid are requested to be included into the conditions of consent.

#### 6.1.4 State Environmental Planning Policy – Housing for seniors and people with a disability 2004.

##### CHAPTER 1 – PRELIMINARY

The relevant elements of the chapter are addressed below:

##### 2 Aims of Policy

(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will:

*(a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and*

##### Response

The very essence of the application shows consistency within this objective. The proposal clearly increases the supply of residences that are diverse when compared to that of the existing development within this area that is undergoing a transition in residential land use.

The design and accessibility of the site clearly complies with the controls and aims, that have been outlined at a strategic level and provides an appropriate design and layout that lends



itself to the seniors living SEPP. The proposal exceeds expectations in its clear and robust consistency with the clause.

*(b) make efficient use of existing infrastructure and services, and*

Response

The development not only makes use of existing infrastructure, but also will add to the public transport network by providing a new bus shelter at the site frontage, for use by residents of the new site and any other patron of the public transport system.

The intent is to create a nexus between transport and land use whilst reducing where possible the use of vehicles for short trips. The proposal again shows consistency with the overall relevant aims and the underlying intent of the SEPP.

*(c) be of good design.*

Response

This element of the aims is discussed within the architectural design statement prepared by Alvaro Architects. The statement outlines the proposal architectural and design intent and shows the proposal to be of good design.

(2) These aims will be achieved by:

*(a) setting aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy, and*

Response

As the proposal clearly meets the development criteria and standards of this higher order planning policy. It is appropriate to set aside the local planning controls that prevent the development.

*(b) setting out design principles that should be followed to achieve built form that responds to the characteristics of its site and form, and*

Response

This element of the aims is discussed within the architectural design statement prepared by Alvaro Architects. The statement outlines the proposal architectural and design intent and shows the proposal to be constant with design principles.

*(c) ensuring that applicants provide support services for seniors or people with a disability for developments on land adjoining land zoned primarily for urban purposes.*

Response

The proposal provides all services that would be required for this type of land use. The new bus shelter at the site frontage, communal open space within the site, the parking provided at a front door first stop position for all units, landscaping and plantings, together with accessibility provisions all combine to create an appropriate and well serviced proposal.



**CHAPTER 2 – KEY CONCEPTS**

The relevant elements of the chapter are addressed below:

**10 Seniors housing**

*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:*

*(c) a group of self-contained dwellings*

**13 Self-contained dwellings**

**(1) General term: “self-contained dwelling”** *In this Policy, a self-contained dwelling is a dwelling or part of a building (other than a hostel), whether attached to another dwelling or not, housing seniors or people with a disability, where private facilities for significant cooking, sleeping and washing are included in the dwelling or part of the building, but where clothes washing facilities or other facilities for use in connection with the dwelling or part of the building may be provided on a shared basis.*

CHAPTER 3 – DEVELOPMENT FOR SENIORS HOUSING	
Objective	Response
<b>PART 1 - GENERAL</b>	
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.	The proposal is designed to cater for all potential occupants that fit in the over 55 age group. Both the frail and the active will be able to live in this all-encompassing complex.
This Chapter allows the following development despite the provisions of any other environmental planning instrument if the development is carried out in accordance with this Policy:	
development on land zoned primarily for urban purposes for the purpose of any form of seniors housing, and	Not Applicable
development on land that adjoins land zoned primarily for urban purposes for the purpose of any form of seniors housing consisting of a hostel, a residential care facility or serviced self-care housing	Not Applicable
Development allowed by this Chapter may be carried out only with the consent of the relevant consent authority unless another environmental planning instrument allows that development without consent	Not Applicable
Subject to subclause (2), a consent authority must not consent to a development application made pursuant to this Chapter to carry out development on land that adjoins land zoned primarily for urban purposes of	
a hostel,	A hostel is not proposed
a residential care facility,	A residential care facility is not proposed

<b>CHAPTER 3 – DEVELOPMENT FOR SENIORS HOUSING</b>	
<b>Objective</b>	<b>Response</b>
<b>PART 1 - GENERAL</b>	
Serviced self-care housing	Serviced self-care housing is not proposed
A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purposes of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that the housing will be provided:	
for people with a disability, or	Housing is provided for people with a disability.
in combination with a residential care facility, or	Not Applicable
as a retirement village	Not Applicable
Development allowed by this Chapter may be carried out for the accommodation of the following only:	
seniors or people who have a disability,	The proposal is for Housing for people and people with a disability. Thus, the proposal fulfils this requirement.
people who live within the same household with seniors or people who have a disability,	Complies
staff employed to assist in the administration of and provision of services to housing provided under this Policy.	Not Applicable
A consent authority must not consent to a development application made pursuant to this Chapter unless:	
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	A condition of consent may be imposed by Council in this regard.
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).	This may also be addressed via consent conditions.
<b>PART 2 – SITE RELATED REQUIREMENTS</b>	
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)	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.  There is a public transport service available to the residents who will occupy the proposed development within 400m of the subject site.
Shops, bank service providers and other retail and commercial services that residents may reasonably require, and	Cranebrook Village is located near to the site on the corner of Laycock Street and Borrowdale Way, Cranebrook
Community services and recreation facilities, and	Cranebrook Community Centre is located at 17 Hoskins Street Cranebrook

CHAPTER 3 – DEVELOPMENT FOR SENIORS HOUSING	
Objective	Response
<b>PART 1 - GENERAL</b>	
The practice of a general medical practitioner	There is a general medical practitioner located at 35 Laycock St, Cranebrook
<b>Part 4 - Development Standards to be Complied With</b>	
Site size: The size of the site must be at least 1,000 square metres.	Complies – site area totals 7974sqm.
Site frontage : The site frontage must be at least 20 metres wide measured at the building line.	Complies – site frontage is 73m approximately
The height of all buildings in the proposed development must be 8 metres or less, and	Complies – does not exceed 8m
A building located in the rear 25% area of the site must not exceed 1 storey in height.	Complies – the rear 25% of the site does not exceed 1 storey in height
<b>Division 4 - Self-Contained Dwellings</b>	
<b>Standards that cannot be used to refuse development consent for self-contained dwellings</b>	
<b>building height:</b> 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),	Complies – does not exceed 8m
<b>density and scale:</b> if the density and scale of the buildings when expressed as a floor space ratio is 0.5:1 or less,	Complies – FSR is 0.0.41:1
<b>landscaped area:</b> if: 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 in any other case—a minimum of 30% of the area of the site is to be landscaped,	Complies - 34% (2711sqm)
<b>deep soil zones:</b> 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	Complies - The proposal provides appropriate landscaping and meets the numeric controls, as demonstrated within the accompanying landscape architectural plans
<b>parking:</b> if at least the following is provided: 0.5 car spaces for each bedroom where the	Complies - 43 spaces are provided

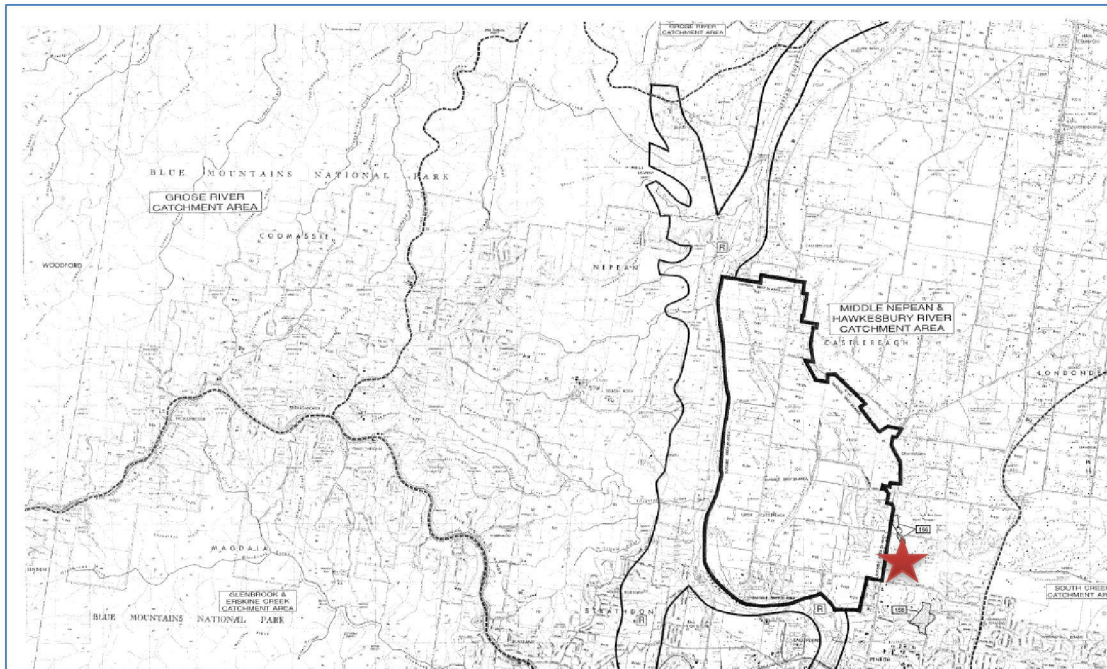


**CHAPTER 3 – DEVELOPMENT FOR SENIORS HOUSING**


Objective	Response
<b>PART 1 - GENERAL</b>	
development application is made by a person other than a social housing provider, or	

**6.1.5 Sydney Regional Environmental Plan – No 20—Hawkesbury-Nepean River (No 2—1997)**

The proposal is identified within Figure 15 below as being within a location that is subject to the Plan.



**Figure 15: Site Location, Hawkesbury Nepean Catchment Map 26 of 43**

 = Subject Site

The following is an assessment of the proposal in accordance with the plan.

**PART 1 – INTRODUCTION**

**3 Aim of this plan**

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

**Response**

The proposals response to any stormwater resulting from the land use, together with any other possible impacts on the river system are appropriate in the context of the plan.



<b>Part 2 General planning considerations, specific planning policies and recommended strategies</b>		
Application of general planning considerations, specific planning policies and recommended strategies		
The general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6 which are applicable to the proposed development, must be taken into consideration:		
by a consent authority determining an application for consent to the carrying out of development on land to which this plan applies, and	This application allows the consent authority to consider the general planning considerations	
by a person, company, public authority or a company State owned corporation proposing to carry out development which does not require development consent.	Not Applicable	
General planning considerations		
The general planning considerations relevant for this Part are:		
The aim of this plan, and	The aims of the plan are achieved by the proposal	
The strategies listed in the Action Plan of the Hawkesbury-Nepean Environmental Planning Strategy, and		
Metropolitan Strategy objective	Environmental target	Compliance
Improve the health of waterways, coasts and estuaries	Meet community objectives for ecosystem health and recreational amenity, Government-approved Water Quality and River Flow Objectives (EPA 2000)	YES
Protect Sydney's unique diversity of plants and animals	Maintain or improve regional biodiversity values across the region (consistent with the Threatened Species Amendment Act, 2004 [NSW])	YES
Improve Sydney's air quality	Reduce emissions and improve compliance with national standards for air quality to protect health. National Environment Measure for Ambient Air Quality (NEPC 1998)	YES
Protect Aboriginal and other cultural heritage	Maintain Aboriginal and other important cultural heritage values: archaeological, built and landscape scale	YES
Minimise household exposure to unacceptable noise levels	Reduce proportion of population exposed to excessive noise levels.	YES
Contain Sydney's urban footprint	Ensure 60–70% of future growth occurs within existing urban footprint	YES
Achieve sustainable use of water	Keep water extraction within sustainable yield (as per Metropolitan Water Plan [NSW Government 2004]) BASIX target: 40% reduction in water consumption	YES
Use energy efficiently and reduce greenhouse intensity of energy supply	Increase renewable energy generation. Greenhouse target for 60% reduction in emissions by 2050 and return to 2000 levels by 2025. BASIX target: 40% reduction in energy consumption/greenhouse gas emissions	YES
Minimise and recycle waste	No net increase in total amount of waste generated for next five years.	YES
Whether there are any feasible alternatives to the development or other proposal concerned, and	The Seniors Living development is a standalone land use separately defined. There are no alternatives to the proposed use.	
The relationship between the different impacts of the development or other proposal and the environment, and how those impacts will be addressed and monitored.	Any impacts are addressed within the stormwater, engineering, and landscape packages provided under separate cover.	

Part 2 General planning considerations, specific planning policies and recommended strategies	
Specific planning policies and recommended strategies	
Total catchment management	
Refer the application or other proposal for comment to the councils of each adjacent or downstream local government area which is likely to suffer a significant adverse environmental effect from the proposal.	This may be addressed via Councils referral policies. No further investigation is required.
Consider the impact of the development concerned on the catchment.	The proposal has considered any impacts and has been found to be appropriate and consistent with the aims of the plan.
Consider the cumulative environmental impact of development proposals on the catchment.	The proposal has considered any cumulative environmental impact and has been found to be appropriate and consistent with the aims of the plan.
Urban development	
When considering a proposal for the rezoning or subdivision of land which will increase the intensity of development of that land (for example, by increasing cleared or hard surface areas) so that effluent equivalent to that produced by more than 2,500 people will be generated, consider requiring the preparation of a Total Water Cycle Management Study or Plan.	Not applicable, no rezoning or subdivision is proposed.
Consider urban design options to reduce environmental impacts (such as variable lot sizes and shapes, and the clustering of development).	Complies – the proposal presents small clusters of form, each easily accessible by foot or car and each located within a landscape setting.

There are no other provisions relevant to the proposal within the plan.

### 6.1.6 Penrith City Local Environmental Plan 2010

The following is an assessment of the proposal against the relevant aims and objectives of the Local Environmental Plan.

#### PART 1 – PRELIMINARY

##### 1.2 Aims of Plan

The list below outlines the proposals consistency with the relevant aims of the Plan

##### *Aim*

*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,*

##### Response

The proposal includes designs and methodologies that result in both a sustainable and functional development for seniors housing. The proposal with its open spaces, extensive landscaping and fluid incorporation into the existing locale that is currently under transition. The increase in density within the overall area, promotes a healthy, safe and vibrant community, offering further choice to existing and future residents with regard to residential accommodation.



*Aim*

*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,*

Response

The proposal adds to the mix of housing typologies within the LGA. The transition of this area from semi-rural residential uses to more intensive and mixed choice of housing is a natural transition, facilitated by the proposal and its incorporation into existing and future infrastructure and ancillary services available to the local population.

*Aim*

*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.*

Response

The proposal is consistent with the aims of a sustainable development. The modern materials, designs and layouts have incorporated environmentally aware solutions to the site that ensures a minimal impact upon climate change results. The proposal utilises the natural features of the site, together with existing infrastructure opportunities to create an appropriate environment outcome.

PART 2 – PERMITTED OR PROHIBITED DEVELOPMENT

Land Use table

R2 Low Density Residential Zone

The proposal is identified as **Seniors Housing**, defined by the instrument as:

- (a) a residential care facility, or*
- (b) a hostel within the meaning of clause 12 of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, or*
- (c) a group of self-contained dwellings, or*
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for—*
- (e) seniors or people who have a disability, or*
- (f) people who live in the same household with seniors or people who have a disability, or*
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place but does not include a hospital.*

**Seniors Housing** is a type of residential accommodation—see the definition of that term in this Dictionary. Thus, the proposal is permitted with consent within the R2 low density residential zone.

PART 4 – PRINCIPLE DEVELOPMENT STANDARDS

Standard	Required	Provided	Comment
Minimum Lot size	1ha	7.974ha	Complies
Height of Buildings	8.5m	8m	Complies
Floor Space Ratio	Not adopted	0.41:1	Complies

**PART 7 – ADDITIONAL LOCAL PROVISIONS**

**6.1 Earthworks**

The following table indicates the proposals consistency with the requirements of the plan

The objectives of this clause are as follows:	Compliance
To ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land,	Minimal earthworks are proposed with the proposal carefully designed to respond to the existing topography of the land whilst allowing for full compliance in terms of vehicle and pedestrian accessibility
To allow earthworks of a minor nature without requiring separate development consent	Only minor earthworks are proposed
<b>Development consent is required for earthworks unless:</b>	
The work is exempt development under this Plan or another applicable environmental planning instrument, or	The works are not exempt
The work is ancillary to other development for which development consent has been given.	The works are integral to the development
<b>Before granting development consent for earthworks, the consent authority must consider the following matters:</b>	
The likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,	No Impact – refer to the accompanying stormwater concept plan
The effect of the proposed development on the likely future use or redevelopment of the land,	No Impact – refer to the accompanying stormwater concept plan
The quality of the fill or the soil to be excavated, or both,	The site is not considered to be contaminated and any external fill is intended to be clear of contaminants
The effect of the proposed development on the existing and likely amenity of adjoining properties,	No Impact – all earthworks are well set in from property boundaries to ensure no impact on adjoining properties
The source of any fill material and the destination of any excavated material,	This requirement can be conditioned
The likelihood of disturbing relics	No noted relics are present within proximity of the site
The proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.	No Impact

**6.2 Development Control Plans**

The following is an assessment of the proposal against the relevant controls contained within the Penrith Development Control Plan 2014:

**PART B – DCP PRINCIPLES**

**1.2 – PRINCIPALS**

**Principle 1:** Provide a long-term vision for cities, based on sustainability; intergenerational, social, economic and political equity; and their individuality.



The proposal shows consistency with this principle. The proposal is of a contemporary design which will fit seamlessly into the surrounding locality and provides housing diversity and further principles of gaining in place.

**Principle 2:** Achieve long term economic and social security

The proposal shows consistency with this principle. In providing housing diversity and provides economic benefits to the locality both through construction and through increasing the number of people living in the locality.

**Principle 3:** Recognise the intrinsic value of biodiversity and natural ecosystems and protect and restore them.

The proposal shows consistency with this principle. The subject site is considered to have limited biodiversity value and on balance will provide a net benefit to the locality. Stormwater quality and arboriculturally reporting accompanies this application.

**Principle 4:** Enable communities to minimise their ecological footprint

The proposal shows consistency with this principle. The proposal is considered an efficient use of land which capitalises on local services and facilities, including proximity to shops and a bus stop.

**Principle 5:** Build on the characteristics of ecosystems in the development and nurturing of healthy and sustainable cities.

The proposal shows consistency with this principle. The subject site is considered to have limited biodiversity value and on balance will provide a net benefit to the locality. Stormwater quality and arboriculturally reporting accompanies this application.

**Principle 6:** Recognise and build on the distinctive characteristics of cities, including their human and cultural values, history and natural systems.

The proposal shows consistency with this principle. In providing housing diversity and provides economic benefits to the locality both through construction and through increasing the number of people living in the locality.

**Principle 7:** Empower people and foster participation

The proposal shows consistency with this principle. The proposal contains communal areas and is of a design and layout intended to foster a sense of community. Notwithstanding this principle is not Applicable as outlined by Council policies and controls.

**Principle 8:** Expand and enable cooperative networks to work towards a common, sustainable future.

The proposal shows consistency with this principle for the reasons outlined above.

**Principle 9:** Promote sustainable production and consumption, through appropriate use of environmentally sound technologies and effective demand management. The proposal shows consistency with this principle for the reasons outlined above.

**Principle 10:** Enable continual improvement, based on accountability, transparency and good governance.

The proposal shows consistency with this principle.

PART D- LAND USE CONTROLS

It is noted that there are no specific land use controls for seniors housing. The controls for multi dwelling housing within the DCP will be used to assess the development against the lower order controls.

Control	Required	Provided	Comment
Front setback	5.5m	0m to bin hide	Complies (SEPP Prevails)
Rear Setback G/F	4m	4m	Complies
Rear Setback F/F	6m	≥ 6m	Complies (SEPP Prevails)
Side Setback	2m	≥ 2m	Complies
Side Envelope	6.5m x 45°	Complies	Complies
Landscaping	35%	34%	Complies (SEPP Prevails)

2.4.9. Solar Access

The proposed development provides a minimum of 4 hours sunlight between 9am and 3pm on 21 June, to living zones of each dwelling, and the living zones of any adjoining dwellings. Further, the proposal ensures a minimum of 3 hours sunlight between 9am and 3pm on 21 June, to 40% of the main private open spaces of the dwelling and main private open spaces of any adjoining dwellings. The proposal is compliant in this regard.

2.4.12 Building Design

The proposal is seen from the street as semi-detached dwellings separated by gardens and ancillary elements. Facades incorporate a variety of materials and shading structures with various styles of roofs and projections.

The proposal utilises a range of materials and finishes with windows on every elevation with Articulation in the form of broken wall plans and a variety of finishes facing all boundaries are provided.

2.4.14 Design of Dwellings and Private Courtyards

The courtyards and other open spaces have appropriate levels of amenity and demonstrate traditional practices of suburban design. Further comment is provided within the Architectural Design Statement under separate cover.

2.4.18 Fences and Retaining Walls

All fences retaining walls are compatible with the existing (diverse) neighbourhood character. All of these elements are integrated into building design and gardens. Appropriate levels of casual surveillance of public and common areas is achieved without impacting unreasonably on the privacy of adjoining dwelling and private/public open spaces.

2.4.19 Visual and Acoustic Privacy and Outlook

The proposal allows for outlooks from all dwellings and associated private open space whilst achieving levels of acoustic and visual privacy that are reasonable for this seniors housing development. The high level of visual and acoustic privacy achieved in dwellings and private open space is a result of appropriate and thoughtful building design that minimises overlooking into private and public pen spaces.



#### 2.4.20 Safety and Security

The proposal achieves adequate levels of passive security within the complex as well as for surrounding dwellings. The front fence and associated structures (bus shelters and bin hides) are designed to allow for casual views from dwellings and private areas to the street frontage and to driveways. Appropriate levels of casual surveillance are achieved by the proposal.

#### 2.4.21 Accessibility and Adaptability

The proposal is for Seniors Living. Accessibility and Adaptability have been provided as an integral part of the overall design as per the state policy.

### 6.3 Planning Agreements

There are currently no Draft Planning Agreements or Planning Agreements applicable to the development.

### 6.4 The Regulations

#### 6.4.1 Division 8A

The consent authority is to consider 'Prescribed conditions' of development consent. This matter may be addressed within any consent documentation.

#### 6.4.2 Clauses 54 and 109

Were Council to require additional information, consideration must be given to the number of days taken in this assessment in light of this clause within the Regulation. No additional information has been requested at the time of writing of the Statement.

#### 6.4.3 Clause 92

The consent authority is to consider AS 2601 – 1991: The Demolition of Structures. This matter may be addressed via a condition of consent.

#### 6.4.4 Clauses 93 and/or 94

The consent authority is to consider the upgrading of a building (including fire safety upgrade of development). This matter may be addressed via a condition of consent.

### 6.5 The Likely Impacts

#### 6.5.1 Environmental

The assessment of the proposal has shown that any environmental impacts resulting from the proposal will be negligible. Regard is shown for the natural environment in terms of on-site management of stormwater and drainage, with appropriate measures incorporated into the overall design that operate in concert with the extensive areas of landscaping provided by the site layout.

The built environment will be enhanced by the upgraded site and its increased yield allowing for the more economical use of the available resource, without impacting or dominating the area in terms of built form.

The proposal satisfies the requirements of both the natural and built environments.

#### 6.5.2 Social

The proposal adds to housing stock, allowing for a more diverse accommodation typology within the appropriate R2 Zone. This allows a more diverse population cross section to "settle and stay" within the Penrith City LGA.

The increased choice of housing in this area provided by the proposal increases the longevity of the site whilst allowing residents an upgraded modern alternative.

The upgraded dwelling will continue to fill an existing void and increase the services available to the occupants of dwellings on the Penrith City in terms of housing and add to the available housing stock within the area and provide opportunities for more varied dwelling choice. The proposal is consistent with the social requirements in these regards.

### **6.5.3 Economic**

The provision of separate housing opportunities within this appropriately zoned locality, contributes to the easing of housing affordability pressure on potential homeowners whilst showing regard for the requirements of this R2 Zone on the fringe of areas undergoing radical built form change.

The proposal provides economic benefits that extend beyond the dwelling. Increased residents in this appropriate zone, adding to the economic stability of the area by allowing for residents to live in a locality that is gentrified and economically vibrant, in close proximity to local services and within reasonable distance to local business and upgraded infrastructure that will benefit from the employment and economic input provided by the future residents.

## **6.6 Site Suitability**

The site suitability is indicated by the appropriate land use being located within the appropriate R2 Low Density Residential Zone. The proposal has demonstrated compliance with all the standards and controls together with a consistency of all underlying objectives of both State and Local controls. The subject site is serviced by existing infrastructure, is easily accessible and is within a gentrified residential area. The proposal is an appropriate fit to the naturally developed character of the locality and will add a further unique land use and housing opportunity within this residential area. The application is considered acceptable with regards to suitability of the site.

## **6.7 Submissions**

There have been no submissions received from any public person, private or Government Authorities at the time of the preparation of this report.

## **6.8 The Public Interest**

The public interest is served by the provision of the appropriate land use that is consistent with local and state planning objectives. The land use responds at a strategic level to desired planning outcomes together with increased affordable housing opportunities within the Sydney region and the Penrith City LGA specifically.

The proposal is consistent with the underlying objectives of the EP and A Act in that it is an appropriate and economical use of the available resource.

## **7.0 Conclusions and Recommendations**

The project, located within suburban Cranbrook, offers a high-quality, flexible, contemporary, residential outcome which provides for and contributes to the housing diversity in this residential precinct comprised of a varied and eclectic mix of types of dwellings. The proposal has demonstrated consistency with the underlying objectives of the controls and general compliance with the numerical standards contained within both State and Local policies and plans. The proposal shows regard for Section 4.15 of the Act, shows regard for all heads of consideration including site suitability, economic, social and environmental impacts and the public interest.



We recommend the proposal to Council for approval under the provisions of Section 4.16 Determination, of The Act.

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**Urban Strategies Pty Ltd**  
29/10/2019