

**From:** Smith Kate <ksmith@penrithcity.nsw.gov.au>  
**Sent:** Tuesday, 5 May 2015 2:12 PM  
**To:** Rachel Cumming  
**Cc:** Tessa Parmeter; Cheema Abdul; Craig Robert  
**Subject:** Site Compatibility Certificate Application - Emu Plains Sporting and Recreation Club

Rachel,

I refer to your request for comment from Penrith City Council in relation to an application for a Site Compatibility Certificate under State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 at Lot 110 DP 1135571 Leonay Parade, Leonay (part of Leonay Golf Club).

Please find below Council's comments pursuant to Clause 25(5)(a) of the SEPP (Housing for Seniors or People with a Disability) 2004.

**25(5)(b)(i) Natural environment (including significant environmental values, resources or hazards) and existing land uses.**

- The proposed site offers the best opportunity for re-development given that it is relatively flat, is not extensively vegetated, has direct access to Leonay Parade and existing services and is not affected by flooding.
- The proposed site adjoins 'Leo Buring Cottage' to the south, which is listed as a local heritage item under Penrith Local Environmental Plan 2010. The proposed development should be supported by a heritage impact statement which assesses the impact of the proposal on the heritage significance of this heritage item.
- The mapped vegetation on the site is 'River-Flat Eucalypt Forest' which is listed as an endangered ecological community under the Threatened Species Conservation Act 1995. While this portion of the site is not heavily vegetated, the ecological impacts of the proposed development must be investigated. The development involves the removal of a number of trees and shrubs which significantly contribute to the existing and established streetscape of Leonay Parade. Consideration should be given to increasing the depth of the lot in order to retain the natural features of the site.
- The site is located within an area of Leonay Golf Course adjacent to the fourth tee. The development proposes the use of a 8.5m high net for protection from golf balls. This element is not found throughout the course, despite the majority of the golf course being surrounded by residential development. This indicates that there is insufficient separation between the development and the golf course. This measure should not be the only means of safeguarding the amenity of future residents.

**25(5)(b)(ii) Impact of the development on futures uses of the land.**

- Future land uses in the locality are unlikely to change. The locality is not identified for future changes in land use through Council studies or strategies.

**25(5)(b)(iii) Availability of services and infrastructure to meet demands arising from the proposed development.**

- Despite a range of services being available in the broader locality for the proposed development, access in accordance with the requirements of Clause 26 has not been satisfactorily demonstrated by the applicant. In particular, there may be limited opportunity for the construction of a new footpath on the western side of Leonay Parade given the amount of vegetation contained within the road verge. Should this option not be suitable, the applicant shall also investigate the suitability of pedestrian crossings along Leonay Parade should the use of the existing footpath on the eastern side of the street be proposed.

**25(5)(b)(iv) Impact of the development on the provision of land for open space and special uses.**

- The site is zoned RE2 Private Recreation and is used for the purpose of a golf course and associated registered club.
- If appropriately sited and designed the proposed development is unlikely to adversely impact on the function of Golf Course.

**25(5)(b)(v) Without limitation, the impact that the bulk, scale, built form and character of the development on existing, approved and future uses in the vicinity of the site.**

- *Project Venture Developments v Pittwater Council* [2005] NSWLEC 191 set out principles to achieve compatibility. In this regard, Roseath C. states that *for a building to be visually compatible with its context, it should contain or at least respond to the essential elements that make up the character of the surrounding urban environment... The most important contributor to urban character is the relationship of built form to surrounding space, a relationship created by building height, setbacks and landscaping.* The proposed application has not demonstrated an understanding of the urban environment. The documents accompanying the Site Compatibility Certificate state ‘... given the site is an ‘island’ in terms of built forms there is no impact on the character and future uses of land in the vicinity of the development’. The development, while primarily being surrounded by recreational space, must still respond to the established urban character of Leonay Parade which predominately consists of low density detached housing with substantial landscape setbacks and gardens.
- Further, in assessing the proposed development against the planning principles contained within *GPC No 5 (Wombarra) Pty Ltd v Wollongong City Council* [2003] NSWLEC 268 the development is inconsistent with three of the four principles.

*Second Principle – where the size of a development is much greater than the other buildings in the street, it should be visually broken up so that it does not appear as one building.*

The proposed development involves the construction of eight attached townhouses. The width of the proposed built form is approximately 80m and is four times that of most houses in the street. The building does not contain any breaks and is not separated by landscaping setbacks.

*Third Principle – where a site has existing characteristics that assist in reducing visual dominance of development, these characteristics should be preserved.*

The site contains a number of trees and shrubs which contribute to the landscape setting of Leonay Parade and the golf course generally. The area of the development site should be amended to make better use of the cleared open space to the north west of the site and retain the existing vegetation around the sites perimeter to reduce the dominance of the development on the streetscape.

*Fourth Principle – the development should aim to reflect the materials and building forms of other buildings in the street.*

The proposed development primarily features vertical proportions and elements. The proposed repetitious and uniform building design is inconsistent with housing stock in the locality. The front setback contains an excessive amount of driveway and in order to reduce the visual dominance of this element relies entirely on the successful growth of a hedge along the front boundary of the site.

- Given there are limited, if any, other feasible opportunities for this type of development in the locality it is undesirable for this development to set its own urban character. The suburb of Leonay has a distinct residential form and setting which is unlikely to change substantially over time.
- The subject development forms part of a current development application (DA14/1614) lodged to Council on 24/12/2014. The application was advertised in the local paper and notified to adjoining and surrounding properties between 19/1/2015 and 2/2/2015. Council received 11 submissions on the proposed development in the form of a pro forma letter. The submission indicated that the built form, being attached

terrace housing, is most unwanted and unsuitable for Leonay and would set a dangerous precedence for the area.

Thank you for the opportunity to comment on this matter. Should you require any further information or wish to discuss any of the above in further detail, please do not hesitate to contact me on 4732 7705.

Kind regards,

**Kate Smith**

**Senior Environmental Planner**

E [ksmith@penrithcity.nsw.gov.au](mailto:ksmith@penrithcity.nsw.gov.au)  
T (02) 4732 7705 | F (02) 4732 7958 |  
PO Box 60, PENRITH NSW 2751  
[www.penrithishere.com.au](http://www.penrithishere.com.au)  
[www.penrithcity.nsw.gov.au](http://www.penrithcity.nsw.gov.au)

**PENRITH**  
CITY COUNCIL



Follow us

---

WARNING: This email is intended for the named recipient(s) only. It may contain information which is CONFIDENTIAL. Any rights and/or privilege are not waived or lost by reason of mistaken delivery or transmission of this email. If you are not the intended recipient, you must not read, use, copy, distribute or disclose the contents or take any action reliant on this email or attachments. If you have received this email in error, please notify us immediately by return email, facsimile or telephone and delete this email. Thank you.

This message has been scanned for malware by Websense. [www.websense.com](http://www.websense.com)