

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED CHANGE OF USE FOR A
VEHICLE SALES OR HIRE
PREMISES

UNIT 3, 2 ABEL STREET, PENRITH



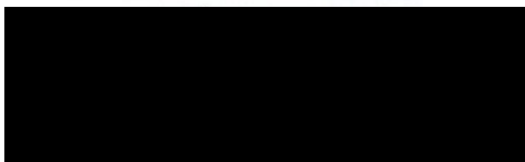
STATEMENT OF ENVIRONMENTAL EFFECTS

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Client and Land Details

Client Penrith Kawasaki
Subject Site Lot 3 DP 735039, Unit 3, 2 Abel Street,
Penrith
Proposal Proposed Change of Use for a Vehicle
Sales or Hire Premises



Warwick Stimson RPIA
Director



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1 INTRODUCTION

1.1 PROJECT OVERVIEW

Stimson Urban & Regional Planning has been engaged by Penrith Kawasaki to prepare a Statement of Environmental Effects in relation to a proposed change of use for a Vehicle Sales or Hire Premises on the property known as Unit 3, 2 Abel Street, Penrith.

The proposed development is for a use only and does not involve any construction or demolition works.

The site is zoned *B5 Business Development* under *Penrith Local Environmental Plan 2010* with the proposal being permissible with consent.

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

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

1.2 REPORT STRUCTURE

This Statement of Environmental Effects is structured as follows:

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

1.3 INTRODUCTION TO CLIENT

Penrith Kawasaki sell new and used motorbikes as well as motorbike parts and accessories. They also do general maintenance, specialist repairs and part installations for motorbikes.

Until recently, Penrith Kawasaki were located at premises at 139 Blaikie Road, Jamisontown. At those premises Penrith Kawasaki offered both motorcycle sales and bike repairs and servicing. As the business has expanded significantly, it is proposed to locate Penrith Kawasaki across two sites. This application is for the sales showroom at 2 Abel Street, Jamisontown. A separate development application will be lodged for the servicing and maintenance of bikes at a premises in Hickeys Road, Penrith.

1.4 PURPOSE OF THE APPLICATION

The purpose of the application is to gain approval for the use of the premises as a vehicle sale or hire premises for Penrith Kawasaki. The vehicles to be sold are motorbikes, small agricultural vehicles, as well as ancillary sales of motorbike accessories.

1.5 SUPPORTING DOCUMENTATION

The proposed is accompanied by the following documentation:

Documentation	Prepared by
Architectural Drawings	Kleyn Creations Pty Ltd

1.6 LEGISLATION, ENVIRONMENTAL PLANNING INSTRUMENTS AND POLICIES TO BE CONSIDERED

- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

1.7 CONSENT AUTHORITY

The consent authority for this application is Penrith City Council.

2 THE SITE AND SURROUNDS

The subject site and its surrounds have the following characteristics.

Site Address	Unit 3, 2 Abel Street, Jamisontown
Lot/DP	Lot 3 DP 735039
Site Area	2396sqm
Local Government Area	Penrith City Council
Zoning	B5 Business Development
Current Land Use	Home building company (Jadco Homes)
Proposed Land Use	Vehicle Sales or Hire Premises
Surrounding Land Uses	North, West and South are business and light industrial. East is recreational and residential.
Topography	Generally flat
Terrestrial Biodiversity	Two large mature trees located along front property boundary
Vegetation	The site does not contain an item of environmental heritage
Heritage	Not flood prone land
Flooding/Overland Flow	Not bushfire prone land
Site History	Subject premises used as a home building company. A cake shop and Axe-throwing business are also located on the same site in different tenancies.



Figure 1 Subject Site - Aerial



Figure 2 Subject Site - Cadastre

2.1 SURROUNDING CONTEXT

The subject site is located directly across from Jamison Park which contains netball courts, basketball courts, a walking track, kids play area and several sporting fields. Directly adjoining the site to either side are a number of business premises ranging from gymnasiums, bulky goods retailing, food and drink premises, dance schools as well as other business uses. The site is also in close proximity to the industrial area.

In the greater locality is Penrith stadium, Penrith racecourse and Panthers Leagues Club.

2.2 TRANSPORT NETWORK

The surrounding road network consists of Batt Street, York Road and Jamison Road which are the main local roads in the locality. Street parking is provided along York Road on either side of the road with all premises fronting York Road all having car parking areas on site. Jamison Park also has several parking areas on site.

There are no bus stops on the portion of York Road between Batt Street and Jamison Road.

3 PROJECT DESCRIPTION

3.1 OVERVIEW

The subject site is proposed to be used for the sale of motorbikes, small agricultural vehicles, and motorbike accessories by Penrith Kawasaki.

3.2 THE PROPOSED USE OF THE SITE

The proposed use of the site is for a vehicle sale or hire premises. The proposed use utilises the existing layout of the premises by having a large showroom space and display area at the front of the premises with an accessories counter and storage area. No servicing or parts installation will be carried out within this premises, with the service section of the business being located elsewhere.

A kitchenette, storage area and toilets are also provided to the rear of the premises. There is a rear roller door that provides access to a loading dock area.

3.3 VEHICULAR ELEMENTS

There are seventeen car parking spaces located on the site for the use between the three premises. Access is via one driveway from York Road with parking either side of the driveway aisle. Loading areas are provided to the rear of these premises

3.4 LANDSCAPING

A Landscape Plan is not required to be submitted as all landscaping that currently exists will be retained.

3.5 HOURS OF OPERATION AND EMPLOYEE NUMBERS

The hours of operation of the business would be Monday-Sunday, 7am – 7pm. There would be 3-4 staff employed on the site at any one time.

3.6 SIGNAGE

Signage is not proposed as part of this development application.

3.7 STORMWATER DRAINAGE

No change to the existing stormwater drainage.

3.8 UTILITIES

The site will be appropriately serviced to accommodate the proposed use.

3.9 WASTE MANAGEMENT STRATEGY

The proposed use would not generate any waste apart from general waste associated with the office and kitchenette uses of the premises. The motorbikes delivered to the site are in pallets which are taken back after they are unloaded. There will be general waste bins provided in the kitchenette and toilet areas and would be disposed of to the larger bins located to the rear of the site. These bins would be collected via a private waste contractor when required.

3.10 NATIONAL CONSTRUCTION CODE COMPLIANCE

No building or construction works would be required and as such a construction certificate is not required.

4 STATUTORY CONSIDERATIONS

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

4.1 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

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

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

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

Land Use and Permissibility

The subject site is zoned B5 Business Development with the following zone objectives applying to that zone.

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To maintain the economic strength of centres in Penrith by limiting the retailing of food, groceries and clothing.

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

- The proposed use provides a specialised retail premises that requires a large display floor area and is in a location that supports the viability of centres.
- The proposed use does not increase the number of food, groceries and clothing premises in the area.

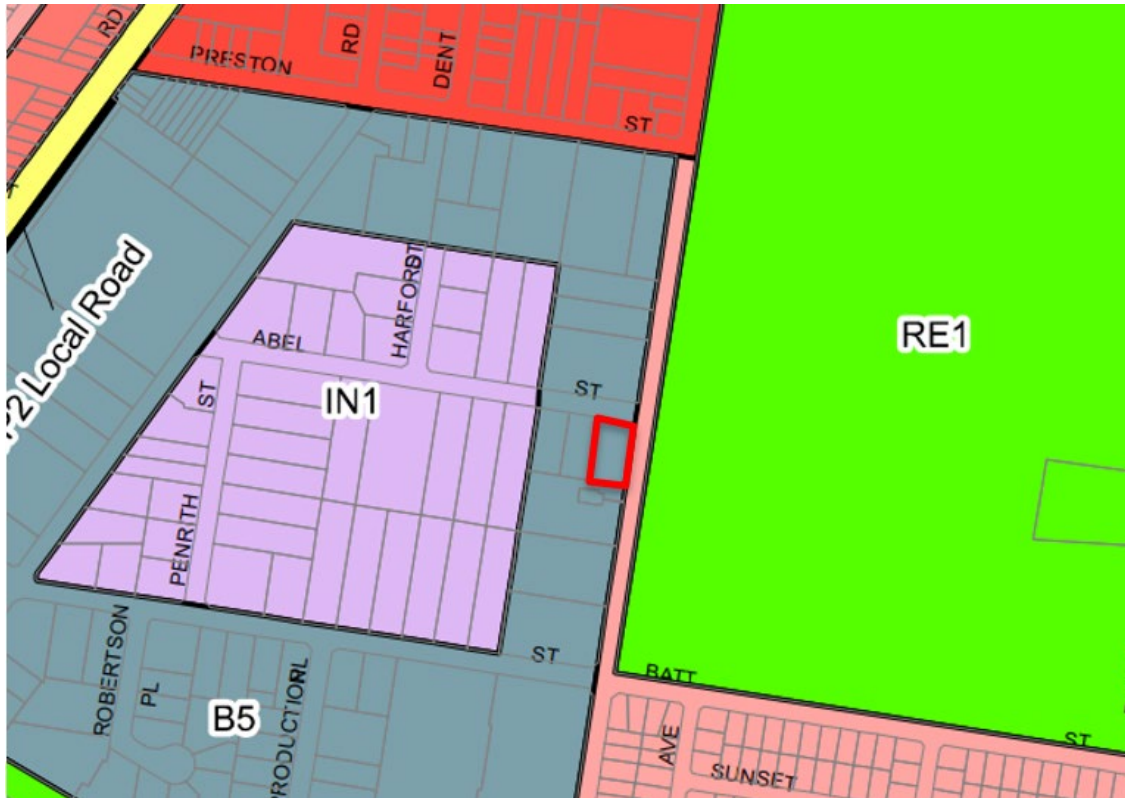


Figure 3 Land use zoning map

The Land Use Table of the LEP nominates *Vehicle sales or hire premises* as a permissible form of development in the zone, given the notation on the zoning. The Dictionary definition of *Vehicle sales or hire premises* is:

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

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

Clause 7.7 Servicing

The objective of this clause are as follows:

- (1) The objective of this clause is to ensure that development of land to which this Plan applies reflects the availability of services.

The site is appropriately serviced given that it is an existing premises

Heritage Conservation

The subject site does not contain an item of environmental heritage nor is it within a heritage conservation area.

4.2 PENRITH DEVELOPMENT CONTROL PLAN 2014

The proposed development is for the change in use of the premises from a building company to a vehicle sale and hire premises for Penrith Kawasaki selling motorbikes and motorbike accessories.

The only relevant development control applicable is for car parking. The DCP states that car parking for a vehicle sale and hire premises is required at the following rate:

‘Vehicle Sales or Hire Premises: 1 space per 100m² of display area plus 1 space per employee, plus 6 spaces per work bay’

The proposed use does not include a work bay so the number of car parking spaces required for the use would be 6 spaces. The site currently has 17 car parking spaces available and as such there are sufficient car parking spaces for the proposed use.

5 KEY PLANNING ISSUES

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

5.1 STORMWATER AND FLOODING

A stormwater concept plan is not required to be submitted with the existing infrastructure to be utilised by the use.

5.2 TRAFFIC GENERATION AND PARKING

The proposed development does not propose an intensity in use that would require additional car parking or any changes to the vehicular access that is currently in place. There is no negative impact anticipated in this regard.

5.3 NOISE IMPACTS

The proposed use would not generate a noise impact above and beyond what is expected in business and commercial premises. As such, it is considered that no unacceptable impacts are expected in this regard.

5.4 SERVICES

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

5.5 SOCIAL AND ECONOMIC

The proposed use would not have an adverse social or economic impact within the locality.

5.6 WASTE MANAGEMENT

Appropriate waste management measures would be put in place on the site that are consistent with Council's requirements.

6 SECTION 4.15 ASSESSMENT

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

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

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

- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

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

6.2 SECTION 4.15(1)(A)(II) – ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT

There are no known draft Environmental Planning Instruments applicable to the subject site.

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

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

6.4 SECTION 4.15(1)(A)(IIIA) – ANY PLANNING AGREEMENT OR DRAFT PLANNING AGREEMENT

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

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

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

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

Not relevant to the proposed development.

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

The premises were previously being used as a head office for a construction company. The proposed use involves the sale of vehicles only, there will be no servicing carried out as this will be done at a different location. Accordingly, it is considered there will be no perceptible impact on the locality arising from the proposal.

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

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the proposed use as a vehicle sale and hire premises would not result in any unacceptable impact on any adjoining landowners or buildings.

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

- The proposal is permissible with consent in the *B5* zone.
- The proposal represents an appropriate land use and built form located on an appropriately serviced site that is in an accessible location.
- The proposal is compatible with surrounding land uses which include other varied business and commercial premises.

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

Council may undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response any submissions received.

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

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

7 CONCLUSION AND RECOMMENDATION

The proposed development has been assessed against the requirements of the Penrith LEP and DCP and is considered to represent a form of development that is acceptable.

The proposed use as a vehicle sale and hire premises would not result in any unacceptable impact on the locality.

The site is considered quite suitable for a use of this nature and is consistent with nearby and adjoining development.

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

Accordingly, it is recommended that the proposed development be approved.