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STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED FOUR LOT STRATA SUBDIVISION

47-53 HATCHINSON CRES, JAMISONTOWN

MARCH 2022

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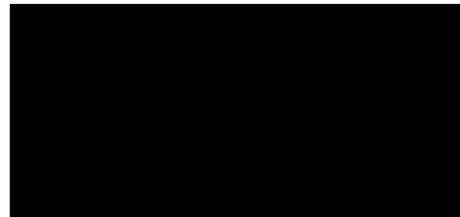
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cityscape planning + projects, 2022

This report is provided to accompany a Development Application to be lodged on the subject land and is to be used for that purpose solely and for the client exclusively. No liability is extended for any other use or to any other party. Whilst the report is derived in part from our knowledge and expertise, it is based on the conditions prevailing at the time of the Report and upon the information provided by the client.

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1.0 INTRODUCTION

Cityscape has been engaged to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) to be submitted on the subject site.

The SEE has been prepared pursuant to Section 4.12 of the *Environmental Planning & Assessment (EP&A) Act 1979*, and clause 50 of the *Environmental Planning & Assessment Regulation, 2000*.

The purpose of this SEE is to:

- Describe the proposed development and its context
- Assess the development proposal against applicable planning instruments, standards and controls
- Assess the potential environmental impacts and mitigation measures

It has been compiled, through on ground investigations, research, and analysis and the DA is to be read in conjunction with the accompanying plans and reports.

2.0 THE SUBJECT SITE

2.1 SITE DESCRIPTION

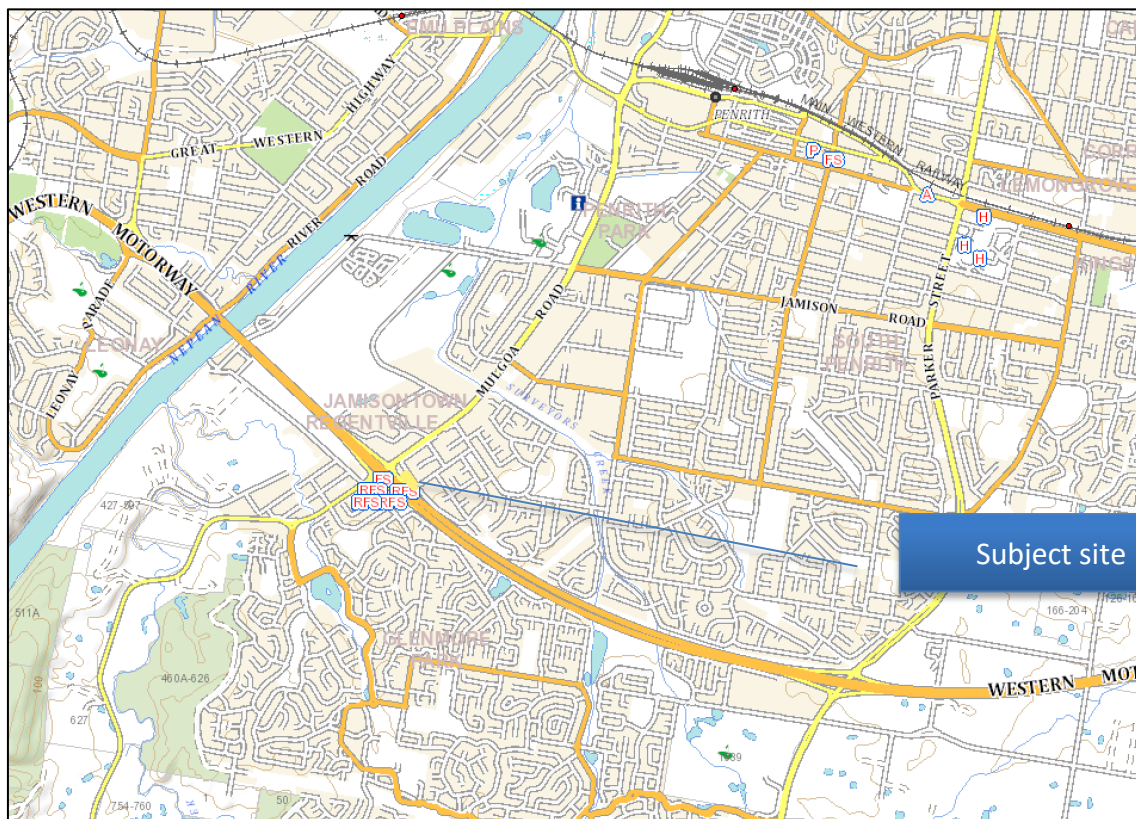
The subject site is a medium sized, irregular shaped parcel of land located on the western side of Hatchinson Cres, opposite its intersection with Warragamba Cres.

A plan showing the locality of the site is provided at Figure 1 and the site cadastral arrangements are provided at Figure 2.

The site is known as No.47-53 Cres, Jamisontown, but has the following real property description:

Lot: 2 **DP:** 238713

FIGURE 1: LOCATION OF SITE



2.2 NATURAL ENVIRONMENT

The site and its immediate environs area located in a suburban area that has been highly modified as part of previous development over many decades. Accordingly, it does not accommodate any items of natural, ecological or topographical significance. Images of the site that confirm its highly modified status are provided at the aerial photo at Figure 3.

2.3 BUILT ENVIRONMENT

The site has generally been cleared of much of its vegetation as part of previous development and use of the site.

The site sits within an established suburban environment and as such presents as residential suburb with a mix housing types and forms.

The suburban character of the area is represented in the aerial photo provided at Figure 3.

2.3 EXISTING DEVELOPMENT

The site currently accommodates a single storey brick and metal roof villas in the northern section of the site. The location of that built form is evident in the aerial photo provided at Figure 3.

FIGURE 2: SITE CADASTRAL ARRANGEMENTS



FIGURE 3: AERIAL VIEW OF SITE



3.0 DEVELOPMENT PROPOSAL

3.1 PREVIOUS DEVELOPMENT APPROVAL

The site has previously been approved for the development of four (4) x three (3) bedroom villa homes pursuant to DA No. 457/92 which was approved by Penrith City Council on 12/05/1994.

The development was subsequently constructed and remains in place on the site. An image of the approved villas is provided at Figure 5.

FIGURE 4: APPROVED VILLAS

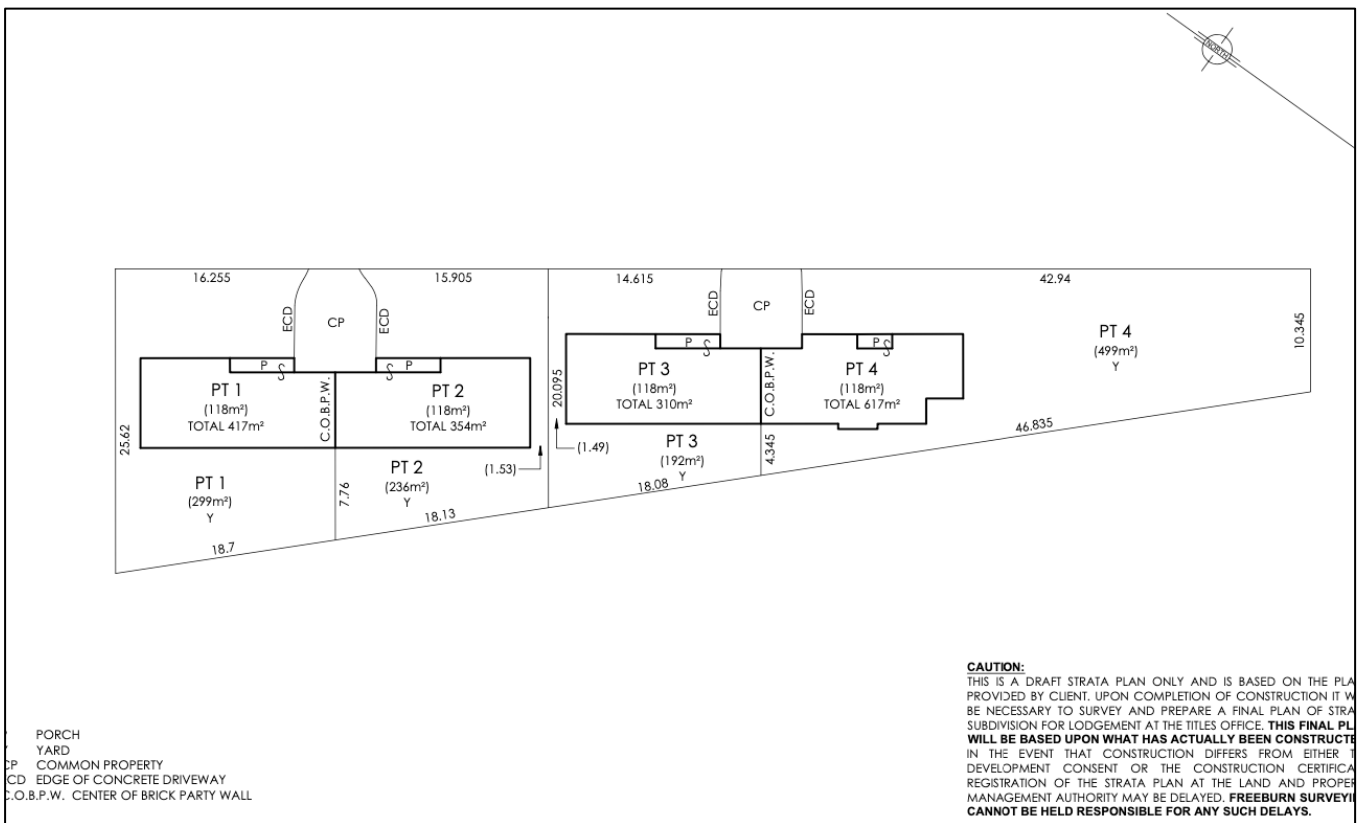


3.2 PROPOSED SUBDIVISION

The applicant seeks Council consent for the strata subdivision of the existing villas to create four (4) lots corresponding with the four (4) villas, their car accommodation, and private open spaces (POS).

A detailed subdivision plan accompanies the Development Application however a representation of that plan is provided at Figures 5.

FIGURE 5: PROPOSED STRATA SUBDIVISION



4.0 STATUTORY SITUATION

4.1 ZONING

The subject site is zoned *R2 Low Density Residential* pursuant to Penrith LEP 2010. An extract of the relevant zone map is provided at Figure 6.

4.2 MINIMUM LOT SIZE

Clause 4.1(3) of Penrith LEP 2010 references the relevant map that defines the minimum lot size for subdivision of the subject land. An extract of this map is provided at Figure 7 and reveals that the LEP provides a minimum lot size of 550m².

However, subclause (4) state as follows:

(4) This clause does not apply in relation to the subdivision of any land—

(a) by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or

(b) by any kind of subdivision under the Community Land Development Act 1989.

The proposed development as described at Section 3.2 of this report clearly identifies the strata subdivision of the site.

Accordingly, the minimum lot size requirement does not apply to the subject development and Council can approve the development proposal.

FIGURE 6: EXTRACT OF LEP ZONING MAP

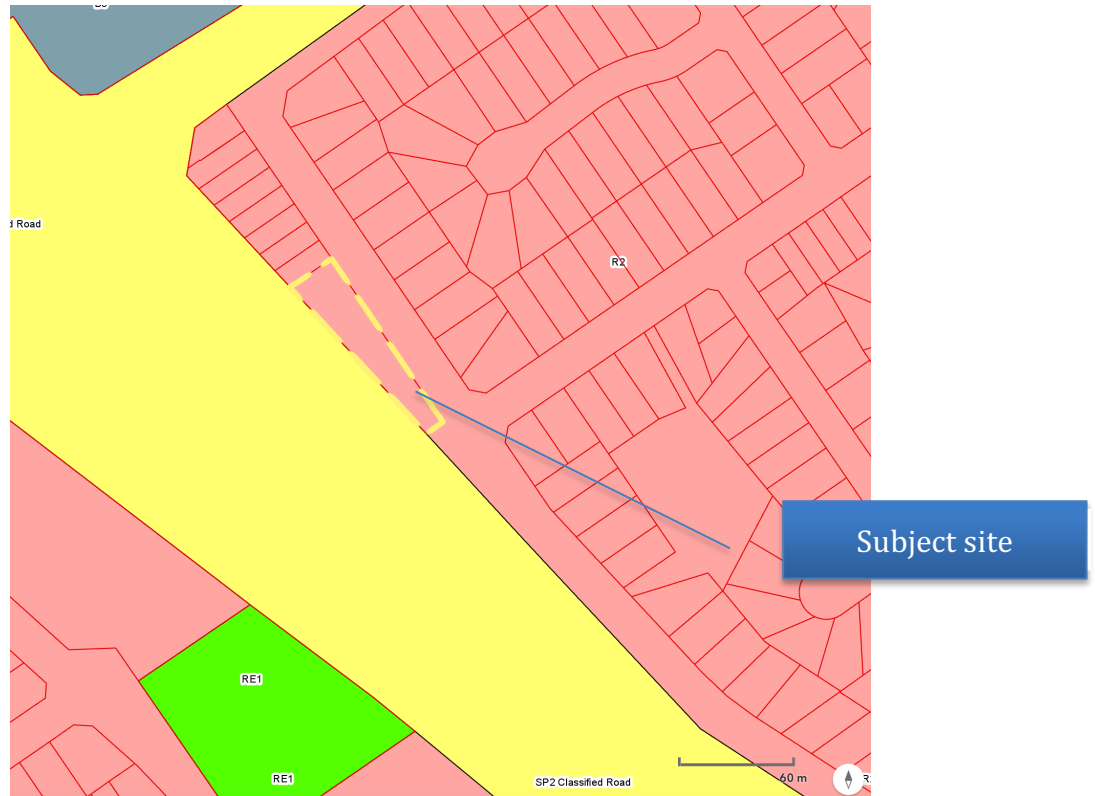
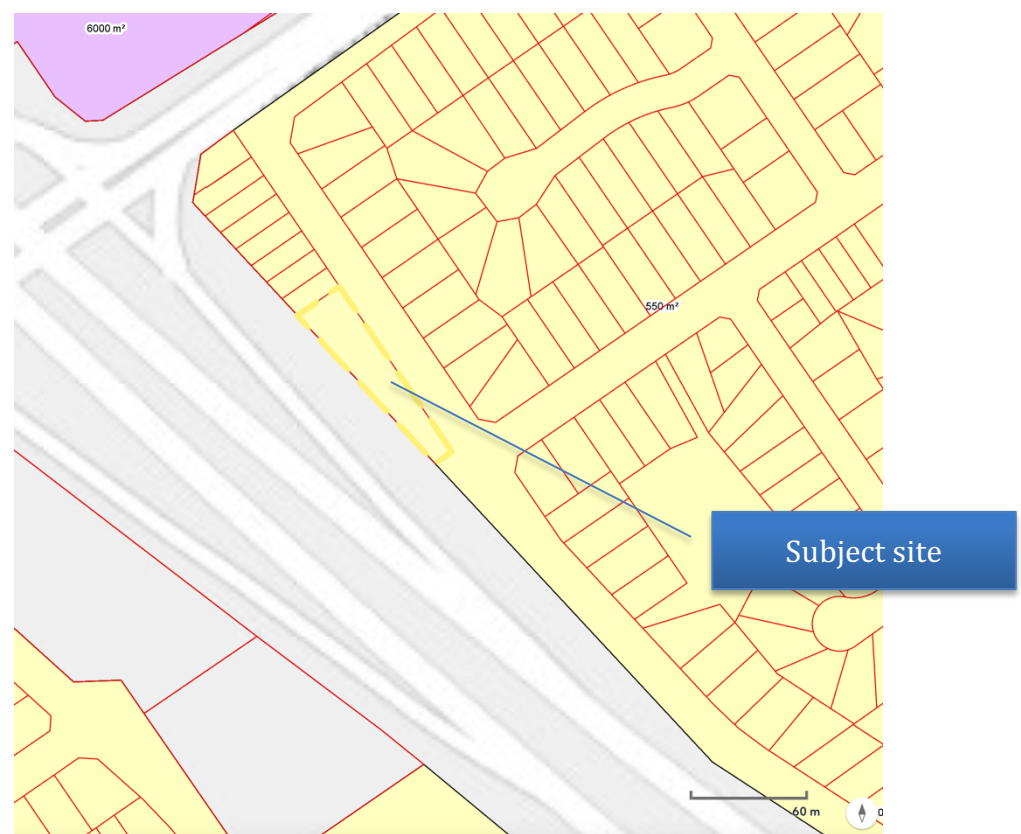


FIGURE 7: EXTRACT OF LEP MINIMUM LOT SIZE MAP



5.0 PLANNING ASSESSMENT

5.1 THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT

5.1.1 SEPP (BIODIVERSITY AND CONSERVATION) 2021

Chapter 9 of the *SEPP (Biodiversity and Conservation) 2021* (SEPP B&C 2021) states that the objectives of this chapter are 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.

It seeks to achieve this by providing a series of strategies and planning controls that all development must be considered against.

The proposed development provides no new physical works or stormwaters and therefore is not in conflict with this planning instrument.

5.1.2 SEPP (RESILIENCE AND HAZARDS) 2021

Chapter 4 of the *SEPP (Resilience and Hazards) 2021* (SEPP R&H 2021) states that the objects of this chapter are to provide for a State wide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Previous and existing use of the site does not provide any land use or activity that would give rise to any potential for contamination and the

development does not propose any change or intensification of the approved land use.

Accordingly, the development causes no inconsistencies with the objectives and provision of this planning instrument.

5.1.3 PENRITH LEP 2010

The relevant provisions of the Penrith LEP 2010 are provided below together with an assessment of the development against those provisions.

PART 2 PERMITTED OR PROHIBITED DEVELOPMENT

2.3 Zone objectives and land use table

Zone R2 Low Density Residential

1 Objectives of zone

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

- **To ensure a high level of residential amenity is achieved and maintained.**

COMMENT:

The development seeks to strata subdivide the four (4) approved dwellings on site inclusive of their car parking and private open spaces. This will create new and diverse housing opportunities for sale and occupancy.

The development does not change the prevailing site density or built character, but rather maintains the prevailing low density, residential type development opportunities consistent with that on other lands within the low residential density zone.

The site and broader area also enjoy access to a range of urban services and facilities and is not expected to exceed the capacities of any of those services.

Accordingly the development is considered to cause no inconsistency with the relevant zone objectives.

2.6 Subdivision—consent requirements

(1) Land to which this Plan applies may be subdivided, but only with consent.

The subject Development Application seeks to obtain formal Development Consent for the subdivision of the site.

(2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the

secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Not relevant to the subject site or its development.

PART 4 PRINCIPAL DEVELOPMENT STANDARDS

4.1 Minimum subdivision lot size

The developments compliance with clause 4.1 of the LEP has been addressed previously at Section 4.2 of this report.

PART 5 MISCELLANEOUS PROVISIONS

Not relevant to the subject site and its development.

PART 6 URBAN RELEASE AREAS

Not relevant to the subject site and its development.

PART 7 ADDITIONAL LOCAL PROVISIONS

7.7 Servicing

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

(2) Before granting development consent for development on any land to which this Plan applies, the consent authority must be satisfied that:

(a) the development will be connected to a reticulated water supply, if required by the consent authority, and

- (b) the development will have adequate facilities for the removal and disposal of sewage, and
- (c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and
- (d) the need for public amenities or public services has been or will be met.

The site forms part of an established urban area and as such enjoys access to power and communication services as well as access to *Sydney Water's* reticulated water and sewer services.

The development will not create any additional development potential or lot yield and as such will not generate any demand for new local amenities and services.

PART 8 LOCAL PROVISIONS – PENRITH CITY CENTRE
PART 9 PENRITH PANTHERS SITE

Not relevant to the subject site.

5.2 THE PROVISIONS OF ANY DRAFT PLANNING INSTRUMENT

There are no known draft planning instruments relevant to the site or its proposed development.

5.3 THE PROVISIONS OF ANY DEVELOPMENT CONTROL PLANS

PENRITH DCP 2014

C10 – TRANSPORT ACCESS AND PARKING

The proposed development does not create any new or additional dwellings and as such does not generate any new or additional traffic or parking demand.

C11 – SUBDIVISION

11.3 RESIDENTIAL SUBDIVISION

The abovementioned section of DCP identifies numerous objectives and controls for residential subdivision.

However, this section of the DCP relates only to traditional Torrens Type subdivision and as such provides no additional controls for strata type subdivision.

5.4 IMPACTS OF DEVELOPMENT

5.4.1 NATURAL ENVIRONMENT

The subject site does not possess nor is located near any items of identified environmental significance and no physical works are proposed.

Accordingly, the development can be considered to have no impact upon the natural environment.

5.4.2 BUILT ENVIRONMENT

The proposed land use seeks to provide no new built forms as part of the development.

Accordingly, the development causes no adverse impact to the built environment.

5.4.3 SOCIAL IMPACT

The development will provide a new diverse and affordable housing opportunity which is considered to provide positive social impacts.

5.4.4 ECONOMIC IMPACT

The development is not of a type that will cause any legible impact to local or regional economy.

5.5 SUITABILITY OF THE SITE

The subject site is appropriately zoned and serviced to accommodate the proposed subdivision and will cause no adverse impacts to the built or natural environment.

The subject site is therefore ideally suited to the proposed development.

5.6 THE PUBLIC INTEREST

The public interest is best served when the outcomes from development represents positive benefits as distinct from negative benefits.

The proposed subdivision has no negative outcomes and hence the public interest is best served by approval of the development.

6.0 CONCLUSION

This SEE has been prepared as part of a development application which seek subdivision of the subject site in a manner that will create two lots corresponding with the two dwellings located on site inclusive of their car parking and private open spaces.

The SEE has assessed undertaken an environmental assessment of the proposal against all relevant environmental planning instruments including *Penrith LEP 2010* and its associated DCP.

In summary this assessment demonstrates that the proposal is considered to:

- Represents an appropriate response to the context, setting, planning instruments, controls and guidelines and other considerations outlined in Section 4.15(1) of the *Environmental Planning & Assessment Act, 1979*.
- Have no adverse impacts upon the natural or built environment.
- Provide new diverse and affordable housing opportunities

The benefits provided by the development outweigh any potential impacts and it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development that is worthy of approval.