



Statement of Environmental Effects

Internal Alterations to Existing Club

Boronia Road, North St Marys

March 2020

Family Entertainment Centres Australia Pty Ltd

Statement of Environmental Effects

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Client and Land Details

Client: Family Entertainment Centres Australia Pty Ltd
Subject Site: Lot 11 DP 1192443, Corner Forrester and Boronia Roads, St Marys
Proposal: Internal Alterations to Existing Club



Warwick Stimson RPIA
Director



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1 Introduction

1.1 Project Overview

Stimson & Baker Planning has been engaged by Family Entertainment Centres Australia Pty Ltd to prepare a Statement of Environmental Effects in relation to proposed internal alterations to existing St Marys Leagues Club on the property known as Lot 11 DP 1192443, Boronia Road, North St Marys.

The proposed development includes the construction of a number of new internal walls and installation of a number of windows.

The site is zoned *RE2 Private Recreation* 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.

Since there is an existing child care facility within the building, and the proposal includes works to the exterior of the building, the bushfire prone land mapping of the site triggers the Integrated Development provisions of the EP&A Act, with a referral to the Rural Fire Service NSW needing to be made. General Terms of Approval will need to be issued by the RFS prior to Council determining the matter.

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 History of the Application

DA06/1840 was approved by Council on 18 July 2007 for ‘Alterations and Additions to St Marys Leagues Club and New Carpark’. The area subject to this application is identified in the accompanying plans, with the existing layout shown on Plan no EX-01/A. Various modifications have been approved by Council.

The proposed works that are subject of this application, have been reviewed by a private certifier. Were it not for the penetrations in the external walls to create the windows, a new DA would not be required and the works could be considered for a Complying Development Certificate.

1.4 Supporting Documentation

The proposed is accompanied by the following documentation:

Documentation	Prepared by
Architectural Drawings	Robertson & Marks
Waste Management Plan	Stimson & Baker Planning

1.5 Legislation, Environmental Planning Instruments and Policies to be considered

- *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

1.6 Consent Authority

The consent authority for this application is Penrith City Council.

2 The Site and Surrounds

The subject site and its surrounds has the following characteristics.

Site Address	Boronia Road, North St Marys
Lot/DP	Lot 11 DP 1192443
Site Area	The subject area in within an existing building on the site.
Local Government Area	Penrith City Council
Zoning	RE2 Private Recreation
Current Land Use	St Marys Leagues Club
Proposed Land Use	No change proposed
Surrounding Land Uses	Residential to the south, Industrial to the west, and Environmental Conservation to the east.
Topography	Generally flat
Terrestrial Biodiversity	N/A
Vegetation	N/A
Heritage	N/A
Flooding/Overland Flow	N/A
Bushfire	The site is mapped as bushfire prone land.



Figure 1 Subject Site - Aerial

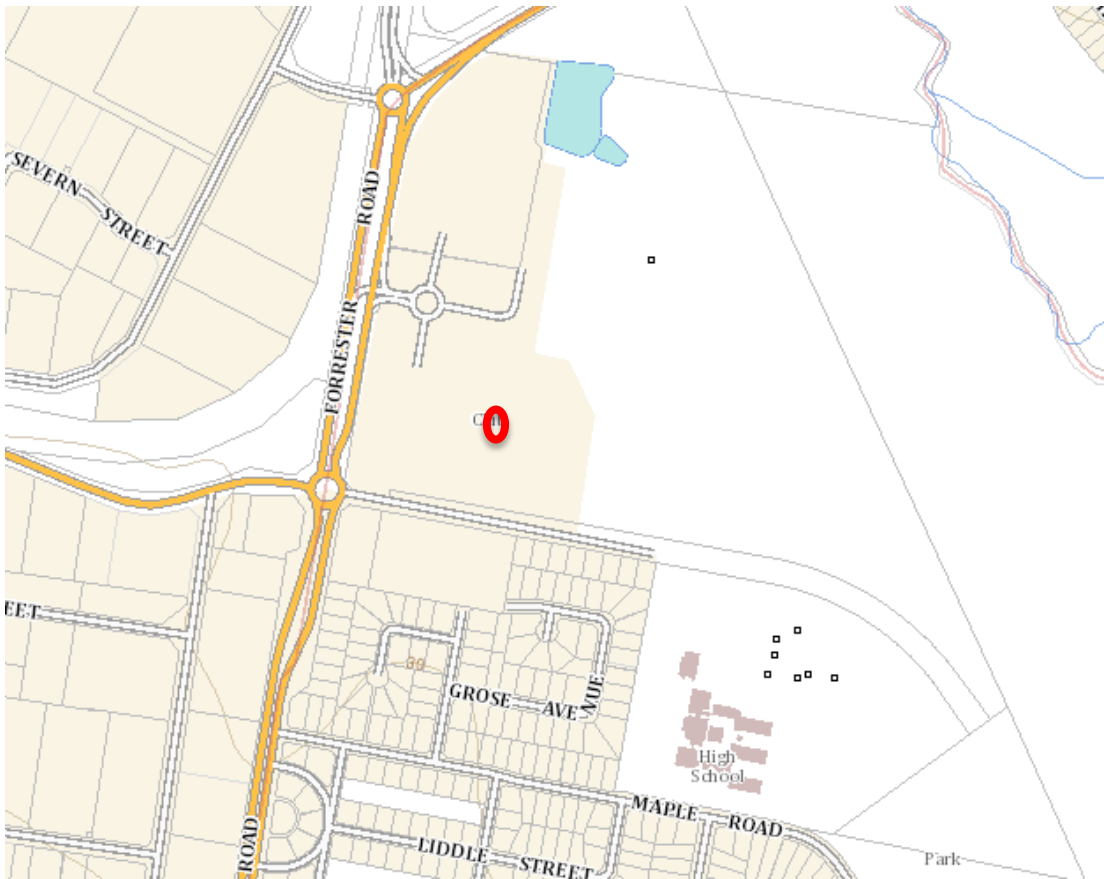


Figure 2 Subject Site - Cadastre

3 Project Description

3.1 The Proposed Development

The works proposed include the construction of a number of internal walls, rooms and toilets within the existing building. Five windows are proposed to be inserted into the northern, eastern and southern elevations.

Importantly, this application does not include any changes to the way in which the St Marys Leagues Club operates.

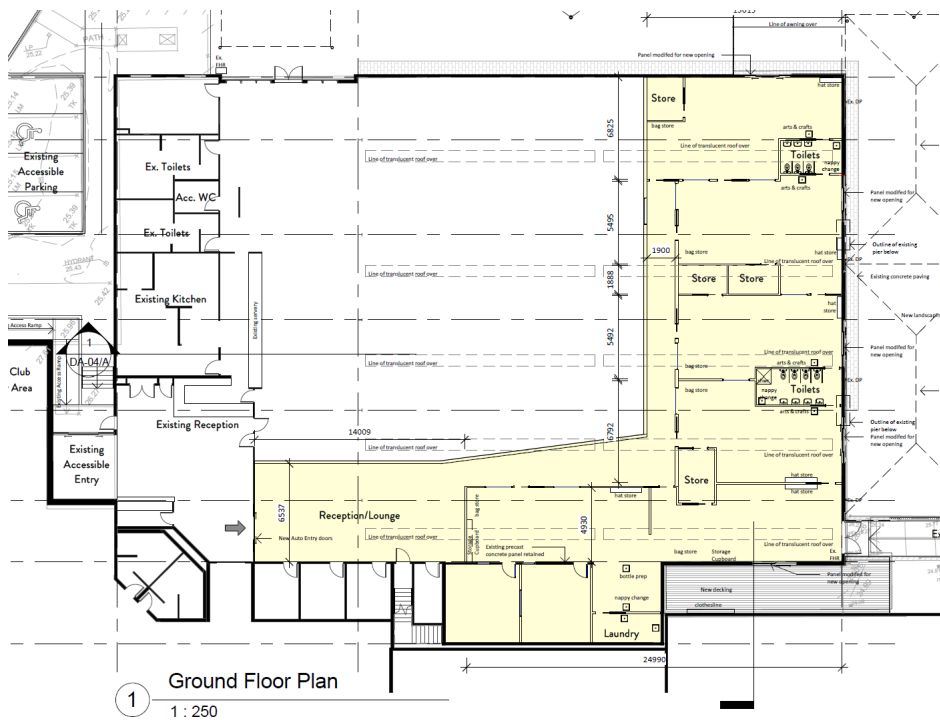


Figure 3 Extent of works shown in yellow

3.2 Built Form

Five windows are proposed to be inserted into the northern, eastern and southern elevations. No other significant works are proposed to the existing built form of the building.

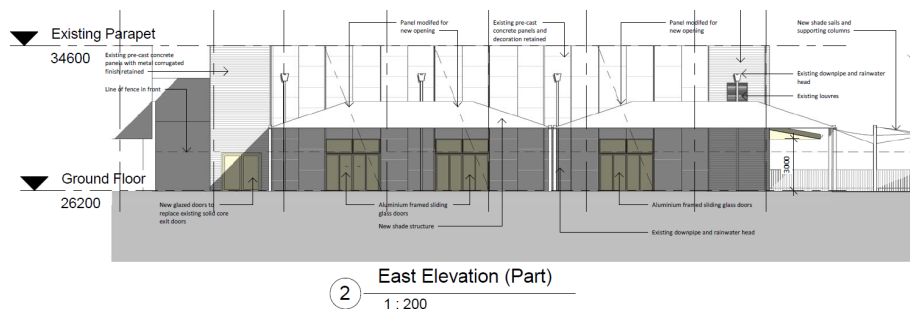


Figure 4 New windows proposed on eastern elevation

3.3 Vehicular Elements

No changes are proposed to vehicular arrangements of parking numbers that exist at the club. No changes to the existing gross floor area result in no additional parking being generated.

3.4 Management, Hours of Operation and Employee Numbers

No changes are proposed to these existing aspects of the club.

3.5 Stormwater Drainage

No works are proposed in this regard.

3.6 Waste Management Strategy

A waste management plan accompanies this application; however no changes are proposed to the existing waste collection arrangements at the club.

3.7 National Construction Code Compliance

All works will be carried and comply with the National Construction Code (now incorporating the BCA). A Construction Certificate will be required in relation to the proposal and it is expected that Council will require matters relating to NCC compliance.



Existing pre-cast concrete panels to be retained. Existing downpipes to be retained.



Existing pre-cast concrete panels with feature colour panels to be retained. Existing corrugated cladding to be retained.

Figure 5 External finishes

4 Statutory Considerations

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

4.1 Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River

The aim of SREP 20 is to protect the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Appropriate conditions of consent would normally be applied to any approval to ensure the health of the river system is not compromised by way of sediment or erosion from the works or use. However, we note there are no major external works proposed in this application.

4.2 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:

- (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.

The subject site is zoned *RE2 Private Recreation* with the following zone objectives applying to that zone.

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes..*

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

- The land will continue to be used for recreational purposes.
- The environment will not be impacted on by the proposed works.
- Access to recreation facilities and other natural features will not be negatively impacted on as a result of this application.
- The proposed works are considered to be compatible with the existing operation of the Club.

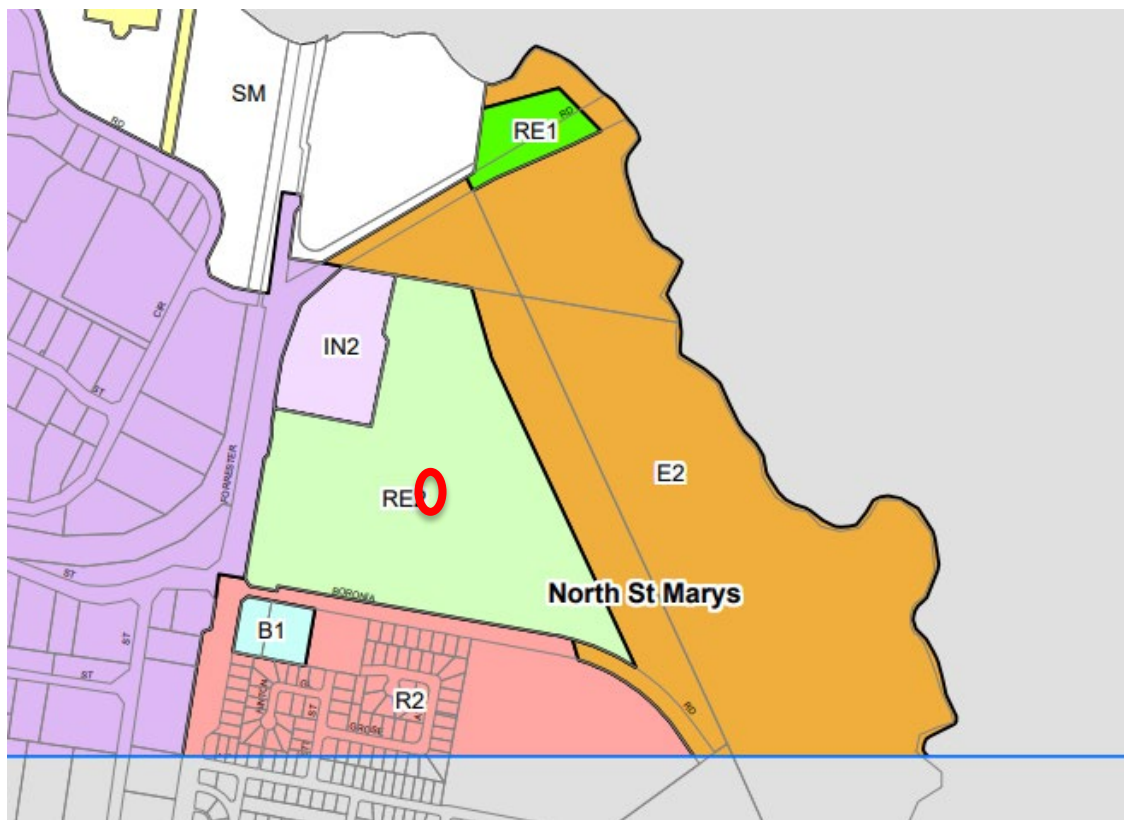


Figure 6 Land use zoning map

Since there are no changes to the existing uses on the site, the works are considered to be consistent with the approved land uses on the site, and therefore permissible with consent.

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

Part 4 Principal Development Standards:				
Standard	Permitted	Proposed	Comment	
4.1	Minimum subdivision lot size:	N/A	N/A	
4.2	Rural Subdivision:	N/A	N/A	
4.3	Height of Buildings:	N/A	N/A	No works proposed
4.4	Floor Space Ratio	N/A	N/A	No additional GFA proposed

Part 5 Miscellaneous Provisions		
Provision		Comment
5.1	Relevant acquisition authority	N/A
5.2	Classification and reclassification of public land	N/A
5.3	Development near zone boundaries	N/A
5.4	Controls relating to miscellaneous permissible uses	N/A
5.6	Architectural roof features	N/A
5.7	Development below mean high water mark	N/A
5.8	Conversion of fire alarms	N/A
5.10	Heritage conservation	N/A
5.11	Bush fire hazard reduction	N/A
5.12	Infrastructure development and use of existing buildings of the Crown	N/A
5.13	Eco-tourist facilities	N/A
5.14	Siding Spring Observatory—maintaining dark sky	N/A
5.15	Defence communications facility	N/A
5.16	Subdivision of, or dwellings on, land in certain rural, residential or environment protection zones	N/A
5.17	Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	N/A
5.18	Intensive livestock agriculture	N/A
5.19	Pond-based, tank-based and oyster aquaculture	N/A

Part 7 Additional Local Provisions		
Provision		Comment
7.1	Earthworks	N/A
7.2	Flood planning	N/A
7.3	Development on natural resources sensitive land	N/A
7.4	Sustainable development	N/A
7.5	Protection of scenic character and landscape values	N/A
7.6	Salinity	N/A
7.7	Servicing	N/A
7.8	Active street frontages	N/A
7.9	Development of land in the flight paths of the site reserved for the proposed Second Sydney Airport	N/A
7.10	Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
7.11	Penrith Health and Education Precinct	N/A
7.12	Maximum gross floor area of commercial premises	N/A
7.13	Exhibition homes limited to 2 years	N/A
7.14	Cherrywood Village	N/A
7.15	Claremont Meadows	N/A
7.16	Glenmore Park Stage 2	N/A
7.17	Dwelling houses on certain land in Castlereagh, Cranebrook, Llandilo, Londonderry, Kemps Creek and Mulgoa	N/A
7.18	Mulgoa Valley	N/A
7.19	Villages of Mulgoa and Wallacia	N/A
7.20	Orchard Hills	N/A
7.21	Twin Creeks	N/A
7.22	Waterside	N/A
7.23	Location of sex services premises and restricted premises	N/A
7.24	Sydney Science Park	N/A
7.25	Warehouses and distribution centres on land zoned B7 Business Park	N/A

7.26	Serviced apartments	N/A
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4.3 Penrith Development Control Plan 2014

Apart from five new windows, all works proposed are internal and will not result in any perceptible impacts. No specific section of the DCP applies to the proposed development, however it is considered that the works are not inconsistent with the DCP's aims and objectives.

5 Key Planning Issues

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

5.1 Traffic Generation and Parking

The proposed development does not propose any increase in gross floor area or propose any changes to existing land uses. No changes are therefore required to the existing parking arrangements on site. There is no negative impact anticipated in this regard.

5.2 Social and Economic

There are no negative economic or social impacts considered relevant to the proposal. No impacts are expected.

5.3 Operation of Existing Club

The proposed works will not negatively impact on the operations of St Marys Leagues Club.

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:

- *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River*
- *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 proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority

There are no known draft Environmental Planning Instruments applicable to the proposed works.

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 entered into under Section 7.4

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 that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality

6.7.1 Natural Environment Impacts

No impacts are expected on the natural environment given the works are mainly internal.

6.7.2 Social and Economic Impacts

No negative impacts are identified in this regard.

6.7.3 Built Environmental Impacts

There will be no significant impacts arising from the proposed works.

6.8 Section 4.15(1)(c) – The suitability of the site for the development

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 development 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 RE2 Private Recreation zone.
- The proposal represents minor works that will not be readily viewed from the public domain.
- The proposal is not incompatible with land uses on the site.

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 to any submissions made.

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 internal alterations would not result in any unacceptable impact on the locality.

The site is considered suitable for the works, and no negative impacts are expected to arise that would impact 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.