



Statement of Environmental Effects

Proposed demolition of residential dwelling and all outbuildings

34-36 Preston Street, Jamisontown

January 2020

MKM Construction Group Pty Ltd

Statement of Environmental Effects

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Client and Land Details

Client: MKM Construction Group Pty Ltd
Subject Site: Lot 11 DP525103, 34-36 Preston Street, Jamisontown
Proposal: Proposed demolition of residential dwelling and all outbuildings.



Warwick Stimson RPIA
Director



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Table of Contents

1	INTRODUCTION	2
1.1	Project Overview	2
1.2	Report Structure	2
1.3	Legislation, Environmental Planning Instruments and Policies to be considered	2
1.4	Consent Authority	3
2	THE SITE AND SURROUNDS	4
2.1	Surrounding Context	5
3	PROJECT DESCRIPTION	6
3.1	Details of the Proposal	6
3.2	Utilities	6
3.3	Waste Management Strategy	6
3.4	Tree Removal	6
4	STATUTORY CONSIDERATIONS	7
4.1	Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River	7
4.2	Penrith Local Environmental Plan 2010	7
4.2.1	Penrith Development Control Plan 2014	10
5	KEY PLANNING ISSUES	11
5.1	Erosion and Sediment Control	11
5.2	Services	11
5.3	Social and Economic	11
5.4	Waste Management	11
6	SECTION 4.15 ASSESSMENT	12
6.1	Section 4.15(1)(a)(i) – Any Environmental Planning Instruments	12
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	12
6.3	Section 4.15(1)(a)(iii) – Any Development Control Plan	12
6.4	Section 4.15(1)(a)(iiiia) – Any Planning Agreement or Draft Planning Agreement entered into under Section 7.4	12
6.5	Section 4.15(1)(a)(iv) – The Regulations	12
6.6	Section 4.15(1)(a)(v) – Any coastal zone management plan	12
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	12
6.7.1	Natural Environment Impacts	12
6.7.2	Social and Economic Impacts	12
6.7.3	Built Environmental Impacts	13
6.8	Section 4.15(1)(c) – The suitability of the site for the development	13
6.9	Section 4.15(1)(d) – Any submission made	13
6.10	Section 4.15(1)(e) – The public interest	13
7	CONCLUSION AND RECOMMENDATION	14

List of Figures

Figure 1 Subject Site - Aerial	4
Figure 2 Subject Site - Cadastre	5
Figure 3 Demolition plan extract	6
Figure 4 Zoning Map	8

1 Introduction

1.1 Project Overview

Stimson & Baker Planning has been engaged by MKM Construction Group Pty Ltd to prepare a Statement of Environmental Effects in relation to a proposed demolition of the existing dwelling house, and all outbuildings, on the property known as 34-36 Preston Street, Jamisontown.

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 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*

1.4 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	34-36 Preston Street, Jamisontown
Lot/DP	Lot 11 DP 525103
Site Area	1522 sqm Approx
Local Government Area	Penrith City Council
Zoning	B5 Business Development
Current Land Use	Residential
Surrounding Land Uses	Residential to the north, Recreational to the east, Industrial to the south
Topography	Generally flat
Terrestrial Biodiversity	Not mapped in LEP
Vegetation	Not mapped in LEP
Heritage	Not mapped in LEP
Flooding/Overland Flow	Not mapped in LEP
Bushfire	Not mapped



Figure 1 Subject Site - Aerial

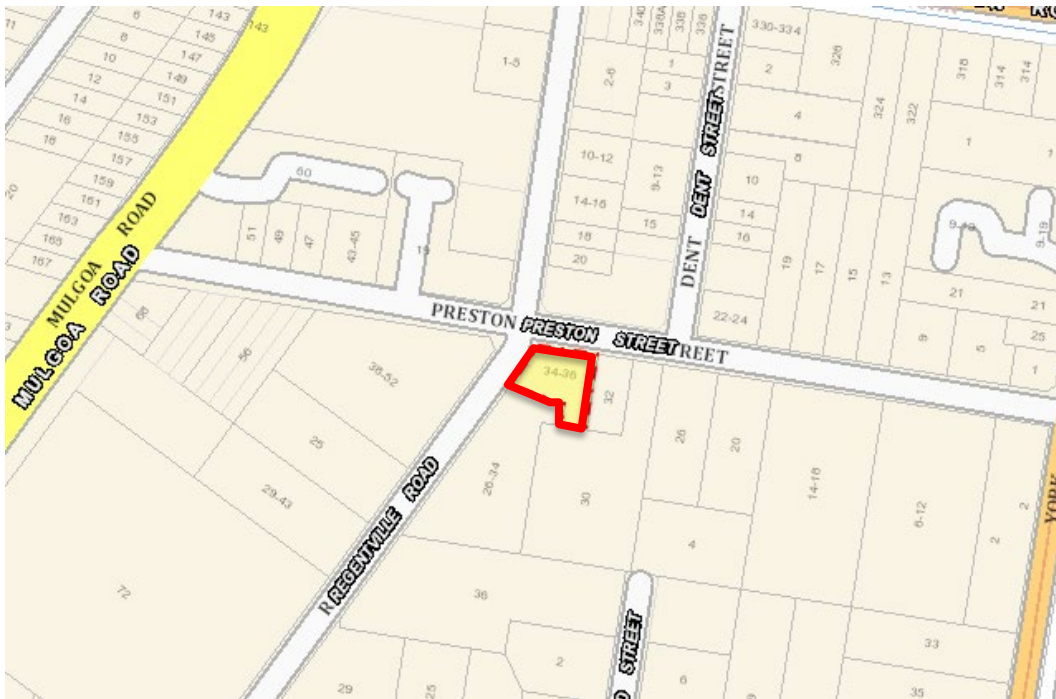


Figure 2 Subject Site - Cadastre

2.1 Surrounding Context

Areas to the north of the subject site are characterised by existing high-density residential development. Development to the south, east and west of the site comprise a mix of light industrial land uses. The majority of these areas were developed under the previous LEP when these lands comprised an industrial zoning.

3 Project Description

3.1 Details of the Proposal

The proposal includes the demolition of all existing structures on the site. This includes the existing dwelling house and outbuildings as indicated in the accompanying plans. Demolition is proposed to minimise ongoing vandalism of the site and the presence of squatters.

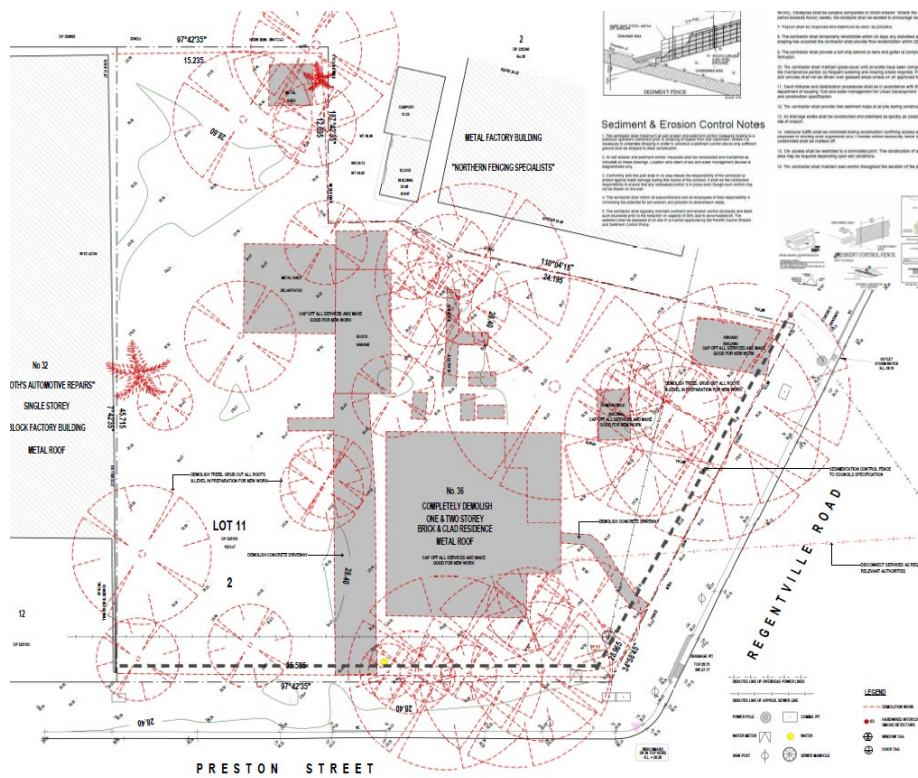


Figure 3 Demolition plan extract

3.2 Utilities

Existing services to the site will be capped until such time as a future development is proposed.

3.3 Waste Management Strategy

The application is accompanied by a Waste Management Plan for the proposed works.

3.4 Tree Removal

We have not been provided with any details on the removal of any vegetation. In this regard, Council may require an arborist report as part of recommended conditions of consent.

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. The accompanying plans show proposed erosion and sediment controls for the site.

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 *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 not inconsistent with the objectives of the zone. The demolition of existing structures will enable a future development that satisfies the objectives of the zone.

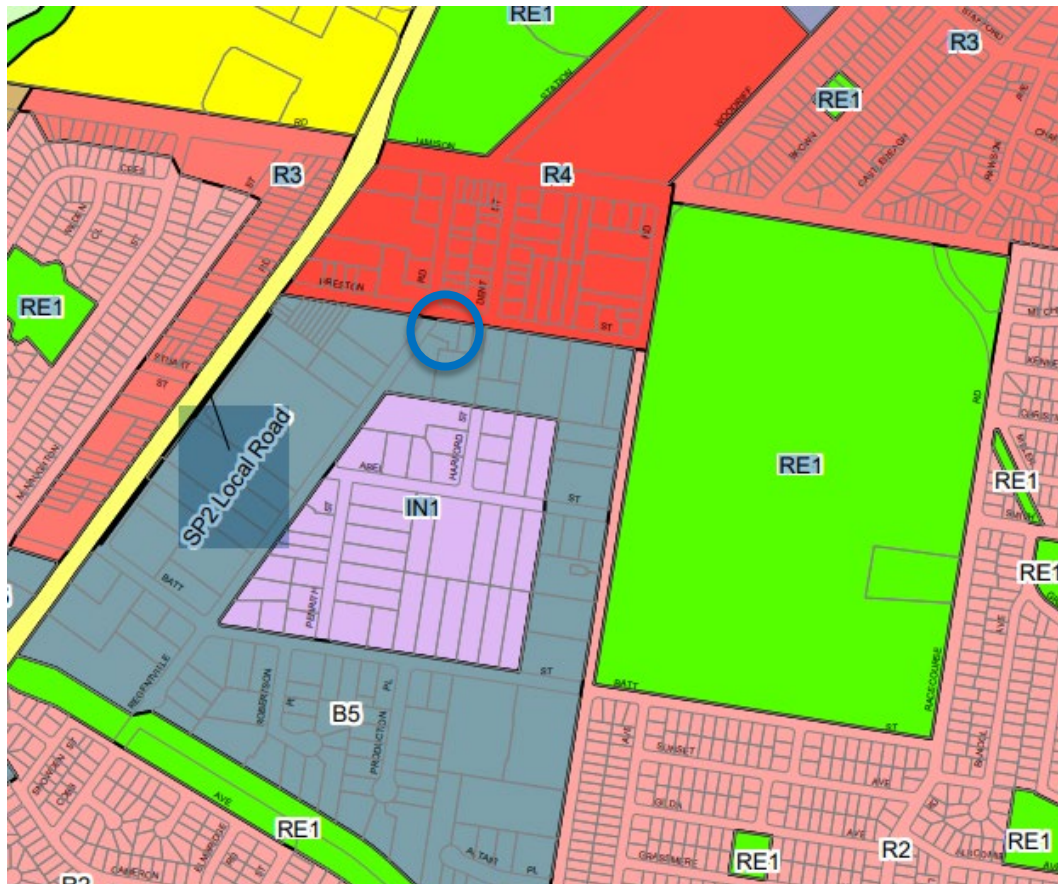


Figure 4 Zoning Map

The following relevant clauses have also been considered in respect of this development proposal. **{H}**

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	
4.4 Floor Space Ratio	N/A	N/A	

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
5.5	Development within the coastal zone	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
5.9	Preservation of trees and vegetation	Council may require additional information to be provided in relation to the removal of vegetation on the site. This could form the basis of conditions of consent, or be requested through the assessment of this application.
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
Part 6 Additional Local Provisions		
Provision		Comment
6.1	Earthworks	N/A
6.2	Salinity	N/A
6.3	Flood planning	N/A
6.4	Development on natural resources sensitive land	N/A
6.5	Protection of scenic character and landscape values	N/A
6.6	Servicing	Existing services to the site will be capped until such time as a future development is proposed.
6.7	Dwelling houses on certain land in Llandilo and Mulgoa	N/A
6.8	Dual occupancies and secondary dwellings in certain rural and environmental zones	N/A
6.9	Mulgoa Valley	N/A
6.10	Villages of Mulgoa and Wallacia	N/A
6.11	Orchard Hills	N/A
6.12	Twin Creeks	N/A
6.13	Waterside Corporate	N/A

6.14	Development of land in flight path of proposed Second Sydney Airport	N/A
6.15	Location of sex services premises and restricted premises	N/A

The proposed demolition is consistent with the provisions of the LEP.

4.2.1 Penrith Development Control Plan 2014

There are no specific controls within the DCP relating to demolition. Standard conditions of consent would be applied to any approval for demolition and applied prior to demolition commencing.

5 Key Planning Issues

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

5.1 Erosion and Sediment Control

It is expected that Council would impose appropriate conditions of consent to ensure that erosion and sediment control measures were installed on the site prior to construction commencing. Notwithstanding, appropriate measures have been indicated on the submitted plans.

5.2 Services

The site is appropriately serviced to allow for the future development of the site. Services will be capped until such time as a future development is proposed.

5.3 Social and Economic

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

5.4 Waste Management

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

- *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 specifically 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 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

There are likely to be no unacceptable impacts arising from this proposal.

6.7.2 Social and Economic Impacts

Demolition of all structures on the site will ensure the site does not continue to be vandalised and that squatters do not get an opportunity to situate themselves on site. This will ensure the amenity of the locality is maintained.

6.7.3 Built Environmental Impacts

No unacceptable impacts on the built environment would arise from the demolition of all structures on site.

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 the proposal would not result in any unacceptable impact on any adjoining landowners or buildings.

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 those.

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

No unacceptable impacts would arise as a result of the proposed works. Indeed it is considered the removal of buildings from the site will minimise the potential for squatting and further vandalism.

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 demolition be approved.