



**Statement of Environmental Effects for a Development Application at
30 Mitchell Street St Marys NSW 2760**

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1 Introduction

This Statement of Environmental Effects relates to a Development Application seeking Council's consent to demolition of the existing dwelling and Torrens title subdivision of the land at 30 Mitchell Street St Marys NSW.

This Statement:

- describes the site and its surrounding area,
- details the nature of the proposed development,
- undertakes an assessment of the proposal regarding compliance with relevant Penrith planning instruments, and
- undertakes an assessment of the proposal under all other heads of consideration in Section 4.15 of the Environmental Planning and Assessment Act, 1979.

The conclusion reached is that the proposal has merit and should be considered for approval.

2 Site and Surroundings

The site is the land described as Lot 1 in deposited plan DP 38178, located in the suburb of St Marys. Its use is currently as a single dwelling. The zoning is R3 Medium Density Residential in the Penrith Local Environmental Plan 2010 (PLEP2010).

The site is a rectangular block accessed via a driveway at the front of the property from Mitchell Street. The land slopes to the south, with 16.916 meter frontage to Mitchell Street. There is a total area of 1359 m². The existing dwelling on the land is a rendered residence, with a tiled roof.

The neighbouring properties are a mix of single storey and two storey dwellings, of brickwork or cladding with tiled or tin roofs. The neighbouring areas have established amenities including primary and secondary schools, a shopping centre, and access to transport.

The site has minimal vegetation..

3 Proposed Development

This application proposes demolition of the existing dwelling, and subdivision of the one lot in to two as one lot fronting Mitchell Street, and a rear battle-axe lot.



4 Environmental Planning Instruments

Penrith Local Environmental Plan 2010 (PLEP 2010) Zoning R3 Low Density Residential

The PLEP 2010 states that objectives of Zone R3 as.....

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.*
- To provide a variety of housing types within a medium density residential environment.*

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To provide for a concentration of housing with access to services and facilities.*
- To enhance the essential character and identity of established residential areas.*
- To ensure that a high level of residential amenity is achieved and maintained.*
- To ensure that development reflects the desired future character and dwelling densities of the area.*

2 Permitted without consent

Home occupations

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Emergency services facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home industries; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing

4 Prohibited

Any development not specified in item 2 or 3

The proposed development complies with the objectives and can be permitted with consent. The proposal can be approved under this zoning.



Clause 4.1 Minimum subdivision lot size

(1) The objectives of this clause are as follows:

- (a) to ensure that lot sizes are compatible with the environmental capabilities of the land being subdivided,**
- (b) to minimise any likely impact of subdivision and development on the amenity of neighbouring properties,**
- (c) to ensure that lot sizes and dimensions allow developments to be sited to protect natural or cultural features including heritage items and retain special features such as trees and views,**
- (d) to regulate the density of development and ensure that there is not an unreasonable increase in the demand for public services or public facilities,**
- (e) to ensure that lot sizes and dimensions are able to accommodate development consistent with relevant development controls.**

(2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.

(3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.

(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.

(4A) Despite subclause (3), development consent must not be granted for the subdivision of land in Zone R2 Low Density Residential unless each lot to be created by the subdivision would have:

(a) if it is a standard lot—a minimum width of 15 metres, or

(b) if it is a battle-axe lot—a minimum width of 15 metres and a minimum area of 650 square metres.

(4B) Despite subclause (3), development consent must not be granted for the subdivision of land in Zone R3 Medium Density Residential unless each lot to be created by the subdivision would have:

(a) if it is a standard lot—a minimum width of 12 metres, or

(b) if it is a battle-axe lot—a minimum width of 15 metres and a minimum area of 450 square metres.

(4C) For the purposes of this clause, if a lot is a battle-axe lot or other lot with an access handle, the area of the access handle is not to be included in calculating the lot size.

The land at 30 Mitchell Street St Marys shows on the Lot Size map as a minimum area requirement of 400 square meters. The proposed lots are as follows

- Lot 1 12.5 meter frontage and a 565.72 m² proposed lot size.
- Lot 2 Being the battle axe block: 16.91 meter width and a 598.32 m² (not including access handle) proposed lot size

Both lots conform to the minimum lot size and Clause (4B).



Clause 6.4 Stormwater Management (Urban Zones)

(1) The objective of this clause is to minimise the impacts of urban stormwater on the land to which the development applies, adjoining properties, native bushland and receiving waters.

(2) This clause applies to all land zoned Residential, Business, Industrial land uses, and land zoned for E3 Environmental Management and E4 Environmental Living.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:

(a) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and;

(b) includes, where practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water; and

(c) avoids any significant adverse impacts of storm water runoff on adjoining properties, native bushland and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact.

The application documents include a Hydraulic Drawing submitted which address storm water issues.

Bush Fire Prone Land

This land is not bushfire prone land or mapped as bushfire prone land.

To summarise the HLEP 2013 controls, we submit the following table showing compliance.

PLEP 2010 Control	Clause Reference	Zone R3 Control	Proposed	Complies
Minimum Lot Size	Cl.4.1	400 sq m	Lot 1: 565.72 m ² Lot 2: 598.32 m ²	Yes
Torrens Title Subdivision		Torrens Title Subdivision permitted	Torrens Title Subdivision proposed	Yes
Storm water Management	Cl.6.4	Penrith Shire Storm water Policy	As submitted	Yes
Bushfire Prone Land		Bushfire Prone ?	Not Bushfire Prone	Yes

The proposal complies with all PLEP 2010 controls.



Penrith Development Control Plan 2014 C11 Subdivision

Penrith DCP has a series of guidelines for subdivision. Controls relevant to this project include....

Control	Compliance
Minimum Lot Size 400 m ² as per LEP	Lot size 566 m ² and 598 m ²
Slope and Orientation	Lot north/south orientation, 1 meter slope to the south
Solar and daylight access	500 m ² lots , space for dwelling to have solar and daylight access
Retention trees and views	No significant trees or views
Availability of utilities	All services existing
Site drainage	Stormwater design to be submitted
Public open space	No change to existing
Existing character	Lot pattern not changed
Heritage and Conservation	No listing of conservation interest
Setbacks, carparking, landscaping	To be addressed when dwelling design is commenced
Adjacent land	Existing developed land
Allotment dimensions	Rectangular pattern with recommended width and depth for each lot
Battle Axe lot greater than 400 m ²	Lot size 598 m ² not including access handle
Access corridor 4 meters wide	Access corridor (one lot only) 4 meters wide
Reciprocal rights for drainage over driveway	Stormwater design to be submitted

The proposal complies with the PDCP 2014 guidelines

5 Section 4.15 of the Environmental Planning and Assessment Act, 1979

Planning Agreements

No planning agreements apply to this land.



Regulations

The Development Application has been made in accordance with the requirements contained in the Environmental Planning and Assessment Regulation 2000.

Likely Impacts

The development will have no adverse impact on the availability of services, vehicular access, use of common facilities, and open space in the area of Penrith.

Suitability of the Site

There are no environmental constraints on the site that would impede the proposal or render it unsuitable for the site.

Submissions

We will consider any submissions that are put forward to Council after the notification period had ended.

The Public Interest

For the reasons set out in this statement, it is considered that the public interest would be best served by approval of the Development Application under consideration, particularly, given the absence of any demonstrable adverse impacts resulting from the proposal.

Summary

The proposal seeks Council's consent to a Development Application seeking approval for the demolition of the existing dwelling and development as subdivision from one lot into two.

The proposal complies with all PLEP 2010 controls and conforms to the PDCP 2014 guidelines.

The proposal satisfies the relevant heads of consideration under Section 4.15 of the Environmental Planning & Assessment Act, 1979.

It is considered that the proposal provides an appropriate response to the planned development of the site and will assist in the orderly and economic development of the land. Accordingly, the application should be recommended for approval.



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