



Attachment 3 to Item 2.1.4.

Statement of Environmental Effects

Date of meeting: 17 October 2024
Location: Council Chambers
Time: 10am

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED CARPARK SHADE STRUCTURES

16 STEWART STREET, SOUTH WINDSOR



STIMSON
URBAN & REGIONAL PLANNING

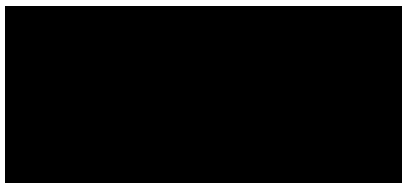
Statement of Environmental Effects

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Client and Land Details

Client PCYC (NSW)
Subject Site Lot 4 DP 816809,
16 Stewart Street, South Windsor
Proposal Proposed Carpark Shade Structures



Warwick Stimson RPIA
Director



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Version	Date	Comment
1.0	15/12/23	Initial Draft for client review
2.0	16/12/23	Final for DA lodgement
3.0	30/04/24	Final for DA Lodgement

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Terms and Abbreviations

BCA	Building Code of Australia
BCA Act	Biodiversity Conservation Act 2016
Client	PCYC (NSW)
Council	Hawkesbury City Council
CPTED	Crime Prevention Through Environmental Design
DA	Development Application
DCP	Hawkesbury Development Control Plan 2023
DPIE	NSW Dept Planning, Industry & Environment
EP&A Act, the Act	Environmental Planning and Assessment Act 1979
LEP	Hawkesbury Local Environmental Plan 2012
SEPPBC	State Environmental Planning Policy (Biodiversity & Conservation) 2021

1 Introduction

1.1 Project Overview

Stimson Urban & Regional Planning has been engaged by PCYC (NSW) to prepare a Statement of Environmental Effects in relation to a proposed carpark shade structures on the property known as 16 Stewart Street, South Windsor.

The proposed development includes the construction of shade structures over the car park area of the Hawkesbury PCYC building.

The site is zoned *RE1 Public Recreation* under *Hawkesbury Local Environmental Plan 2012* 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 Purpose of the Application

The purpose of this development application is to seek approval for the construction of shade structures over an existing car park at Hawkesbury PCYC.

1.4 History of the Application

The current site contains the Hawkesbury PCYC building which was approved by Council under development consent DA0115/21 on 5 April 2022. The proposed use was granted for an indoor recreational facility, alterations and additions to the indoor sports stadium, car park, landscaping works and a long term lease subdivision.

1.5 Supporting Documentation

The proposed is accompanied by the following documentation:

Table 1 Project Team

Documentation	Prepared By
Architectural Drawings	AJC Architects

1.6 Legislation, Environmental Planning Instruments and Policies to be considered.

- *State Environmental Planning Policy (Biodiversity and Conservation) 2021*
- *Hawkesbury Local Environmental Plan 2012*
- *Hawkesbury Development Control Plan 2023*

1.7 Consent Authority

The consent authority for this application is Hawkesbury City Council.

2 The Site and Surrounds

The subject site and its surrounds have the following characteristics.

Site Address	16 Stewart Street, South Windsor
Lot/DP	Lot 4 DP816809
Site Area	2.44ha approx.
Local Government Area	Hawkesbury City Council
Zoning	RE1 Public Recreation
Current Land Use	Recreational
Proposed Land Use	Recreational
Surrounding Land Uses	North and south additional Public Recreation. East and west is residential
Topography	Slight upwards slope to the north of the existing building
Terrestrial Biodiversity	Mapped as being potentially significant vegetation
Heritage	Not mapped in LEP
Flooding/Overland Flow	Not mapped in LEP
Bushfire	Not mapped in LEP



Figure 1 Subject Site - Aerial

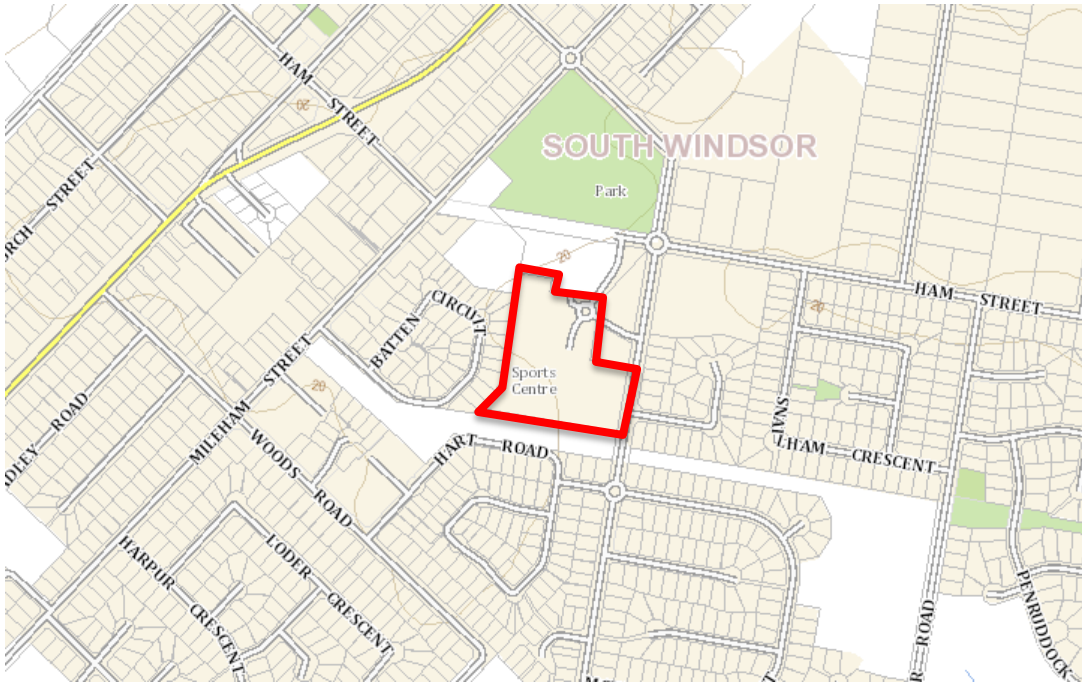


Figure 2 Subject Site - Cadastre

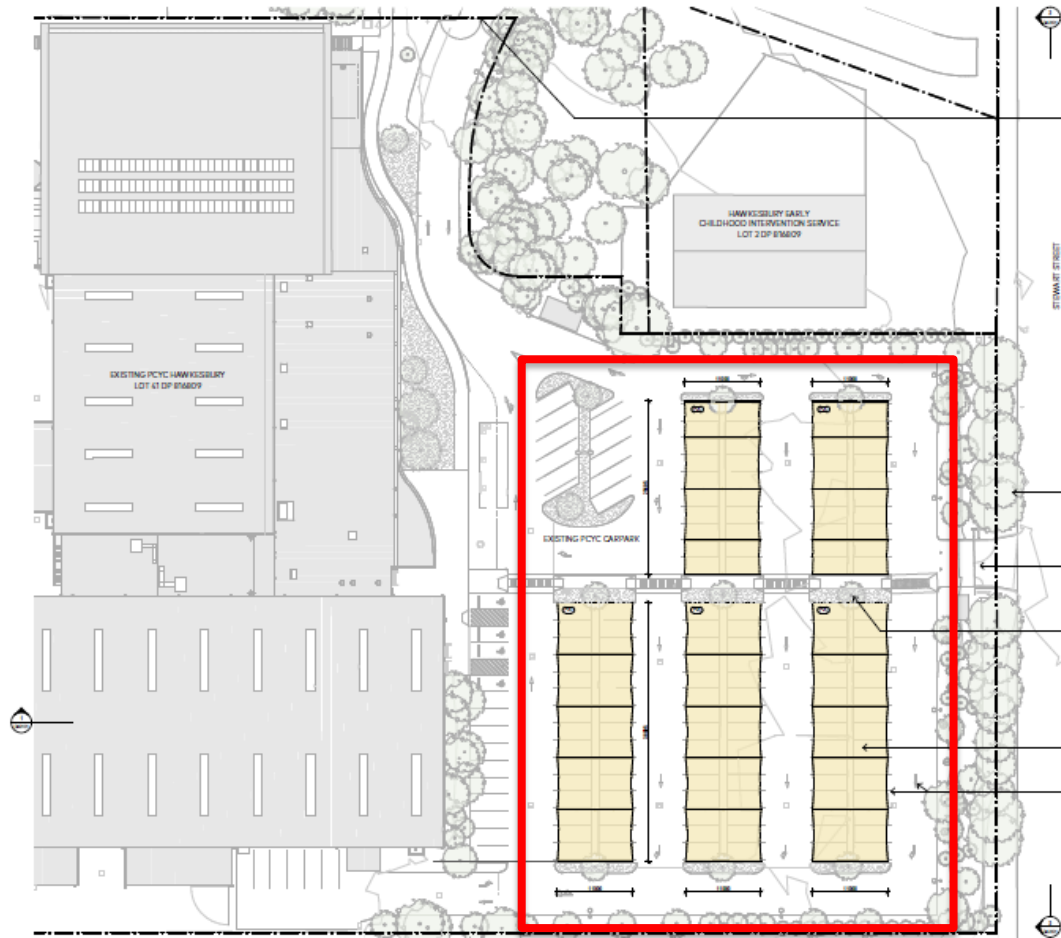


Figure 3 Shade Structure Locations

2.1 Surrounding Context

The existing facility is located on land zoned for the purposes of recreation. Along with netball courts, tennis courts, family centre, and early childhood intervention service. The existing development forms a community space centrally located within a mainly residential area. Some industrial land uses are located to the north-east of the site.

2.2 Transport Network

A bus stop is conveniently located adjacent to the site in Stewart Street. Bus route 676 provides transport links between this area and Windsor through the course of each day.

A short walk from the site, bus services connecting the area to Penrith along Mileham Street can be accessed.

3 Project Description

3.1 Overview

The proposal is for the construction of shade structures over the existing car park area for the Hawkesbury PCYC building. The shade structures would be constructed over 130 car parking spaces. The shade structures would be located to the east of the PCYC building.

3.2 Built Form

The shade structures would consist of a barrel vault that spans across two rows of parking, cantilevered off a central column. The central column would be located within a planter between the two rows. The single row of car parking spaces adjacent to the building would be a half barrel structure.

The shade sails would be made of PVC for weather proofing protection and durability and would be finished in a white colour. The support structure and posts would be steel.

Solar powered lighting would be provided on the underside of the shade structures providing light over the car parking spaces. The details of this lighting would be provided prior to the issue of any construction Certificate.

3.3 Vehicular Elements

The shade structure would not change the existing arrangement of the car parking spaces and would not impact upon manoeuvring and access to these spaces.

3.4 Landscaping and Open Space

The existing landscaping on the site would be retained with no new landscaping proposed.

3.5 Stormwater Drainage

No additional impervious surfaces beyond those existing are proposed. Accordingly, there would be no additional stormwater impacts on the site and no further consideration is required. No stormwater management plan is required to be submitted.

3.6 National Construction Code Compliance

All works will 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.

3.7 Tree removal

No trees are proposed to be removed as part of this application.

3.8 Materials and Finishes

The shade sails will consist of galvanised steel for the structure and the sails will be light coloured weatherproof PVC coated polyester fabric.

4 Statutory Considerations

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

4.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The aim of Chapter 6 – Water Catchments, of the SEPPBC is to protect the environment of the Hawkesbury-Nepean River 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.

4.2 Hawkesbury Local Environmental Plan 2012

The Hawkesbury 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 for the management, orderly and economic development and conservation of land in Hawkesbury,*
- (b) to provide appropriate land in area, location and quality for living, working and recreational activities and agricultural production,*
- (c) to protect attractive landscapes and preserve places of natural beauty, including wetlands and waterways,*
- (d) to protect and enhance the natural environment in Hawkesbury and to encourage ecologically sustainable development,*
- (e) to conserve and enhance buildings, structures and sites of recognised significance that are part of the heritage of Hawkesbury for future generations,*
- (f) to provide opportunities for the provision of secure, appropriate and affordable housing in a variety of types and tenures for all income groups in Hawkesbury,*
- (g) to encourage tourism-related development that will not have significant adverse environmental effects or conflict with other land uses in the locality.*

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

Land Use and Permissibility

The subject site is zoned *RE1 Public Recreation* with the following zone objectives applying to that zone.

- *To enable land to be used for public 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.*
- *To protect and enhance the natural environment for environmental purposes.*
- *To restrict development on land required for future open space purposes.*

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

- The shade structures are an ancillary development to the PCYC use which is used for recreational purposes.
- The shade structures will protect the natural environment as it does not require the removal of any existing trees.

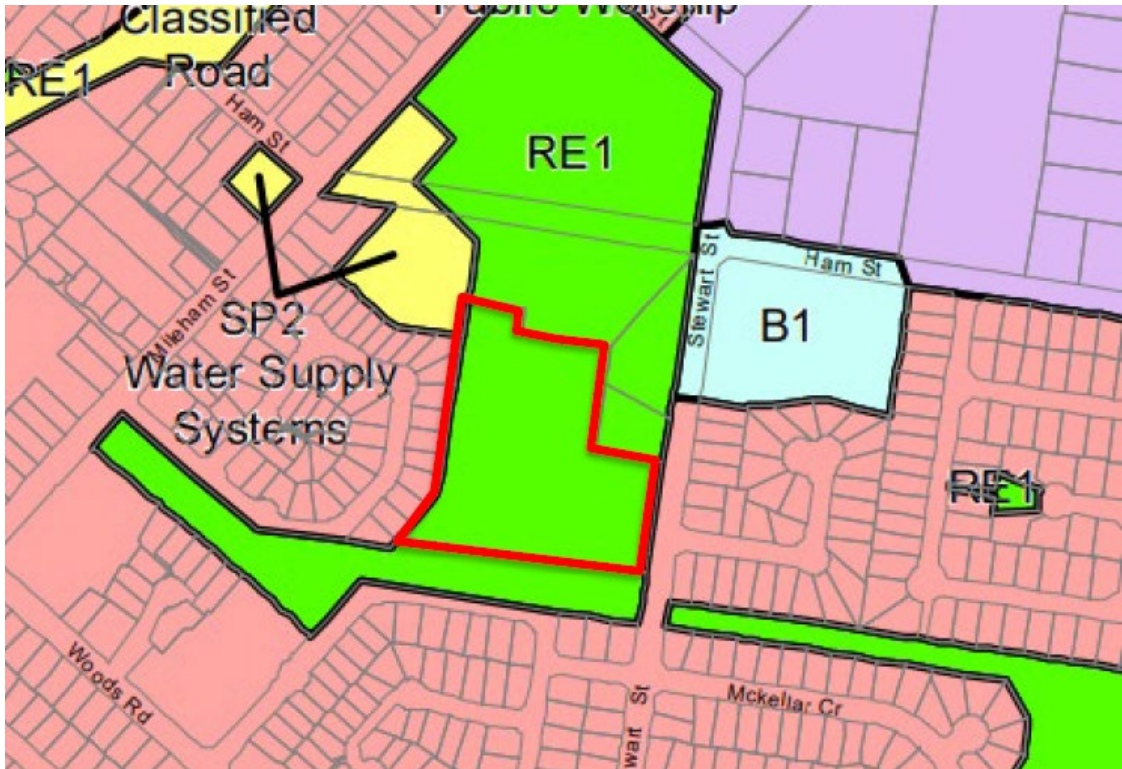


Figure 4 Land use zoning map

The Land Use Table of the LEP nominates a recreation facility (indoor) as a permissible form of development in the zone. The proposed shade sails are considered ancillary to that approved use.

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

Part 4 Principal Development Standards:			
Standard	Permitted	Proposed	Comment
4.3	Height of Buildings	Not applicable	Not applicable
4.4	Floor Space Ratio	Not applicable	Not applicable

Provision	Comment	
Part 5 Miscellaneous Provisions		
5.1	Relevant acquisition authority	Not applicable
5.1A	Development on land intended to be acquired for public purposes	Not applicable
5.2	Classification and reclassification of public land	Not applicable
5.3	Development near zone boundaries	Not applicable

Provision	Comment
5.4 Controls relating to miscellaneous permissible uses	Not applicable
5.5 Controls relating to secondary dwellings on land in a rural zone	Not applicable
5.6 Architectural roof features	Not applicable
5.7 Development below mean high water mark	Not applicable
5.8 Conversion of fire alarms	Not applicable
5.9 Dwelling house or secondary dwelling affected by natural disaster	Not applicable
5.10 Heritage conservation	Not applicable
5.11 Bush fire hazard reduction	Not applicable
5.12 Infrastructure development and use of existing buildings of the Crown	Not applicable
5.13 Eco-tourist facilities	Not applicable
5.14 Siding Spring Observatory—maintaining dark sky	Not applicable
5.15 Defence communications facility	Not applicable
5.16 Subdivision of, or dwellings on, land in certain rural, residential or conservation zones	Not applicable
5.17 Artificial waterbodies in environmentally sensitive areas in areas of operation of irrigation corporations	Not applicable
5.18 Intensive livestock agriculture	Not applicable
5.19 Pond-based, tank-based and oyster aquaculture	Not applicable
5.20 Standards that cannot be used to refuse consent—playing and performing music	Not applicable
5.21 Flood planning	Not applicable
5.22 Special flood considerations	Not applicable
5.23 Public bushland	Not applicable
5.24 Farm stay accommodation	Not applicable
5.25 Farm gate premises	Not applicable
Part 6 Additional Local Provisions	
6.1 Acid sulfate soils	The site is mapped as Class 5. Appropriate conditions of consent can be applied to ensure there are no impacts on the acid sulfate soils.
6.2 Earthworks	Minor earthworks and site preparation works are required however will not have any adverse impacts
6.3 (Repealed)	Not applicable
6.4 Terrestrial biodiversity	The site is mapped as having significant vegetation. Potential impacts on any terrestrial biodiversity matters can be mitigated through additional replacement planting.
6.5 Wetlands	Not applicable
6.6 Development in areas subject to aircraft noise	Not applicable

Provision	Comment
6.7 Essential services	The site has adequately serviced for the proposed development.
6.8 (Repealed)	Not applicable
6.9 Additional requirements for subdividing in Pitt Town Heritage Area	Not applicable
6.10 Certain development on Lot 1, DP 827148, Hawkesbury Valley Way, Clarendon	Not applicable
6.11 Residential accommodation at Johnston and New Streets, Windsor	Not applicable
6.12 Certain development at Richmond Lowlands	Not applicable
6.13 Development of land at 2A and 4–8 Hawkesbury Valley Way and 383–395 George Street, Windsor	Not applicable
6.14 Temporary use of structures for “Tutti Fruitti Cafe” on certain land at Kurrajong Heights	Not applicable
6.15 Development of certain land at Kurmond—concurrence of Planning Secretary	Not applicable
6.16 Public utility infrastructure	Not applicable

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

4.3 Hawkesbury Development Control Plan 2023

There are no specific controls relating to this type of development in the RE1 zone. Generally, the proposed development is not inconsistent with the objectives of the DCP.

5 Key Planning Issues

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

5.1 Visual Impact

The proposed sails will not form a dominant visual element in the context of the entire site. The benefits of the shade sails outweigh any perceived negative impacts in this regard.

5.2 Social and Economic

There would be no adverse social and/or economic impacts as a result of the proposed development.

6 Section 4.15 Assessment

The following assessment against Section 4.15 of the EPA Act has been undertaken.

Table 2 Section 4.15 Assessment

Clause	Consideration
Section 4.15(1)(a)(i) – Any Environmental Planning Instruments	<p>The relevant environmental planning instruments have been considered earlier in this report. These include the following:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • Hawkesbury Local Environmental Plan 2012 • Hawkesbury Development Control Plan 2023 <p>The proposal is permissible with consent and is considered satisfactory when assessed against the relevant controls.</p>
Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instrument	There are no known draft Environmental Planning Instruments applicable to the subject site.
Section 4.15(1)(a)(iii) – Any Development Control Plan	Compliance against the relevant DCP’s has been considered earlier in this report.
Section 4.15(1)(a)(iiia) – Any Planning Agreement	There are no known planning agreements that apply to the site or development.
Section 4.15(1)(a)(iv) – The Regulations	There are no sections of the regulations that are relevant to the proposal at this stage.
Section 4.15(1)(a)(v) – Any Coastal Zone Management plan	Not relevant to the proposed development.
Section 4.15(1)(b) – The Likely Impacts of the Development	<p><u>Natural and Environmental</u></p> <p>The proposal does not have any adverse impacts on the natural environment as no existing trees are proposed to be removed.</p> <p><u>Social and Economic</u></p> <p>There would be no social and/or economic impacts as part of the proposed development.</p> <p><u>Built</u></p> <p>The proposed shade structures would not be of a height that would adversely impact on the visual streetscape, nor would it have unacceptable overshadowing issues.</p>

Clause	Consideration
Section 4.15(1)(c) – The Suitability of the Site	<p>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 carpark shade structures would not result in any unacceptable impact on any adjoining landowners or buildings.</p> <p>The site is considered to be suitable for the development for the reasons outlined below:</p> <ul style="list-style-type: none"> • The proposal is permissible with consent in the RE1 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 a recreational facility.
Section 4.15(1)(d) – Any Submission Made	<p>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.</p>
Section 4.15(1)(e) – The Public Interest	<p>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.</p>

The proposed development is considered to satisfy the relevant provisions of the Act.

7 Conclusion and Recommendation

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

The proposed carpark shade structures 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.