

Statement of Environmental Effects

New courtyard: Lennox Village Shopping Centre

2 - 20 Pyramid Street, Emu Plains

PREPARED FOR CHALLENGER INVESTEMENT PARTNERS

December 2020

FINAL

macroplan

Important Notice

© MacroPlan Holdings Pty Ltd All Rights Reserved. No part of this document may be reproduced, transmitted, stored in a retrieval system, or translated into any language in any form by any means without the written permission of MacroPlan Holdings Pty Ltd. All Rights Reserved. All methods, processes, commercial proposals and other contents described in this document are the confidential intellectual property of MacroPlan Holdings Pty Ltd and may not be used or disclosed to any party without the written permission of MacroPlan Holdings Pty Ltd.

MacroPlan staff responsible for this report:

Daniela Vujic, Senior Strategic Planning Manager

Celeste Bonazinga, Planning Analyst

Version	Version No.	Author(s)	Date
Draft report	1.0	DV, CB	18-12-2020
Final report	2.0	DV, CB	21-12-2020

Contact

Level 10
580 George Street
Sydney NSW 2000
(02) 9221 5211
info@macroplan.com.au

macroplan

Table of contents

Introduction	2
Section 1: Proposal Description	4
1.1 General Proposal Description.....	4
1.2 Detailed Description of the Proposed Development	4
Section 2: Site and Locality Description	5
2.1 Site Description	5
2.2 Locality Description	7
Section 3: Statutory Planning Framework	8
3.1 Environmental Planning & Assessment Act, 1979 (EP&A Act)	8
3.2 State Environmental Planning Policies (SEPPs)	8
State Environmental Planning Policy No. 55 – Remediation of Land	8
3.3 Penrith Local Environmental Plan (LEP) 2010	9
3.4 Development Control Plans	11
Section 4: Planning Assessment	12
4.1 Architectural Statement	12
4.2 Vegetation management and landscaping	13
4.3 Noise impacts	14
4.4 Contamination	14
4.5 Socio-economic impacts	15
Section 5: Conclusion	16

Introduction

The purpose of this Statement of Environmental Effects (SEE) is to support a 'Development Application' (DA) for a new outdoor courtyard to an existing shopping centre at 2 – 20 Pyramid Street, Emu Plains – known as Lennox Village Shopping Centre. The site is formally known as Lot 1 DP 610862. The site is located within Penrith City Council local government area (LGA).

This DA is based on plans prepared by i2C and includes this Statement of Environmental Effects (SEE) and supporting studies. This report provides an assessment of potential impacts from the proposed courtyard against the relevant environmental planning framework which includes, but is not limited to, State Environmental Planning Policies, the *Penrith Local Environmental Plan 2010* (LEP), and the *Penrith Development Control Plan 2014* (DCP).

The assessment finds that the proposal is generally consistent with the outcomes and objectives identified in the relevant environmental planning framework, in particular, the proposal is compliant with applicable development standards outlined by the LEP and is substantially compliant with the controls outlined within the DCP.

In general terms, the proposal includes:

- works to create an outdoor courtyard area including enclosing the area from the car park; and
- Removal of one (1) tree known as tree 10A.

The proposed courtyard was included as part of the scope of works for alternations and additions to the shopping centre within Development Application (DA) DA20/0457 which was submitted to Council in July 2020 for assessment. Council has raised concerns with aspects of the proposed alterations and additions DA which is still under review and assessment. The courtyard works are a high priority for the shopping centre manager as it is proposed to provide outdoor seating for staff and customers and as such, this DA is being submitted to progress these minor works while outstanding matters with DA20/0457 are being addressed.

It should be noted that as part of the assessment of DA20/0457, Council has not raised any issues in relation to the proposed courtyard. The submission of this DA will require DA20/0457 to be amended prior to determination or conditioned to acknowledge this proposed DA.

This assessment report recommends that the proposed development is approved by Penrith City Council as the development is permissible with consent and will not result in significant impacts on the environment and the local community.

This report is structured as follows:

Section 1 – Proposal description

Section 2 – Site and locality description

Section 3 – Statutory planning framework

Section 4 – Planning assessment

Section 5 – Conclusion

Attachments:

Appendix A – Architectural Plans

Appendix B – DCP Compliance Table

Appendix C – Building Code of Australia

Appendix D – Arborist Report

Appendix E – Contamination

Appendix F – Survey Plan

Section 1: Proposal Description

This section of the report provides a description of the proposed development.

1.1 General Proposal Description

The DA proposes a new courtyard area to Lennox Village Shopping Centre.

Under the LEP, the existing shopping centre development is defined as:

commercial premises means any of the following—

- (a) *business premises,*
- (b) *office premises,*
- (c) *retail premises.*

The proposed courtyard is ancillary to the primary use of the site. Reference can also be made to the architectural plans accompanying the DA (Appendix A), prepared by i2C.

1.2 Detailed Description of the Proposed Development

The proposed development includes a new outdoor courtyard area as part of the Lennox Village Shopping Centre complex, with the proposed works comprising of:

- Partial demolition to the existing courtyard area, including removal of glazing, door, stairs, pavements, one (1) tree and retaining wall; and
- Construction of an external / outdoor courtyard area including construction of permeable screening to enclose the courtyard area, new window glazing and doors, new landing / decking and softfall infills, stairs and balustrade.

Seating and other fixtures proposed in the outdoor courtyard area will be undertaken as exempt development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

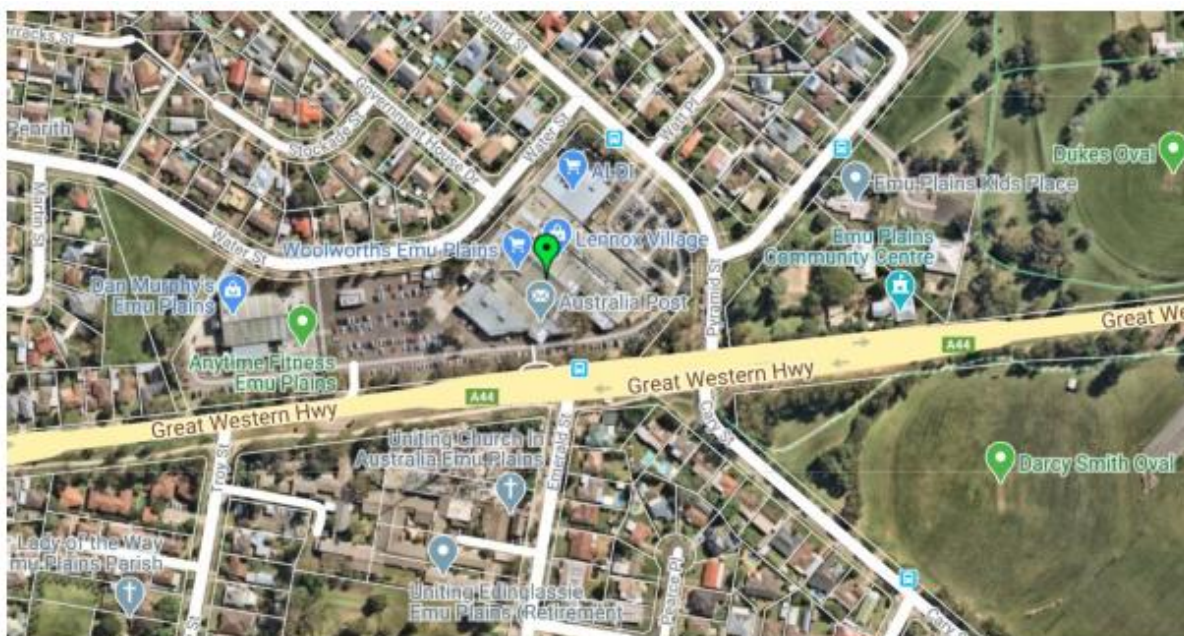
Section 2: Site and Locality Description

This section of the report provides a detailed description of the site, its immediate surrounds as well as the broader locality.

2.1 Site Description

Lennox Village Shopping Centre is located on the corner Great Western Highway and Pyramid Street, Emu Plains (Lennox Village). The shopping centre is generally surrounded by residential development. To the site's east and west are parklands and recreational open space.

Figure 1. Site context

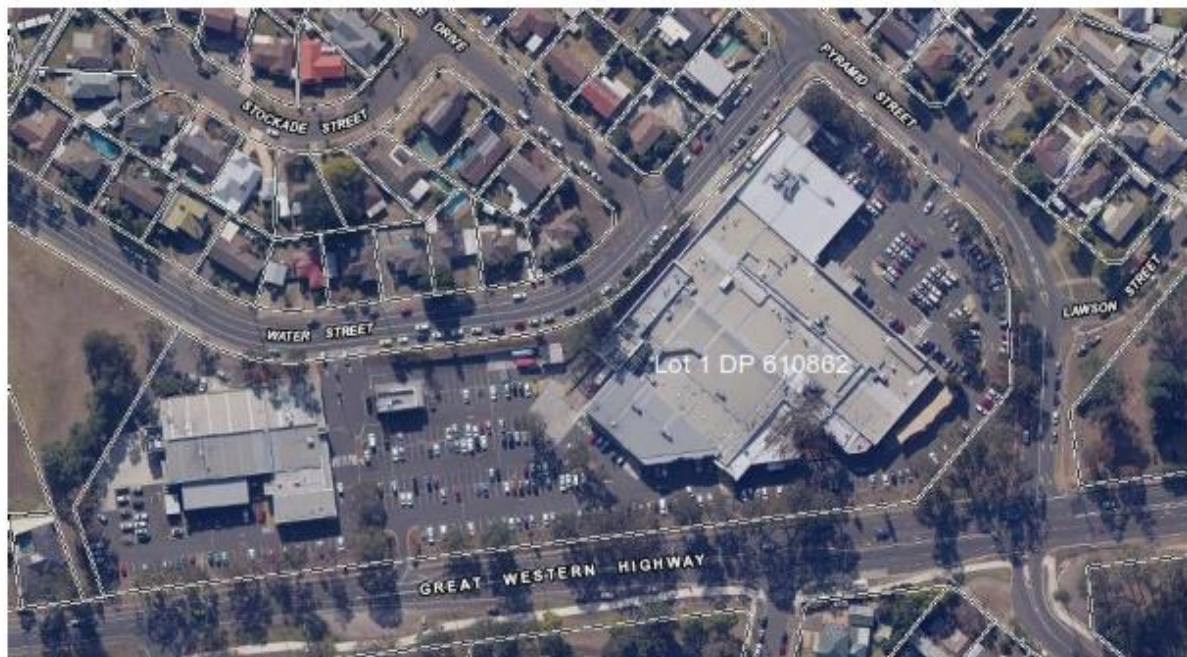


Source: Nearmaps, 2020

The site occupies three separate buildings. The proposed development is to occur on the southern elevation of the main shopping centre building opposite the Great Western Highway.

The site is legally described as Lot 1 DP 610862. Council identifies the site's property address as 2 - 20 Pyramid Street Emu Plains while the NSW Planning Portal identifies the site's property address as 1 Pyramid Street Emu Plains.

Figure 2. Property boundary



Source: Nearmaps, 2020

Site Boundaries and Area

The site is irregular in shape and has an overall site area of approximately 33,996sqm with a 331m frontage onto the Great Western Highway, a 188m frontage onto Pyramid Street and a 285m frontage onto Water Street.

Existing Developments

The site is currently used as a commercial premises, known as Lennox Village Shopping Centre. The site contains three buildings and an at grade car park.

Site Access

The site contains an existing shopping and has three (3) street frontages, the site is accessible via the following entry/exit points:

- Pyramid Street;
- Water Street; and
- Great Western Highway.

Vegetation

The site contains vegetation along the three frontages and side boundary. The courtyard area contains two trees.

Adjoining Development and Natural Environmental Features

The site is bounded by the Great Western Highway, Pyramid Street, Water Street and parkland. The surrounding area is generally characterised by residential development to the north, south and west and community facilities to the north east. An optometrist is located directly opposite the proposed courtyard area on the corner of the Great Western Highway and Emerald Street.

2.2 Locality Description

Land Use Description

An aerial view of the border locality is provided below.

Figure 3. Surrounding Area



Source: www.realcommercial.com.au (accessed June 2020)

In terms of land use, the built form is predominantly characterised by residential dwellings. A large proportion of the residential character is comprised of one and two storey detached dwellings. To the south, a new multi-storey residential aged care facility is under construction.

Section 3: Statutory Planning Framework

This section considers the planning and environmental legislation applicable to the proposed development and demonstrates the development's compliance with the applicable legislation. This section relies on architectural plans prepared by i2C and the supporting technical assessments attached to this SEE.

3.1 Environmental Planning & Assessment Act, 1979 (EP&A Act)

The EP&A Act provides the overarching development assessment framework for NSW. Section 4.15 of the EP&A Act specifies a council's statutory obligation to consider the likely impacts of a development including the impacts on the natural/built environments as well as social and economic impacts on the locality. The matters of consideration dictated by section 4.15 include relevant environmental planning instruments, development control plans, and the proposal's environmental, social and economic impacts. This SEE addresses the required matters of consideration under the EP&A Act.

3.2 State Environmental Planning Policies (SEPPs)

State Environmental Planning Policy No. 55 – Remediation of Land

All development applications must be assessed against the *State Environmental Planning Policy No.55 – Remediation of Land* (SEPP55). On land subject to a development application, Clause 7 of SEPP 55 requires the consent authority to assess any potential contamination of the land, and if the site is deemed suitable for its intended use, in its current state or following any remediation.

Site contamination has been addressed in section 4.4 of this report. Greencap Pty Ltd assessed the impacts of the proposed development as part of their assessment report for DA20/0457 and recommended a number of management measures to minimise risks and impacts.

Sydney Regional Environmental Plan (SREP) No. 20 – Hawkesbury Nepean River

The aim of this plan is 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. The SREP is applicable to the subject site.

Clause 4 of the SREP requires a consent authority determining an application for which consent is required to consider the general planning considerations set out in clause 5, and the specific planning policies and related recommended strategies set out in clause 6, as they are applicable / relevant to the proposed development. The proposed development does not impact on the Hawkesbury-Nepean River system and is considered to be a minor alteration to an existing shopping centre development. Potential environmental impacts from the proposed development are minor and manageable as detailed in section 4 below and the supporting technical assessments.

3.3 Penrith Local Environmental Plan (LEP) 2010

The Penrith LEP 2010 aims to promote development that is consistent with the Council's vision for Penrith to be a sustainable and prosperous region and that the provision of services and facilities caters for Penrith's growing population. The proposed development ensures that the shopping centre will continue to service the localities existing and future residents.

The subject site is zoned B2 – Local Centre under Penrith LEP 2010 (Figure 4). The objectives of the land use zone are outlined below including development which is permissible with consent and prohibited development. The proposed development needs to be permitted with consent and be consistent with the objectives of the B2 Local Centres zone in order for Council to be able to assess and approve the development.

B2 Local Centre Zone

1 Objectives of zone

- *To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*
- *To provide retail facilities for the local community commensurate with the centre's role in the local and regional retail hierarchy.*
- *To ensure that future housing does not detract from the economic and employment functions of a centre.*
- *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

Boarding houses; Building identification signs; Business identification signs; Car parks; Centre-based child care facilities; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Flood mitigation works; Function centres; Home businesses; Home industries; Information and education facilities; Medical centres; Oyster aquaculture; Passenger transport facilities; Places of public worship; Public administration buildings; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Service stations; Shop top housing; Tank-based aquaculture; Tourist and visitor accommodation

4 Prohibited

Pond-based aquaculture; Any other development not specified in item 2 or 3

The proposed development is permissible with development consent from Penrith City Council as the existing shopping centre development is defined as a “commercial premises” and the proposed courtyard is ancillary to the primary use of the site. Penrith LEP 2010 defines a commercial premise as follows:

commercial premises means any of the following—

- (a) business premises,
- (b) office premises,
- (c) retail premises.

The proposed development is consistent with the objectives of the B2 Local Centre zone as it will continue to support the primary use of the site and provide additional amenity that will service the needs of the people who work, visit and live in the local area.

Figure 4. Land use zoning of site



Source: NSW Government's Planning Portal (Accessed April 2020)

Under the Penrith LEP, the site has a 15m building height restriction (clause 4.3). The alterations proposed to the building will not result in any change to the current height. The site is not restricted by a Floor Space Ratio (FSR) control (clause 4.4); is not located in a heritage conservation area (clause 5.10); nor is it impacted by flooding (clause 7.2). The LEP includes a provision regarding active street

frontages (clause 7.8) which generally applies to B2 zoned land however the subject site has not been identified as an active street frontage.

3.4 Development Control Plans

Penrith Development Control Plan 2014 (DCP) includes controls and requirements applicable to the proposed development. An assessment of the proposed development against the relevant objectives and prescriptive measures of the DCP are included within Appendix B. Overall, the development generally complies with the DCP.

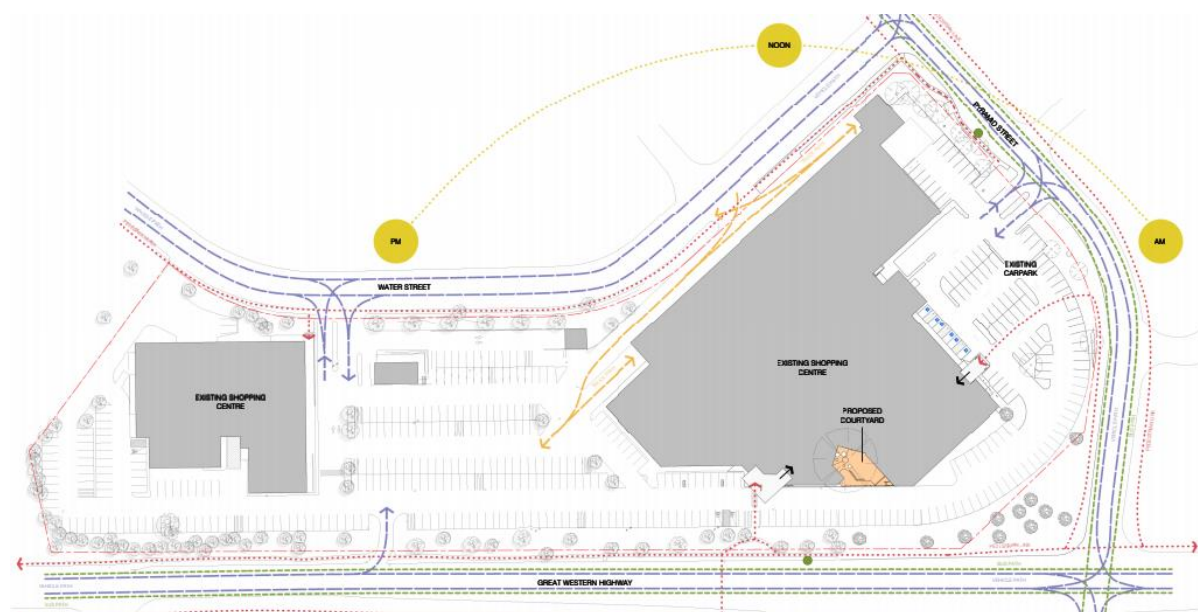
Section 4: Planning Assessment

This section identifies and discusses the key environmental impacts of the proposed courtyard to the existing *Commercial premises*. The shopping centre will continue to operate during both demolition and construction works and arrangements put in place to manage safe access for visitors and employees. The following specialist studies have been prepared to support this assessment:

4.1 Architectural Statement

The final site analysis plan prepared by i2C (Appendix A and Figure 5) shows the proposed layout of the site and the location of the proposed works. The proposed courtyard works will consist of the addition of a screen wall to the southern elevation of the main shopping centre building to enclose the outdoor landscaped area which is proposed to be converted into an outdoor courtyard area. The proposed alterations to this area will provide additional amenity for customers and staff.

Figure 5. Proposed alterations to the existing landscaped area (main building)



Source: i2C, Final Site Analysis

The existing landscaped area which will be converted into an outdoor courtyard and seating area is shown in Figure 6. The proposed development will provide new timber flooring, an extension / modification to the existing roof, new doors and window glazing. This area will include seating and other fixtures to be carried out as exempt development. The enclosed but open-air courtyard will provide customers and staff with an alternative seating area to those provided within the shopping centre building and will include safety measures which ensure the area is not directly accessible from the car park.

Figure 6. Existing courtyard area (main building) looking north-east



Source: Google maps (accessed June 2020)

A desktop design review of the architectural drawings against the Building Code of Australia 2019 Parts C, D, E and F was undertaken by Modern Building Certifiers (MBC) (Appendix C). Architectural plans for the proposed courtyard have been developed to address the specific requirements identified by MBC and the development will be undertaken in accordance with the recommendations of the report.

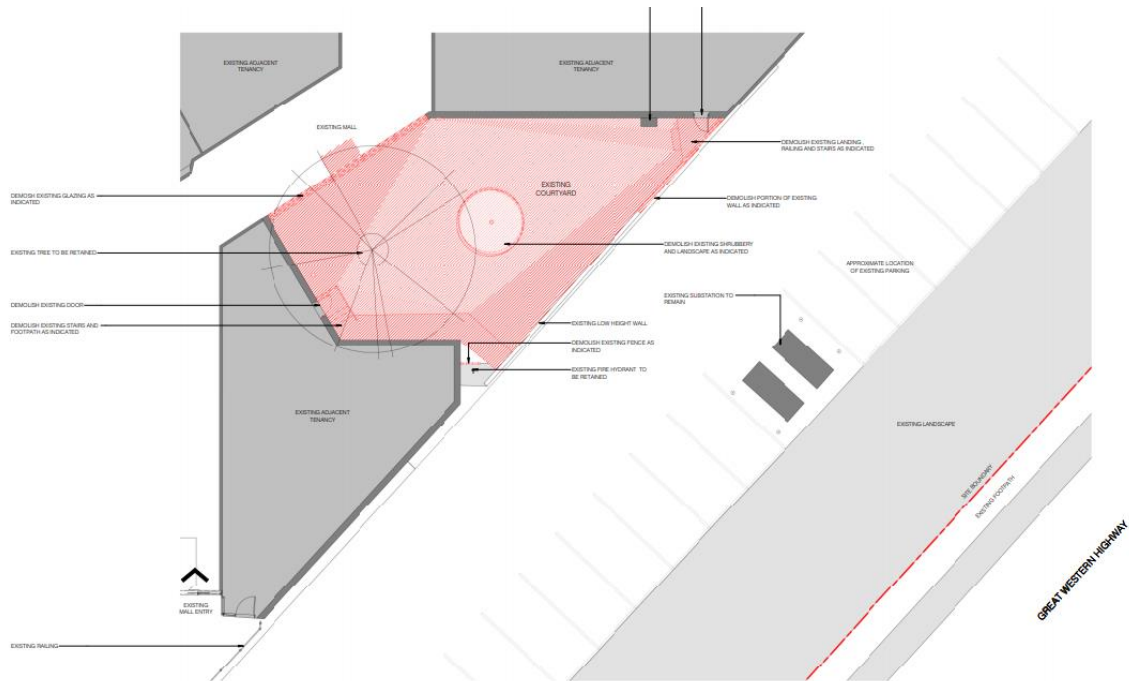
4.2 Vegetation management and landscaping

Tree iQ were engaged to prepare an Arboricultural Impact Assessment (AIA) and Tree Protection Specification (Appendix D) to determine whether the proposed works would impact on the existing vegetation on the site. The existing courtyard contains two (2) trees with one (1) tree being proposed for removal (Figure 7).

Tree 10A, a Canary Island Date Palm that appears to be self-sown, is located within the proposed courtyard area and will need to be removed. Tree 10A has been identified to be of low landscape significance and have been allocated a Retention Value of 'Consider for Removal', suggesting that removal of this tree will have a negligible impact.

Additionally, the assessment proposes management measures to be considered during construction works to minimise any potential impacts on tree 10. The proposal will incorporate fencing around tree 10 to outline the Tree Protection Zones to protect this during the construction phase. Furthermore, several tree sensitive design and constructions methods have been outlined in the submitted AIA to ensure that tree 10 is adequately protected during the construction phase.

Figure 7. Trees proposed to be removed (in red) and retained (in black)



Source: i2C, Existing/ Demo ground floor plan - Courtyard

4.3 Noise impacts

The conversion of the landscaped area into the proposed courtyard will have negligible noise impacts to the nearest noise sensitive receivers which is the residential area to the south of the site. The shopping centre carpark and the four lane busy road of the Great Western Highway are located between the proposed courtyard and the nearest noise sensitive receivers with the shopping centre building screening any other potential sensitive receivers. The use of the courtyard for outdoor seating is unlikely to result in any significant noise impacts. It is noted that this area will be opened during the business hours of the shopping centre.

4.4 Contamination

Greencap Pty Ltd (Greencap) was engaged to undertake a Preliminary Site Investigation (PSI) at Lennox Shopping Centre (the site). The investigation area comprised two portions of site within the overall Lennox Shopping Centre, that is the proposed extension of the ALDI supermarket in the northern portion of the overall site and the proposed courtyard in the southern portion of the site as submitted under DA20/0457. This assessment is also included as Appendix E to this SEE.

Based on the results of the desktop site history assessment, there is potential for contamination to exist which may impact the proposed development. As a result of the findings of the PSI, the report recommended that the following mitigation and management measures are implemented:

- Potentially contaminated fill material should be assessed through systematic soil sampling;

- A pre-demolition hazardous materials survey is recommended to be undertaken for the building on site prior to its demolition;
- A waste classification in accordance with the NSW EPA Waste Classification Guidelines would be required for any soil which may require offsite disposal; and
- A Safe Work NSW Dangerous Goods Search should be undertaken for the site.

4.5 Socio-economic impacts

The proposed courtyard will provide a social and economic benefit for the employees working within the shopping centre, customers of the shopping centre and the local community. The provision of an outdoor courtyard area will improve the amenity of the shopping centre and provide an open-air outdoor seating area for customers and staff to use. No retail sales are proposed in this courtyard area.

Section 5: Conclusion

This SEE and supporting documentation provides an assessment of the proposed courtyard to Lennox Village Shopping Centre at 2-20 Pyramid Street Emu Plains. The proposed development provides a new courtyard area for customers and staff to enjoy an outdoor environment.

The proposal has been assessed against the relevant environmental planning framework, including SEPPs, the Penrith LEP and DPC.

The development has been assessed against the applicable legislation and development standards and should not have a significant impact on the environment or local community subject to the recommendations and management measures from the specialist assessments being adopted.

Macroplan recommends that Council approve the proposed development.

MELBOURNE

Level 16
330 Collins Street
Melbourne VIC 3000
(03) 9600 0500

www.macroplan.com.au

SYDNEY

Level 10
580 George Street
Sydney NSW 2000
(02) 9221 5211

BRISBANE

Level 1
310 Edward Street
Brisbane QLD 4000
(07) 3221 8166

GOLD COAST

Level 2
89-91 Surf Parade
Broadbeach QLD 4218
(07) 3221 8166

PERTH

Level 1
89 St Georges Terrace
Perth WA 6000
(08) 9225 7200

