

Statement of Environmental Effects

Development Application

13-23 Patty's Place, Jamisontown NSW 2750

27 September 2018



PREPARED BY

HAMPTONS PROPERTY SERVICES Pty Ltd

Head Office: Suite 404 | Level 4 | 203-233 New South Head Road | Edgecliff NSW 2027

Parramatta Office: Suite 04 | Level 1 | 130 George Street | Parramatta NSW 2150

Tel (02) 9386 7000 | Fax (02) 9386 7001

www.hamptonspropertyservices.com.au

COPYRIGHT

Hamptons Property Services is the owner of the copyright contained in this publication. Other than as permitted by the Copyright Act and as outlined in our terms of engagement, this report may not be reprinted, reproduced or used in any other form, transmitted or copied, by electronic, material or other means, without the prior written permission of Hamptons. Legal action will be taken against breach of copyright.

This report may only be used for the purpose commissioned and unauthorised use is prohibited. Hamptons assumes no responsibility if the document is used for purposes other than those directly associated with its commission.

PROJECT PARTICULARS

Project No.	2018086
Client	Calardu Penrith Pty Ltd
Site Address	13-23 Pattys Place, Jamisontown NSW 2750 301-335 Mulgoa Road, Jamisontown NSW 2750
Document Name	Statement of Environmental Effects

Document Preparation:

Date	Document Name	Authorisation	
		Name/Position	Signature
13/09/2018	Rep001(Draft)	Kristy Hodgkinson <i>Director</i>	
		Name <i>Position</i>	
		Kristy Hodgkinson <i>Director</i>	

In the event that this document is not signed, this is not representative of a final version of the document, suitable for assessment purposes.

RELIANCE ON CONSULTANT INFORMATION

As part of undertaking this project, Hamptons has relied on the professional advice provided by third party consultants. No responsibility is taken for the accuracy of the information relied upon by these consultants assisting the project. It is assumed that each of the consultants has made their own enquiries in relation to technical matters forming part of their expertise.

CONTENTS

1. INTRODUCTION	4
2. Site details	5
3. The proposed development	10
4. Section 4.15 assessment	10
5. CONCLUSIONS & RECOMMENDATIONS	16

FIGURES

Figure 1: Site Location of 13-23 Pattys Place and 301-335 Mulgoa Road Jamisontown.	5
Figure 2: Deposited Plan for Lot 10, DP 1046110 - 13-23 Pattys Place Jamisontown.	7
Figure 3: Strata Plan for SP72448 – 301-335 Mulgoa Road, Jamisontown NSW 2750.....	8
Figure 4: Tenancy plan.....	9

1. INTRODUCTION

Hamptons Property Services (Hamptons) has been retained by Calardu Penrith Pty Ltd (the Applicant) in relation to the land known as Shop 260, 13-23 Pattys Place and 301-335 Mulgoa Road, Jamisontown, also known as the Penrith Homemakers Centre.

The purpose of the application is to change the use from a previously occupied tenancy for kitchen renovation purposes, to a take away food and drink premises. The proposed use, which is defined as:

***take away food and drink premises** means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.*

***Note.** Take away food and drink premises are a type of **food and drink premises**¹—see the definition of that term in this Dictionary.*

The proposed use is permissible within the **B5 Business Development** zone, pursuant to the Penrith Local Environmental Plan 2010 (the LEP).

The application also involves the necessary works required to complete the tenancy fitout, including the subdivision of the tenancy which was previously larger in size (260m², the remainder shown in blue at Figure 4). The tenancy will be 80m² (shown in red at Figure 4).

The proposed works will be undertaken in accordance with the relevant Building Code of Australia requirements and the Australian standards for the fit out of food premises.

The proposed development is consistent with the relevant environmental planning requirements; as such this application should be approved in accordance with standard conditions of consent, by Penrith City Council.

¹ **food and drink premises** means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe, (b) take away food and drink premises, (c) a pub, (d) a small bar.

Note. Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary

2. SITE DETAILS

The following table provides the relevant site details and advice as contained in the section 10.7 certificate.

Property Address	13-23 Pattys Place, Jamisontown 301-335 Mulgoa Road, Jamisontown
Legal Description	Lot 10, Deposited Plan 1046110 (13-23 Pattys Place) Strata Plan SP 72448 (301-335 Mulgoa Road)
Site Area	13.86ha
Tenancy No.	Tenancy 260
Tenancy Area	180m ²
Slope Direction	Generally flat
Existing Use	Vacant, but forms part of the approved bulky goods centre
Critical Habitat	No
Conservation Area	No
Heritage Item	No
Coastal Protection	No
Mine Subsidence	No
Road Widening or Realignment	No - 13-23 Pattys Place is not affected by road widening plans. Yes - 301-335 Mulgoa Road - RMS has informed Council of an intention to acquire a portion of the land for future road widening purposes. Please note that the affected land is not yet zoned for future road widening purposes.
Hazard Risk Restriction	No Note. The land is affected by the Asbestos policy adopted by Council.
Flood Planning	Yes - land is subject to flood related development controls.
Acquisition	No
Biodiversity Certified Land	No
Bushfire Prone Land	Yes - 13-23 Pattys Place is a bushfire prone land. No - 301-335 Mulgoa Road is not a bushfire prone land.
Property Vegetation Plan	No
Contamination	No
Scenic and landscape Values	Yes - land is identified as land with Scenic and Landscape Values

Note: the information above was taken from Planning Certificate 10.7(2) and (5), certificate number 18/04899 issued 14 September 2018 and from Planning Certificate 10.7(2) and (5), certificate number 18/04900 issued 14 September 2018.

Figure 1: Site Location of 13-23 Pattys Place and 301-335 Mulgoa Road Jamisontown.



Source: <https://maps.six.nsw.gov.au/>

Statement of Environmental Effects – 13-23 | Pattys Place | Jamisontown



Statement of Environmental Effects – 13-23 | Pattys Place | Jamisontown



Figure 4: Tenancy plan



Source: Leffler Simes Architects

3. THE PROPOSED DEVELOPMENT

As stated previously, it is proposed to use the tenancy for the purpose of a *take away food and drink premises*.

The proposed works are generally in accordance with the plans prepared by Marten Architecture.

The tenancy is 80m² in area and will be subdivided from the balance of the previously occupied area, leaving 180m² vacant. A code-compliant inter-tenancy wall will be provided between the two tenancies.

All works will comply with the relevant requirements of the Building Code of Australia and the Australian Standards for Food Safety.

The Annual Fire Safety Certificate for the premises accompanies this application.

4. SECTION 4.15 ASSESSMENT

Section 4.15 of the Environmental Planning & Assessment Act 1979 (EP & A Act) sets out the matters for consideration when a consent authority is assessing a development application. These matters are addressed below.

Clause No.	Title/Clause	Comment
4.15	Evaluation	
(1)	Matters for consideration—general	
	In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
	(a) the provisions of:	
	(i) any environmental planning instrument, and	State Environmental Planning Policy No. 55 – Remediation of land (SEPP 55) Penrith Local Environmental Plan 2010
	(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 (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	Not applicable

	(iii) any development control plan, and	
	(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Penrith Development Control Plan 2010
	(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	Not applicable
	(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),	Not applicable
	that apply to the land to which the development application relates,	
	(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,	The likely impacts of the development are extremely limited. The proposed take away food and drink premises is located within an existing bulky goods centre, is limited in area and confined within an existing tenancy. It has no external relationship to the site and would be used by customers attending the centre. Therefore, it will not alter the car parking arrangements for the site, nor demand on traffic generation.
	(c) the suitability of the site for the development,	The proposed use is contained within an existing, approved tenancy location that is suited for its purpose. It also accords with the objectives of the zone and will assist to service patrons attending the site. It does not change the dominant use of the site, which is for bulky goods purposes. The site is therefore suitable for the proposed development as a take away food and drink premises.
	(d) any submissions made in accordance with this Act or the regulations,	The Applicant is willing to respond to any submissions made during the course of the exhibition of the application, if that is deemed necessary by the consent authority.
	(e) the public interest.	The public interest is best served through the use of this tenancy. It is currently vacant and its use will generate increased passage within and utilisation of the centre to uphold the

		<p>overall intentions of the premises.</p> <p>It will also complement the shopping experience of patrons to the centre and encourage them to visit a location that services their needs in a comfortable manner.</p> <p>The application is therefore in the public interest.</p>
--	--	--

SEPP 55

Matters pertaining to SEPP 55 are addressed below.

Clause No.	Title/Clause	Comment
7	(1) A consent authority must not consent to the carrying out of any development on land unless:	
	(a) it has considered whether the land is contaminated, and	The subject land is not contaminated. Such matters were contemplated with the original approval for the bulky goods centres on the site.
	(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	Not applicable
	(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Not applicable
	(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.	Not applicable The land is not subject to subclause (4).
	(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The	Not applicable

	consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.	
	(4) The land concerned is:	
	(a) land that is within an investigation area,	
	(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,	
	(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:	
	(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and	
	(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).	

The LEP

The relevant matters contained in the LEP are addressed below.

Development Standard	Controls	Comment	Compliance
Part 1 - Preliminary			
Clause 1.2 – Aims	(b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with	The proposed use of the existing tenancy within the existing, approved bulky goods centre, will contribute to the vision of growth for Penrith.	✓

	harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,		
	(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,	The proposed development fosters employment growth by filling an existing vacant tenancy within the site, therefore protecting the investment opportunity associated with Penrith Homemaker Centre	✓
	(g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,	The proposed development will have no adverse consequence on the sensitive character of the site as noted at Clause 7.8.	✓
Clause 1.4 – Definitions (Dictionary)	<i>Take away food and drink premises</i>	The proposed development is for the said purpose.	✓
Clause 1.6 – Consent Authority	Penrith City Council		✓
Part 2 Permitted or prohibited development			
2.1 Land use zones	B5 Business Development		✓
	To enable a mix of business and warehouse uses, and specialized retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.	The proposed development will complement the existing businesses within the Penrith Homemaker Centre, providing a complementary use to the principal purpose of the site.	✓
	To maintain the economic strength of centres in Penrith by limiting the retailing of food, groceries and clothing.	No such retailing as described, is proposed	✓
	RU4 Primary Production Small Lots	The portion of the site on which development is to occur does not fall within this zone.	Not applicable
Part 4 Principal development standards			

4.1 Height of Buildings	The maximum building height permitted is 12 metres.	All works are contained within the existing, approved building.	Not Applicable
4.4 Floor Space Ratio	There is no FSR standard for the subject site.	The proposed use of an existing tenancy forms part of approved floor space. As such there is no change in this regard proposed.	Not Applicable
Part 7 – Additional Local Provisions			
Clause 7.8 – Protection of scenic character and landscape values	Objectives (a) to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places	All works are contained within the existing building form.	Not applicable
	(b) to ensure development in these areas is located and designed to minimise its visual impact.	As above.	Not applicable

Penrith DCP

Given the small scale nature of this application, there are a limited number of relevant provisions.

Advertising and signage:- the proposed development seeks to provide business identification signage on the tenancy only, in accordance with the plans accompanying this application.

Transport, access and parking:- the proposed use will take place within an existing tenancy, the car parking rates of which have previously been accounted for. The small scale nature of the use, as an ancillary aspect to the bulky goods centre, will have no adverse impact on traffic generation associated with the site.

Noise & vibration:- given the proposed use is contained within the existing building, it will have no adverse effect within the building itself, nor on neighbouring landholdings.

Part D3 of the DCP addressed **Commercial and Retail Development**, with Part 3.1 specifically addressing Bulky Goods Retailing. While the proposed use and associated fit out works are not specifically for a bulky goods purpose, they are contained within an existing centre.

The tenancy is internalised within the centre which, while the preference is for these to be to the street frontage, there are currently no available tenancies at the street frontage or adjacent car parking areas, that would assist to attract interest at street level. However, the location of the tenancy is within a vibrant section of the centre, with wide area surrounding this and good lighting to promote a degree of activation attached to it.

5. CONCLUSIONS & RECOMMENDATIONS

Hamptons has been retained by Calardu Penrith Pty Ltd in relation to the land known as 13-23 Pattys Place and 301-335 Mulgoa Road, Jamisontown, known as the Penrith Homemakers Centre. This development application seeks development consent for use of existing tenancy T260, for the purpose of a take away food and drink premises and associated fit out works. The tenancy is 80m² in area.

The site is located in the B5 Business Development zone pursuant to the LEP and the proposed use is permissible with development consent from the Council (Clause 1.6).

The proposal is consistent with the zone objectives and will not compromise the desired outcomes under the various planning instruments.

This being the case, it is recommended that the development application be approved in accordance with the accompanying plans and the Council's standard conditions of development consent.