

PENRITH CITY COUNCIL

MAJOR ASSESSMENT REPORT

Application number:	DA17/0204
Proposed development:	Modifications to Trading Hours of Nando's Restaurant (Shop 54/55)
Property address:	569 - 595 High Street, PENRITH NSW 2750
Property description:	Lot 1 DP 1137699
Date received:	20 March 2017
Assessing officer	Sufyan Nguyen
Zoning:	Zone B3 Commercial Core - LEP 2010
Class of building:	Class 6
Recommendations:	Approve

Executive Summary

Council is in receipt of a development application for a modification to the hours of operation for a Nando's restaurant at Westfield Penrith, 569 - 595 High Street, Penrith. The subject site is zoned B3 Commercial Core and the proposal is a permissible land use with Council consent.

The hours of operation approved via the CDC for the use are 7:00am to 10:00pm Monday to Saturday and 7:00am to 8:00pm on Sundays and public holidays. The proposed hours of operation are 7:00am to 10:00pm daily, including public holidays.

An assessment of the proposal under Section 79C of the *Environmental Planning and Assessment Act 1979* has been undertaken and the application is recommended for approval, subject to recommended conditions.

Site & Surrounds

The subject premises is known as Nando's restaurant at Westfield Penrith, 569 - 595 High Street, Penrith. The site is legally described as Lot 1 DP 1137699. The premises is situated on the western side of Riley Street, Penrith. The ground floor shop occupies Westfield Penrith (Penrith Plaza) shopping centre and is located between Henry Street (south) and Jane Street (north). The shopping centre accommodates a range of retail and commercial land uses and makes provision for several hundred car parking spaces.

The broader road network includes Jane Street 80m to the north of the premises, the intersections of Mulgoa Road and Jamison Road 1.395km to the south-east and Mulgoa Road and the M4 Motorway 3.25km to the south-east. Available public transport modes include bus services and the Penrith Railway Station approximately 240m north-east of the premises.

Proposal

The applicant seeks approval for modifications to the approved hours of operation for a Nando's restaurant. The current hours of operation are 7:00am to 10:00pm Monday to Saturday and 7:00am to 8:00pm on Sundays and public holidays. The proposed hours of operation are 7:00am to 10:00pm daily, including public holidays.

Plans that apply

- Local Environmental Plan 2010 (Amendment 4)
- Development Control Plan 2014

Planning Assessment

• Section 79C - Evaluation

The proposed development has been assessed in accordance with the matters for consideration under Section 79C of the *Environmental Planning and Assessment Act 1979*, and having regard to those matters, the following issues have been identified for further consideration.

Section 79C(1)(a)(i) The provisions of any environmental planning instrument

Local Environmental Plan 2010 (Amendment 4)

Provision	Compliance
Clause 1.2 Aims of the plan	Complies - See discussion
Clause 2.3 Permissibility	Complies
Clause 2.3 Zone objectives	Complies - See discussion
Clause 7.8 Active street frontages	Complies
Clause 8.1 Application of Part	Complies

Clause 1.2 Aims of the plan

The proposal aims to increase servicing capacity by extending the hours of operation which will in turn increase economic productivity. The proposed hours of operation are similar with other restaurants in the Penrith City Centre and therefore there are no major concerns in regards to adverse social impacts on the locality. Given that economic development is vital for Penrith City's vision of achieving a sustainable city, the proposal satisfies the aims of the plan.

Clause 2.3 Zone objectives

The proposed hours of operation are suitable for the context of the area and will consequently provide greater employment opportunities. The proposal therefore satisfies the aims of the B3 Commercial Core zone.

Section 79C(1)(a)(iii) The provisions of any development control plan

Development Control Plan 2014

Provision	Compliance
DCP Principles	Complies - see Appendix - Development Control Plan Compliance
C1 Site Planning and Design Principles	N/A
C2 Vegetation Management	N/A
C3 Water Management	N/A
C4 Land Management	N/A
C5 Waste Management	N/A
C6 Landscape Design	N/A
C7 Culture and Heritage	N/A
C8 Public Domain	N/A
C9 Advertising and Signage	N/A
C10 Transport, Access and Parking	Complies
C11 Subdivision	N/A
C12 Noise and Vibration	N/A
C13 Infrastructure and Services	N/A
D3.1. Bulky Good Retailing	N/A
D3.2. Sex Services Premises	N/A
D3.3. Restricted Premises	N/A
E11 Penrith	Complies

Section 79C(1)(a)(iiia) The provisions of any planning agreement

There are no planning agreements applying to the proposal.

Section 79C(1)(a)(iv) The provisions of the regulations

Subject to the recommended conditions of consent, the proposed development will comply with the relevant requirements of the Regulations.

Section 79C(1)(b)The likely impacts of the development

Access, Transport and Traffic

The proposal will have negligible impacts on local traffic and parking conditions given that Westfield Penrith makes provision for several hundred on-site parking spaces. Commuter parking is also located 90m north of the premises on Jane Street and public transport modes are in close proximity to the site.

Environmental Impacts

The proposal does not require any construction works.

Socio-Economic Impacts

The proposal aims to increase economic activity which will assist in stimulating socio-economic growth in the Penrith City Centre. Given that the proposed hours of operation are similar to existing restaurants in the Riley Street dining area, it is unlikely the proposal will adversely impact on local businesses.

Section 79C(1)(c)The suitability of the site for the development

The site is located within Riley Street's dining precinct which accommodates late hours of operation for a range of food and drink premises. The proposal does not involve any works and therefore there will be no adverse impacts on the surrounding environment and there are no hazardous land uses in close proximity to the site. The site is therefore suitable for the proposed development.

Section 79C(1)(d) Any Submissions

Community Consultation

In accordance with Appendix F4 of the Penrith Development Control Plan 2014, notification of the proposed development was not required.

Section 79C(1)(e)The public interest

Given the nature and scale of the proposed development, the proposal will not generate any significant issues of public interest.

Conclusion

In assessing this application against the relevant environmental planning policies including the *Penrith Local Environmental Plan 2010* and Penrith Development Control Plan 2014, the proposal satisfies the aims, objectives and provisions of these policies. The proposal does not contravene any development standards and is unlikely to have any significant impacts on the natural, social or economic environments. The site is suitable for the development and the proposal is in the public interest. Therefore, the application is worthy of support and is recommended for approval subject to recommended conditions.

Recommendation

That DA17/0204 for modifications to the hours of operation for a Nando's restaurant at Westfield Penrith, 569 - 595 High Street, Penrith be approved subject to the attached conditions.

CONDITIONS

General

1 [A001](#)

The development must be implemented substantially in accordance with the approved plans and conditions issued via the development approvals for CDC No. 4212/0 and DA16/0083.

Drawing Title	Prepared By	Reference No.	Dated	Revision
Location & Site Plan	Design Clarity	A-00	07/03/2017	A

2 [A029 - HOURS OF OPERATION AND DELIVERY TIMES](#)

The approved operating hours are from 7:00am to 10:00pm daily, including public holidays.

Appendix - Development Control Plan Compliance

Development Control Plan 2014

Part B - DCP Principles

The proposal will contribute to sustainable outcomes given that additional hours of operation will drive socio-economic growth in the Penrith City Centre which will in turn strengthen the local region. The proposed hours of operation are not considered likely to result in any adverse impacts on the surrounding area. The proposed development therefore satisfies the key principles of the DCP.