

STATEMENT OF ENVIRONMENTAL EFFECTS

LENNOX SHOPPING CENTRE: CAR WASH

18 JUNE 2019
FINAL
PREPARED FOR VICINITY CENTRES PM PTY LTD

URBIS

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Jacqueline Parker
Consultant	Grace Macdonald
Assistant Planner	Natalie Yasmine
Project Code	P5919
Report Number	Final

© Urbis Pty Ltd
ABN 50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

urbis.com.au

Document Set ID: 8739454

Version: 1, Version Date: 19/06/2019

TABLE OF CONTENTS

1.	Introduction	1
2.	Site and Surrounding Context.....	2
3.	Proposed Development	3
4.	Statutory Planning Assessment.....	4
4.1.	State Environmental Planning Policy No. 55 – Remediation of Land.....	4
4.2.	Penrith Local Environmental Plan 2010.....	4
4.2.1.	Zoning, Permissibility and Objectives	4
4.2.2.	LEP Provisions.....	4
4.3.	Penrith Development Control Plan 2010	5
4.4.	Likely Impacts of the Development.....	9
4.5.	The Suitability of the Site	10
4.6.	Submissions.....	10
4.7.	The Public Interest.....	10
5.	Conclusion	11
	Disclaimer	12
	Appendix A Architectural PLans	13
	Appendix B Traffic Impact Assessment	14
	Appendix C Construction Management Plan	15
	Appendix D Waste Management Plan	16

FIGURES:

Figure 1 – Aerial view of the site	2
--	---

TABLES:

Table 1 – Penrith LEP Compliance Assessment.....	4
Table 2 – Penrith DCP Summary Compliance Assessment	5

1. INTRODUCTION

This Statement of Environmental Effects (**SEE**) has been prepared on behalf of Vicinity Centres PM Pty Ltd to accompany a Development Application (**DA**) seeking consent for the erection of a new retail tenancy within the existing Lennox Village Shopping Centre car park located on the corner of Great Western Highway and Pyramid Street, Emu Plains.

This SEE identifies and responds to the relevant statutory planning controls and policies that apply to the site, with particular reference to the relevant heads of consideration listed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This SEE includes the following components:

- A description of the site and its surrounds;
- A description of the proposal;
- An assessment of the proposal against the provisions of Section 4.15 of the EP&A Act; and
- A discussion of the key planning considerations and impacts of the proposal.

To gain a full understanding of the proposal this letter should be read in conjunction with the following:

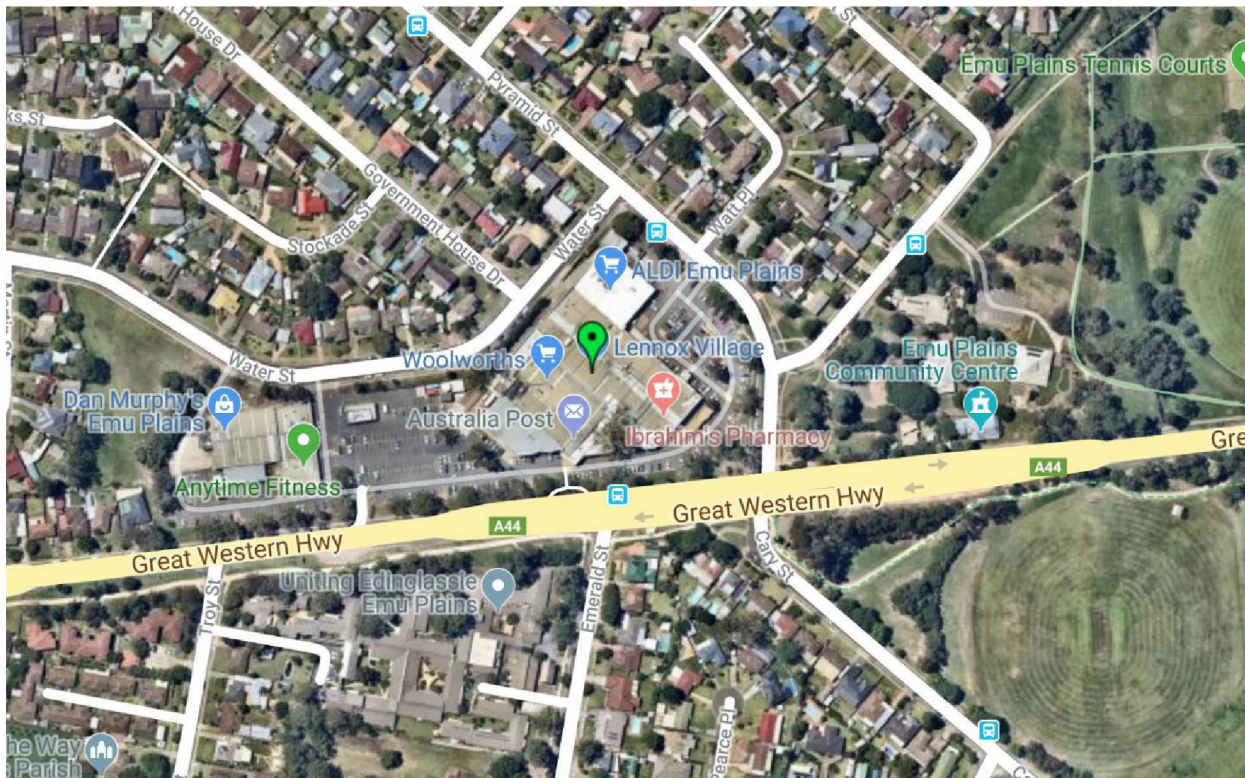
- **Appendix A** – Architectural Plans
- **Appendix B** – Traffic Impact Assessment
- **Appendix C** – Construction Management Plan
- **Appendix D** – Waste Management Plan

2. SITE AND SURROUNDING CONTEXT

The Lennox Village Shopping Centre is located on the corner of Great Western Highway and Pyramid Road, Emu Plains, 52km west of the Sydney CBD within the Penrith Local Government Area (LGA). Lennox Village Shopping Centre comprises a single storey neighbourhood centre of 40 speciality shops as well as the major anchor tenants: Aldi and Woolworths.

The site is legally described as Lot 1, DP610862 and is approximately 3,371m² in size. The site has three main frontages of 278m to Water Street, 213m to Pyramid Street and 349m to Great Western Highway.

Figure 1 – Aerial view of the site



Source: Nearmap

3. PROPOSED DEVELOPMENT

This Development Application has been prepared to facilitate the use and operation of a portion of the Lennox Village Shopping Centre car park as a car wash with the construction of associated infrastructure to facilitate this use. In summary development approval is sought for the following:

Use

- Use of seven existing parking spaces for a car wash, including wash bay, drying and vacuum areas.

Awning and Additional Parking Spaces

- Line marking for additional two parking spaces surrounding an existing tenancy.
- Construction of an all-weather awning over the identified carwash area.
- Construction of a small enclosure structure for storage associated with the car wash operation.
- Installation of appropriate wastewater (sewer) facilities.

Hours of Operation

The car wash is proposed to operate between 8am to 8pm seven days a week.

Waste Management

Waste generated by the tenancy will be minimal. It will be stored on the site in bins, and taken to the on site rubbish collection on a daily basis by staff. Details on the waste management for the proposed development can be viewed at **Appendix D**.

The above should be read in conjunction with the Architectural Plans included at **Appendix A** to gain a full understanding of the project.

4. STATUTORY PLANNING ASSESSMENT

The following environmental assessment addresses the relevant matters pursuant to Section 4.15 of the EP&A Act.

4.1. STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

State Environmental Policy No. 55 – Remediation of Land (SEPP 55) provides a State-wide planning approach for the remediation of land. SEPP 55 promotes the remediation of contaminated land for the purpose of reducing the risk and harm to human health and environment.

SEPP 55 requires that prior to determining a DA; the consent authority must consider if the land is contaminated and if contaminated, satisfied that the land is suitable in its current state (or will be made suitable after remediation) for the purpose for which the development is proposed to be carried out.

The nature of the works proposed will be of minor significance. The site is considered to be of low risk to contamination as a result of the historical land uses and the characteristics of the current development. If any unexpected contamination is found, the proponent will follow the contamination protocols outlined in SEPP 55 and Council's Development Control Plan, as well as an unexpected finds protocol.

4.2. PENRITH LOCAL ENVIRONMENTAL PLAN 2010

4.2.1. Zoning, Permissibility and Objectives

The site is zoned B2 Local Centre for the purpose of the *Penrith Local Environmental Plan 2010*. The relevant objectives of the B2 zone are:

- 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.*

The carwash proposed by this application is defined as a Business Premises which is permitted with consent within the B2 Local Centre Zone. The proposal is considered to provide a service for people who live in, work in and visit the local area whilst encouraging employment opportunities. In this regard, the proposal is considered to be both permissible and in keeping with the zone objectives.

4.2.2. LEP Provisions

The following table provides an assessment of the proposed development against the relevant clauses contained within the Penrith LEP 2010.

Table 1 – Penrith LEP Compliance Assessment

Relevant Clause	Provision	Proposal	Complies
Clause 4.3 – Building Height	15m	3.8m	Yes.
Clause 4.4 –	N/A	N/A – No additional floor space.	Yes.

Relevant Clause	Provision	Proposal	Complies
Floor Space Ratio (FSR)			
Clause 5.10 – Heritage Conservation	Conserve the heritage significance of heritage items and heritage conservation areas.	Site is not a heritage item or within a conservation area.	N/A

4.3. PENRITH DEVELOPMENT CONTROL PLAN 2010

The relevant matters to be considered under the Penrith Development Control Plan 2010 are outlined below in the DCP summary compliance table.

Table 2 – Penrith DCP Summary Compliance Assessment

Control	Comment	Complies
C6 Landscape Design		
6.1.1 Development Process		
This section classifies all development in the Penrith local government area into 3 categories (see Table C6.2 below). Each of these categories has different requirements in relation to the landscape design component of the development.	The proposal relates to work identified as being Class 1 as it relates to minor alterations and additions to an existing commercial facility.	Yes.
6.1.3 Protection of the Environment		
<u>Landscape Character</u> Remnant native vegetation should be retained, managed and incorporated into landscape designs to conserve the natural biodiversity across the landscape.	No remnant native vegetation will be removed as a result of the proposal.	Yes.
Landscape design should enhance the amenity and visual quality of the site. Landscaping solutions are to be used to screen and enhance visually obtrusive land uses or building elements within their setting.	Existing landscaping of the site is considered to enhance the amenity and visual quality of the site. Augmentation of the landscaping is not considered appropriate or necessary to facilitate the proposed development.	Yes.
<u>Integration of Design</u>	As detailed previously no landscape works are proposed. Further augmentation of existing	Yes.

Control	Comment	Complies
Generally, Council requires that dominant positive streetscape elements are to be continued in the design of any landscaping works to ensure that the development integrates into and enhances the existing streetscape character.	landscape is not considered appropriate or necessary to facilitate the proposed development.	
<p><u>Community Safety</u></p> <p>All landscape designs should promote the safety of the community through the maximisation of natural surveillance and appropriate lighting. Such measures include the following:</p> <ul style="list-style-type: none"> • Appropriate levels of lighting of public spaces such as driveways, gardens and links through the site; • Appropriate lighting and visibility of the entry to dwellings; • Provision of appropriate plant species that minimise opportunities for concealment of intruders and do not provide hidden recesses; • At driveways, street intersections and other crossing points, landscaping that does not block views between pedestrians and approaching vehicles. 	<p>The proposal will not impact on the existing provisions for natural surveillance and lighting currently in place for the site. The allocation of a viable use on the site will however allow for greater levels of casual surveillance to occur.</p> <p>The proposed two additional car parking spaces have been designed and located to ensure that the car park facilities can be safely used by all parties.</p> <p>Works as proposed do not allow opportunities for concealment of intruders and do not provide hidden recesses.</p>	Yes.
C10 Transport, Access and Parking		
10.2 Traffic Management and Safety		
Provision must be made for all vehicles to enter and leave properties in a forward direction other than for single dwellings.	All vehicles can enter the site in a forward direction.	Yes.
10.5 Parking, Access and Driveways		

Control	Comment	Complies
<u>Provision of Parking Spaces</u> Parking provided on site is to meet AS 2890 and where appropriate, AS 1428.	The new parking spaces proposed as part of this Development Application are capable of complying with AS2890.	Yes.
For any proposed development, Council will require the provision of on-site car parking to a standard appropriate to the intensity of the proposed development as set out in Table C10.2 below.	<p>The proponent has engaged Colston Budd Rogers & Kafes Pty Ltd to prepare a Traffic Impact Assessment for the site along with a supportive. The Assessment report prepared and attached as Appendix B of this SEE confirms the following:</p> <p>The proposed car wash will replace an area which currently provides 7 parking spaces, whilst effectively providing parking for 5 vehicles in the vacuum, drying and car wash bays. In addition, the proposed development has identified two additional car parking spaces west of an existing tenancy; as such</p> <ul style="list-style-type: none"> • there would be no net change in the number of parking spaces resulting from provision of the car wash. • the future users of the car wash are expected to be people already visiting the shopping centre. • traffic survey identified a minimum of 131 and 46 spaces were available in the car park on the Thursday and Saturday peak parking periods respectively; • the existing parking supply will therefore continue to accommodate the requirements of the centre, including the proposed car wash. 	Yes.
For existing developments, a new use must not commence or the floor area increased until the	As previously detailed the proposed car wash will replace an area which currently provides 7	Yes.

Control	Comment	Complies
required car park spaces have been provided on the site, corresponding to the land use outlined in Table C10.2.	<p>parking spaces, whilst effectively providing parking for 5 vehicles. Parking surveys of the site confirm that ample parking will be available on the site during peak demand periods. There is no net change in the number of parking spaces resulting from provision of car wash.</p> <p>The use of the site for a car wash is therefore supported and can proceed.</p>	
Where relevant, development shall provide on-site loading facilities to accommodate the anticipated heavy vehicle demand for the site.	The proposal will utilise the existing on site loading facilities of the site. Augmentation of these facilities are not considered required.	Yes.
<p><u>Design of Parking and Manoeuvring Areas</u></p> <p>Car space dimensions must comply with the relevant Australian Standards.</p>	As stated previously the works proposed are capable of complying with the relevant Australian Standards.	Yes.
Provision of parking spaces for disabled persons should be in accordance with the Access to Premises Standards, the Building Code of Australia and AS2890.	No alterations to the existing disabled parking spaces of the site are proposed as part of the subject application.	Yes.
Council will require all car parking areas to be constructed of hard standing, all weather material, with parking bays and circulation aisles clearly delineated.	The existing hard stand of the car parking facilities will be maintained.	Yes.
Large car parking areas (more than 5 vehicles) should be visually separated from access roads and from the buildings they serve by planting and other landscaping and should not be visually prominent from public roads, either through separation or screening.	Existing site landscaping is considered to provide appropriate visual separation as presently constituted.	Yes.

Control	Comment	Complies
All vehicles must be able to enter and leave the site in a forward direction without the need to make more than a three point turn.	All vehicles are capable of entering and leaving the site in a forward direction.	Yes.
Council may require the provision of internal directional signs to assist site visitors in locating parking areas.	Existing internal directional signage will be maintained as part of the application to provide appropriate way finding throughout the Lennox Village Shopping Centre.	Yes.
The design of the car park should ensure that passive surveillance is possible and, where appropriate, incorporate active measures such as cameras and security patrols. Car parks should be designed to minimise dark areas through the provision of appropriate lighting.	The proposed alterations to the car park facilities will not impact on the existing passive surveillance which is presently in place for the site as a whole.	Yes.
Loading docks associated with the development shall be provided on-site, with all loading and unloading activities occurring on-site.	The proposal will utilise the existing on site loading facilities. Augmentation of these facilities are not considered required.	Yes.
Access, parking, manoeuvring and loading facilities for commercial and industrial development shall be in accordance with AS 2890.2 - 2004 and accommodate vehicle types as outlined in Table C10.3.	As stated previously the operation and proposed additional parking spaces are capable of complying with all relevant Australian Standards.	Yes.

4.4. LIKELY IMPACTS OF THE DEVELOPMENT

Social Impacts

The proposal involves the location of an active use within an otherwise underutilised area within the Lennox Village Shopping Centre. This affords enhanced opportunities for incidental surveillance of the existing shopping mall and reduced opportunities for crime. The proposal, therefore, is anticipated to have a beneficial social impact.

Economic Impacts

The proposed use will encourage cross-patronage by customers of the car wash and other businesses within the Lennox Village Shopping Centre. The proposal, therefore, is anticipated to have a beneficial economic impact.

Environmental Impacts

Customers of the proposed car wash are expected to be people already visiting the shopping centre. They would be leaving their vehicle to be washed while undertaking their shopping at the centre. Therefore, while the spaces will be used for car washing, they will also effectively be used as car parking spaces for

customers of the centre. As the car wash business does not generate GFA, there will be no additional demand for parking spaces on the site.

Stormwater management for the car wash is proposed to connect to the existing stormwater system in place for the Lennox Village Shopping Centre. Waste water connection is proposed in the vacuum bay connecting to the existing sewerage network. Water runoff from the wash bay will be channelled through to an oil/water separator and ultimately discharge to sewerage network.

The impacts of demolition and construction works on the existing drainage system and environment will be mitigated by the provision and maintenance of sedimentation fencing where feasible, geotextile inlet filters, mesh and gravel filters. Regular checks will be made to ensure runoff measures are still in place and serviceable. The proposal, therefore, is anticipated to have a neutral environmental impact.

4.5. THE SUITABILITY OF THE SITE

The site is zoned B2 Local Centre under the *Penrith Local Environmental Plan 2010* where business premises are permitted with consent. The proposed development is appropriate for the site for the following reasons:

- The proposal is permissible in the zone as a commercial use, and is consistent with the objectives of the B2 Local Centre zone.
- More broadly, the proposal will complement the existing operation of the shopping centre, providing a car wash service for otherwise existing centre customers whilst they undertake their shopping.
- The proposal will not generate any externalities such that it will cause nuisance to neighbouring residents.

Accordingly, the proposal is considered suitable for the site.

4.6. SUBMISSIONS

Following the exhibition of the DA, if required the applicant will respond to any submissions received.

4.7. THE PUBLIC INTEREST

The proposal is in the public interest as it is suitable for the site and satisfies the objectives of the B2 Local Centre zone. The proposed development is also consistent with the relevant planning controls under the *Penrith Local Environmental Plan 2010* and the *Penrith Development Control Plan 2010*.

The assessment undertaken in the preparation of this SEE has identified no likely adverse environmental impacts arising from the proposal, subject to compliance with the proposed waste management strategy and Council's standard conditions of consent.

5. CONCLUSION

As demonstrated within this report and the attached documentation, the proposal is satisfactory under Section 4.15 of the *Environmental Planning and Assessment Act 1979*, and as such it is recommended that approval be granted to the proposal.

DISCLAIMER

This report is dated 18 June 2019 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Vicinity Centres PM PTY LTD (**Instructing Party**) for the purpose of Development Application (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A ARCHITECTURAL PLANS

APPENDIX B TRAFFIC IMPACT ASSESSMENT

APPENDIX C CONSTRUCTION MANAGEMENT PLAN

APPENDIX D WASTE MANAGEMENT PLAN

