



Statement of Environmental Effects

CHANGE OF USE AND MINOR
INTERNAL BUILDING WORK

597-599 HIGH STREET,
PENRITH

5 JUNE 2021



QUALITY ASSURANCE

PROJECT:	Change of Use and Minor Internal Building Work
ADDRESS:	597-599 High Street, Penrith
LOT/DP:	Lot 1033 in DP849297
COUNCIL:	Penrith Council
AUTHOR:	Think Planners Pty Ltd

Document Management

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Integrated Development (under S4.46 of the EP&A Act). Does the development require approvals under any of the following legislation?

Coal Mines Subsidence Compensation Act 2017	No
Fisheries Management Act 1994	No
Heritage Act 1977	No
Mine Subsidence Act 1992	No
Mining Act 1992	No
National Parks and Wildlife Act 1974	No
Petroleum (Onshore) Act 1991	No
Protection of the Environment Operations Act 1997	No
Roads Act 1993	No
Rural Fires Act 1997	No
Water Management Act 2000	No
Concurrence	
SEPP 64- Advertising and Signage	No
SEPP Coastal Management 2018	No
SEPP (Infrastructure) 2007	No
SEPP (Major Development) 2005	No
SREP (Sydney Harbour Catchment) 2005	No

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EXECUTIVE SUMMARY

This Statement of Environmental Effects has been prepared in support of a Development Application to facilitate a change of use to the atrium foyer at Joan Sutherland Centre to a cafe as well as minor internal building works.

The proposal seeks consent for the following:

- Relocation of the existing box office, minor building works to facilitate repurposing of this space as a storage area.
- Change of use of the existing atrium bar to a new café with associated indoor dining area and alfresco dining area directly adjoining.
- Creation of a new box office which will allow for wheel chair access as shown in the enclosed plans.

The installation of a café is an opportunity for Council to improve the amenity of the Joan and encourage a broader patronage base. The café is to be installed at the atrium foyer as shown in the attached plans. A café will secure a commercial offering to support the Joan operations and the outdoor dining space will improve activation of this space and adjoining public areas.

An existing commercial kitchen is located within the building and will be used for some of the food preparation area with the café area itself also used for food preparation. The new café will focus on heating up food and toasting sandwiches rather than deep frying food. Please note the application does not comprise the existing kitchen which already has approval.

The subject site is zoned B3 Commercial Core under the Penrith Local Environmental Plan 2010. There is a maximum building height of 20m and maximum floor space ratio of 1.5:1 under Penrith Local Environmental Plan 2010. This proposal does seek to make any external changes to the built form as such this proposal does not seek additional gross floor area or any increase to the approved built form.

The development seeks to utilise the land in accordance with the zoning with the proposal strictly limited to internal works with no change to the approved building envelope, building height, floor space ratio and setbacks. The only exception are a small number of external tables and chairs for the outdoor dining area. These are not permanent fixtures.

The proposal is a low-impact development as it will have minimal adverse environmental, or amenity impacts and provides an appropriate outcome on site in an appropriate location.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social, or economic impacts, and that the proposal represents an appropriate use of well-located land; the application is submitted to Council for assessment. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant, and appropriate conditions of consent.



SITE AND LOCALITY

LEGAL DESCRIPTION

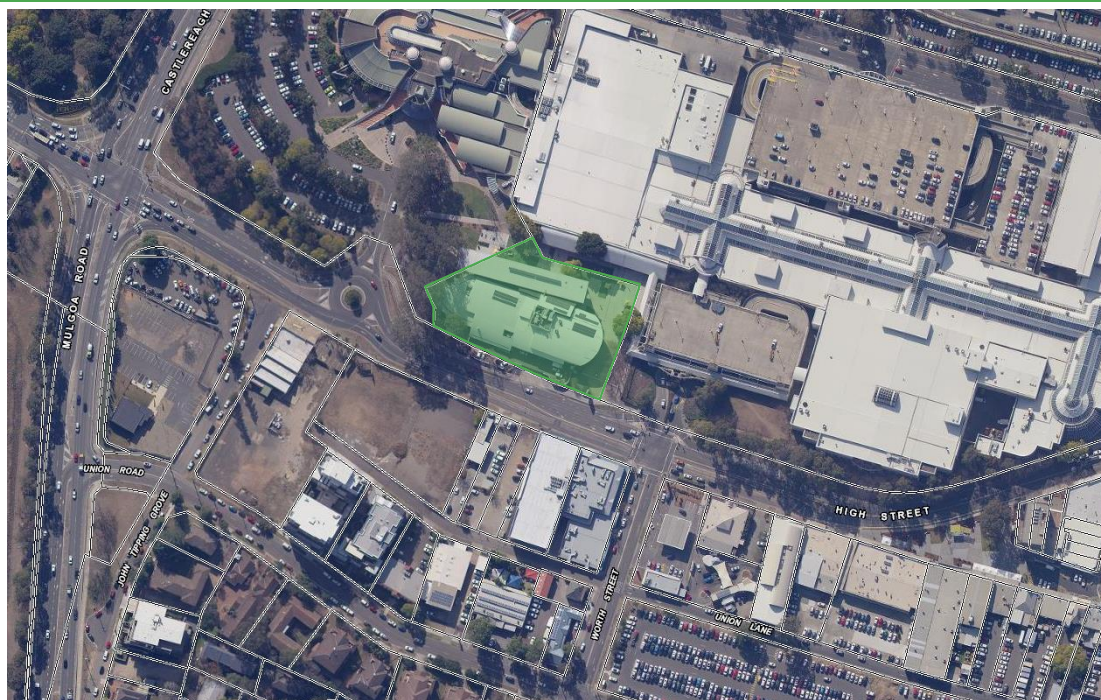
The subject site is legally described as Lot 1033 in DP 849297, though more commonly known as 597-599 High Street, Penrith.

SUBJECT SITE

The subject site can be best described as a large irregular shaped allotment with a frontage to High Street. The Joan is one of the leading performing arts venues in Penrith as well as home to the Penrith Conservatorium of Music and several other smaller community groups. Annually, it is estimated that the Joan has 122,710 people come through its doors.

An aerial map extract of the site is provided below demonstrating its relationship with adjoining land parcels.

Figure 1: Aerial Map Extract of the Subject Site (Source: Six Maps 2020)



■ Subject Site

DESCRIPTION OF PROPOSAL

This Development Application seeks consent to facilitate a change of use to the atrium foyer at Joan Sutherland Centre to a café.

The proposal seeks consent for the following:

- Relocation of the existing box office, minor building works to facilitate repurposing of this space as a storage area. The new storage area is to be 9m² in size.
- Change of use of the existing bar to a new café with associated indoor dining area and alfresco dining area directly adjoining. The new café is to be a total of 19m² in area with an associated storage area of 16m².
- The total seating area for the café equates to 66m² with 40m² internal within the existing building and 26m² within the undercroft area.
- Creation of a new box office which will have wheel chair access as shown in the enclosed plans which is 11m² in area.

Outdoor dining space

- Outdoor dining will take place in the current undercroft of the Joan façade with access from the new external doors. Stacking/sliding doors will be required in the foyer to open out straight onto the outdoor dining space.
- Moveable outdoor planter boxes, or fabric barriers and removable dining furniture can be utilised to delineate the outdoor dining area.

Relocation of box office

The box office currently sits at the eastern end of the Joan in the atrium foyer by moving this to the centre of the Joan, the current box office is to be converted for storage space.

Hours of Operation

The proposed hours of operation are 7am to 9pm Sunday to Wednesday, 7am to 11pm Thursday to Saturday. It is considered the hours of operation are appropriate as the proposal is located within an established commercial precinct and residential uses are prohibited in this zone.

Signage

The proposal will provide concept dimensions on the plans for future signage. As detailed below:

- Proposed sign dimensions = 660 x 2400- See Section 3 of the architectural plans
- Proposed sign dimensions = 1000 x 2000 – See Outdoor Elevation 1 for detail

A separate signage development application will be required once the full signage details are known. At this stage signage details are only shown to demonstrate they can be fully integrated with the architectural design of the building. When further details of the signage are known, further consent will need to be obtained and at that stage SEPP 64 will be addressed.

The installation of a café at the Joan is an opportunity for Council to improve the amenity of the Joan and encourage a broader patronage base. A café will secure a commercial offering to support the Joan operations and the outdoor dining space will improve the use of the Mondo.

PRE DA MEETING

A Pre DA Meeting was held with Penrith City Council staff on the 18 May 2021. The table below provides detail on the key matters raised and how the proposal has addressed the comments. Please note that Pre DA notes were not provided at the time of writing this report.

Key Issues	Design Responses
Acoustic Concerns	Councils environmental officer confirmed a noise management plan was suitable for the proposed development. A Noise Management Plan is provided with this application.
Waste Management	<p>A demolition waste management plan is provided with this submission.</p> <p>In terms of the ongoing waste management, the café operator will ensure staff place waste and recycling into separate bins that are located in the loading dock. Recycling bins and residual bins will be provided to promote recycling. Bins will be kept clean and in good condition.</p> <p>Appropriate personal protective equipment (PPE) will be provided for all people handling waste or bins; and appropriate gloves and other PPE should be always used.</p>
Building Requirements	At the Pre DA meeting, Council staff were uncertain whether an access report is to be provided. An access report can be provided if necessary. It is worth noting, the proposal has been designed in accordance with the relevant standards within the BCA and all relevant Australian Standards.
Signage	Signage dimensions will be provided on the final architectural plans as part of this Development Application. However, a separate Development Application for signage will be lodged in the near future and once a future operator of the café is known.
Servicing	The servicing and loading bay access to the proposed café is considered appropriate. The proposal will utilise the servicing area to collect deliveries and dispose of waste. The serving area is located on the corner of the building with existing vehicular access provided from High Street.

CONSIDERATION OF PLANNING CONTROLS

The following summarises the relevant key planning controls in relation to the proposal and the compliance of each.

PENRITH LOCAL ENVIRONMENTAL PLAN 2010

As evident via the zoning map extract, the development site is zoned B3 Commercial Core under and permitted a maximum building height of 20m and maximum floor space ratio of 1.5:1 under Penrith Local Environmental Plan 2010.

Figure 2: Zoning Map Extract (Source: Penrith LEP 2010)



The development seeks to utilise the land in accordance with the zoning with the proposal strictly limited to internal works with change of use with no change to the approved building envelope, building height, floor space ratio and setbacks.

The proposal is a low-impact development as it will have minimal adverse environmental, or amenity impacts and provides an appropriate outcome on site in an appropriate location.

'Food and drink premises' are permissible with consent within the B3 zone.

The proposal consistent with the definition contained within the Local Environmental Plan:

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—

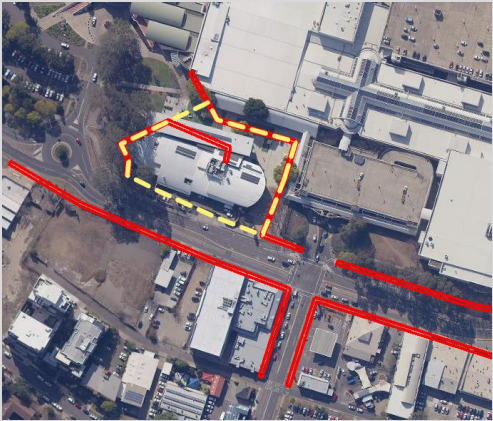
- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub,
- (d) a small bar.

The development proposal is consistent with the prescribed zone objectives under the B3 zone that are stipulated as:

- To provide a wide range of retail, business, office, entertainment, community, and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To strengthen the role of Penrith City Centre as the business, retail, and cultural centre of the region.

The table below provides detail on the development standards relevant to the current proposal as well as other relevant LEP provisions.

Penrith Local Environmental Plan 2010 – Compliance Table			
Clause	Controls	Comment	Complies
Zoning	B3 Commercial Core	A food and drink premises are permissible with Council consent in the B3 Commercial Core zone.	Yes
Part 2 Permitted or Prohibited Development			
2.3	Zone Objectives and Land Use Table	The proposal is consistent with the zone objectives of the B3 Commercial Core zone and will contribute towards revitalizing the Joan Sutherland Centre without adversely impacting on adjoining land or the wider environment.	Yes

2.6	Subdivision	Not applicable.	N/A
2.7	Demolition Requires Consent	Only minor internal partitions to be demolished as per the plans provided. Please note that a demolition waste management plan is provided with this submission.	Yes
Part 4 Principal Development Standards			
4.3	Height of Buildings	No change to building height approved.	Yes
4.4	Floor Space Ratio	No change to FSR approved.	Yes
Part 7 Additional Local Provisions			
7.2	Flood Planning	Not applicable.	N/A
7.3	Development on Natural Resources Sensitive Land	Not applicable.	N/A
7.5	Protection of Scenic Character and Landscape Values	Not applicable.	N/A
7.8	Active Street Frontages	The subject land parcel is identified as "Active Street Frontage" on the Active Street Frontage Map extract illustrated below:	Yes
			
<p>(5) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.</p> <p>The proposal provides a food a drink premises which will attract pedestrians to the ground floor use. The proposal has been designed to be consistent with the aim of creating site activation.</p>			

PENRITH DEVELOPMENT CONTROL PLAN 2014 – PART C – CITY-WIDE CONTROLS

All relevant Council controls have been considered in the following compliance table.

Penrith Development Control Plan 2014 – Part C – City-Wide Controls Compliance Table			
Clause	Controls	Comment	Complies
C1 Site Planning and Design Principles			
1.1	Site Planning	<p><u>1.1.1 Site Analysis</u></p> <p>A site analysis is not required for this application as this is predominantly an application for internal fit out work.</p>	N/A
1.2	Design Principles	<p><u>1.2.3 Building Form – Height, Bulk and Scale</u></p> <p>It is considered that the proposal will result in an appropriate outcome on site that responds to the unique characteristics of the site.</p> <p>The proposal is a low-impact development as it will have minimal adverse environmental, or amenity impacts and provides an appropriate outcome on site in an appropriate location.</p> <p>The proposal is strictly limited to the change of use with no change to the building height and FSR under the originally approved scheme.</p>	Yes
C5 Waste Management			
		<p>A demolition waste management plan is attached as part of this application.</p> <p>The café operator will ensure staff place waste and recycling into separate bins that are located in the loading dock. Recycling bins and residual bins will be provided to promote recycling.</p> <p>Bins will be kept clean and in good condition. Appropriate personal protective equipment (PPE) will be provided for all people handling waste or bins; and appropriate gloves and other PPE should be used at all times.</p>	Yes

Refer to attached Architectural Plans and Waste Management Plans for detail.

C8 Public Domain

8.1	Pedestrian Amenity	<p><u>1) Active Street Frontage and Address</u></p> <p>a) The subject land parcel is identified as “Active Street Frontage” on the Active Street Frontage. It is noted that the proposal is an upgrade to the Joan Sutherland Centre. The proposal provides a food a drink premises which will attract pedestrians to the ground floor use and enhance street level activation.</p> <p>b) The proposed entries occupy less than 50% of the street frontage and do not exceed a frontage of 12m.</p> <p>c) The proposed active street frontages are to the same level as the adjoining footpath and directly accessible from the street.</p> <p>d) The proposal is consistent with the definition of street address.</p> <p>The installation of a café positively contributes to the public domain by proposing an opportunity for Council to improve the amenity of the Joan and encourage a broader patronage base. A café will secure a commercial offering to support the Joan operations and the outdoor dining space will improve the use of the Mondo.</p> <p>As such, the subject proposal addresses its frontages by providing and active frontage which includes a diverse range of activities and uses.</p> <p><u>2) Permeability</u></p> <p>e) The principles of Crime Prevention through Environmental Design are incorporated into a site’s permeability to create a safe and secure environment and encourage activity along these areas.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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		<u>3) Awnings</u>	
		a) Outdoor dining will take place in the current undercroft of the Joan façade with access from the new external doors.	N/A
		<u>4) Landscape in the Public Domain and Street Tree Planting</u>	
		Not applicable	N/A
8.2	Street Furniture	Not applicable.	N/A
8.3	Lighting	The proposal has been designed in accordance with the Public Lighting Policy as well as the requirements of AS 1158 Lighting for roads and public spaces should be used for street lighting.	Yes
8.4	Outdoor Dining and Trading Areas	<u>2) Outdoor Dining</u>	
		a) The proposed outdoor dining area operates in conjunction with a food and drink premises including hours of operation.	Yes
		b) The outdoor dining area is located in that part of the public domain that is in front of the food and drink premises.	Yes
		c) The proposal will incorporate an outdoor dining area which will take place in the current under croft of the Joan façade with access from the new external doors.	Yes
		By working with the existing outdoor space in the walkway the scheme is able to provide an outdoor dining area, that will be suitable for the Joan café to use.	
		d) The proposal has been designed to comply with the numeric standards for outdoor dining areas.	Yes
		e) <i>The outdoor dining area must be:</i>	
		<i>i. Defined by a barrier that is of sturdy construction and is a minimum of 60cm high with no sharp edges or protruding feet that may cause a trip hazard to pedestrians or patrons; and</i>	Yes

		<i>ii. Complimentary in colour to the seating.</i>	
		The proposal has been designed in with respect to the above-mentioned controls.	Yes
		f) A bin is allocated which is visible to the patrons.	Yes
		g) No food is to be prepared or stored outside.	Yes
		h) The proposal will maintain a neat and tidy appearance at all times.	Yes
8.5.	Public Art	Not applicable	N/A
C10 Transport, Access, and Parking			
10.5	Parking, Access, and Driveways	<p>The Joan Sutherland is well located in the heart of the Penrith CBD and is located between the Penrith Civic Centre and Westfield Penrith. The land parcel is located within proximity to existing parking arrangements including but not limited to the following:</p> <ul style="list-style-type: none"> - Westfield Penrith - Penrith City Council car park - Jane Street Car Park - Union Road Car Park. <p>Moreover, the site is also located within proximity to public transportation (Penrith Train Station and Local Bus Stops) and</p> <p>The additional parking demand created by the new café can be catered for by the existing parking provided within proximity of the site.</p> <p>Considering the land parcel is located within walking distance to public transportation and several public car parks, the proposal does not require to provide additional car parking to the Joan Sutherland Centre.</p> <p>It is therefore concluded that the proposed development will not have any unacceptable parking implications.</p>	Yes



C12 Noise and Vibration

General requirements

Generally, there are no areas of the Café operation that warrant particular concern in relation to an adverse noise impact to the community.

Yes

There may be internal issues of noise conflict between the Café Operator and the Landlord. Complaints from internal users in relation adverse noise impact are to be noted in the Incident Diary with details of the complaint and the action taken to address the complaint. The task of the manager is to ensure that all noise complaints are recorded, and management responses documented.

A Management Diary and an Incident Register is to be kept and monthly meetings will be held between the landlord and the café operator to discuss and resolve.



PENRITH DEVELOPMENT CONTROL PLAN 2014 – PART E – KEY PRECINCTS CONTROLS

All relevant Council controls have been considered in the following compliance table.

Penrith Development Control Plan 2014 – Part 5- Key Precincts Controls Compliance Table			
Clause	Controls	Comment	Complies
E11 Penrith – Part A Penrith City Centre			
11.1.3 Penrith City Centre Precincts and Character areas			
6.	Civic and Cultural Precinct	<p>The proposed café is located within the Joan Sutherland Performing Arts Centre.</p> <p>The installation of a café positively contributes to the public domain by proposing an opportunity for Council to improve the amenity of the Joan and encourage a broader patronage base.</p> <p>A café will secure a commercial offering to support the Joan operations and the outdoor dining space will improve the use of the Mondo.</p>	Yes
11.2 Building Form			
11.2.2	Building to Street Alignment and Street Setbacks	The proposal will result in an appropriate outcome on site that responds to the unique characteristics of the site, with no changes to setbacks.	N/A
11.2.3	Street Frontage Heights	These controls in the DCP are not intended to be applied to a design excellence proposal as such they are not relevant to the proposal.	N/A
11.2.4	Building Depth and Bulk	The proposal is a low-impact development as it will have minimal adverse environmental, or amenity impacts and provides an appropriate outcome on site in an appropriate location.	N/A
11.2.5	Boundary setback and building separation	The proposal is strictly limited to the change of use with no change to the building height, FSR, setbacks and building separation under the originally approved scheme.	N/A
11.2.6	Mixed Use Buildings	Not applicable	N/A
11.2.7	Site Cover and Deep Soil Zones	Not applicable	N/A

11.2.8	Landscape Design	The proposal will incorporate moveable outdoor planter boxes or barrier as required by the operator.	Yes
11.2.9	Planting on Structures	Not applicable	N/A
11.3 Pedestrian Amenity			
11.3.1	Permeability	<p>It can be seen the subject proposal is consistent with the key objectives and controls noting the installation of a café positively contributes to the public domain by proposing an opportunity for Council to improve the amenity of the Joan and encourage a broader patronage base.</p> <p>A café will secure a commercial offering to support the Joan operations and the outdoor dining space will improve the use of the Mondo.</p>	Yes
11.3.2	Active Street Frontages and Address	<p>The subject land parcel is identified as “Active Street Frontage” on the Active Street Frontage Map. The proposed use positively contributes to the public domain.</p> <p>As such, the subject proposal addresses its frontages by providing a food and drink premises which will attract pedestrians to the Joan Sutherland Centre</p>	Yes
11.3.3	Awnings	Not applicable.	N/A
11.3.4	Vehicle Footpath Crossings	Has been addressed via previous Development Application.	N/A
11.3.5	Pedestrian Overpasses and Underpasses	The proposal provides for the safe and efficient movement of pedestrians with the development being consistent with the key objectives and controls noting the proposal promotes pedestrian activation and circulation at grade.	Yes
11.3.6	Building Exteriors	No change to building exteriors.	N/A
11.4 Access, Parking and Servicing			
11.4.1	Pedestrian Access and Mobility	At the Pre DA meeting, Council staff were uncertain whether an access report is to be provided. An access report can be	N/A

		provided if necessary. It is important to note the proposal has been designed in accordance with the relevant standards within the BCA and all relevant Australian Standards.	
11.4.2	On-Site Parking Options	The proposal seeks consent for the installation of a café, noting no change to on-site parking options.	N/A
11.4.3	Site Facilities and Services	The proposal seeks consent for the installation of a café, noting no change to site facilities and services.	N/A
11.5 Sustainable Development			
11.5.1	Reflectivity	This control has been addressed via previous development application approved.	N/A
11.5.2	Maximising Liveability and Longevity	This control has been addressed via previous development application approved.	N/A
11.5.3	Reduce Resource Consumption	This control has been addressed via previous development application approved.	N/A
11.7	Controls for Special Areas	Not applicable.	N/A



CONCLUSION

It is concluded that following a review of the relevant planning controls, the proposed development is consistent with the objectives, planning strategies and detailed controls of these planning documents.

Consideration has been given to the potential environmental and amenity impacts that are relevant to the proposed development and this report addresses these impacts.

Having regard to the benefits of the proposal and considering the absence of adverse environmental, social, or economic impacts, the application is submitted to Council for assessment and granting of development consent. Think Planners Pty Ltd recommends the approval of the application, subject to necessary, relevant, and appropriate conditions of consent.