



# PopovBass

## STATEMENT OF ENVIRONMENTAL EFFECTS

Tenancy T10 & T11, 78-88 Tench Ave, Jamisontown NSW 2750

New Fitness Club in Existing Restaurant and Café Precinct

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## 1. INTRODUCTION

This statement has been prepared as supplementary information for the change of use application encompassing tenancies T10 and T11 at 78-88 Tench Avenue, Jamisontown.

The proposal calls for the change of use of the aforementioned tenancies to a new premium gym facility.

The proposed development is expected to provide an added service to the community, in turn attracting additional people to the Precinct and contributing to Council's strategy of creating opportunities for activities in and around the Nepean River.

In preparing the proposal, consideration has been given to numerous factors including:

- ensuring a high standard of development and innovative design
- preserving the existing building
- optimising the utilisation of the space
- attracting the community along the river

## 2. PROPOSAL

### 2.1 Site Description

The existing Restaurant and Café precinct located at 78-88 Tench Avenue, Jamisontown includes eleven (11) tenancies which adjoin the former Coffee Club.

In addition to cafes and restaurants, the existing building includes outdoor seating areas, a generous carpark and landscaping. Vehicular and pedestrian access is provided, together with public transport connections.

The precinct is part of Council's strategic direction to connect the community with the Nepean River.

Currently, tenancies T10 and T11 are approved to host a Restaurant and Bar.

### 2.2 Description of Proposal

The proposal seeks consent for the change of use of tenancies T10 and T11 to accommodate a new premium gym facility. The proposed works will be largely contained within the existing footprint of the tenancies. The proposal seeks to move the existing entry glazing line of Tenancy T10 further south to facilitate entry into the Gym Facilities from the East, allowing for a reception area with direct visual access to the stair and lift entry points. The proposed amendments will not significantly alter the external elevation of the building and seek to maintain the former visual appearance of a glazed window suite.

The gym facility will be separated into two areas – a Southern and a Northern Wing. It will host both group classes and personal training-based fitness.

The Southern wing will house a reception area, small office, social seating/drinks area, change rooms, infrared sauna and a yoga studio. It is proposed that the existing bathroom facilities are upgraded to suit the needs of the new gym facility and will be extended further North and East.

The Northern wing will accommodate four (4) training studios - one for functional group training, one for group spin cycle classes, one for group, low-impact boxing and cardio (core, strength and calisthenics) classes and a small studio for private training.

New digital signage will be located on the front (West) and back (East) facades of the gym.

It is expected that approximately fifty (50) people will train across all studios at one time, with the proposed opening hours as follows:

Monday – Friday: 5am – 10pm

Saturday: 5am – 6pm

Sunday 6am – 6pm

Classes will be 30, 45, 60 and 90 minutes in duration, operating in a morning (5am-11:30am), lunchtime (12pm-2pm) and afternoon/evening time slot (4:30pm-9:30pm).

The Club will be staffed at reception for the entirety of its opening hours in order to service the members and guests of the Club, as well as cater to walk-ins and casual visitors. An online service will be available for memberships, class passes and casual visits. Class bookings will also be available online as well as in Club.



### 3. PLANNING CONTROLS, Penrith Local Environment Plan 2010

The objectives of the LEP are the following:

- (a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,*
- (b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,*
- (c) to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,*
- (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,*
- (e) to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,*
- (f) to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,*
- (g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,*
- (h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.*

The proposed development is consistent with the above relevant objectives.

The subject site is zoned SP3 Tourist. The objectives of the SP3 zone are:

- To provide for a variety of tourist-orientated development and related uses.*
- To provide for diverse tourist and visitor accommodation and activities that are compatible with the promotion and tourism in Penrith.*
- To create an appropriate scale that maintains important views to and from the Nepean River as well as to the Blue Mountains escarpment, while also improving important connections to the Penrith City Centre and the Nepean River.*

The proposed development is consistent with the objectives in that:

- The proposal intends to diversify the existing café and restaurant precinct by providing an opportunity for health-based activities. This will contribute to the variety of tourist orientated activities available within the site.

- The proposal is compatible with the promotion and tourism in Penrith. It seeks to utilise vistas to improve the connection of the Penrith community to the Nepean River.

The following relevant clauses within the Penrith Local Environmental Plan 2010 have been considered in the preparation of the proposal:

Penrith Local Environmental Plan 2010	
Part 4 Principal Development Standards	
Provision	Comment
4.4 Floor Space Ratio	There is no FSR applying to the property.
Part 5 Miscellaneous Provision	
Provision	Comment
5.10 Heritage Conservation	The site is not identified as a heritage item or within a heritage conservation area. It is in the vicinity of the Rowing Course along the Nepean River, however given the works encompass the change of use of Tenancies T10 and T11, it is unlikely to impact or minimise the significance of the heritage item.
Part 7 Additional Local Provisions	
Provision	Comment
7.4 Sustainable Development	Existing to be retained.
7.5 Protection of Scenic and Landscape Values	The proposal does not seek to significantly alter the external elevation and as such satisfies the requirements of this clause.
7.7 Servicing	Existing to be retained.
Schedule 5 Environmental Heritage	
Item 148 Local Heritage – Nepean Rowing Course, Nepean River is in the vicinity of the site. As the works affect the change of use of Tenancies T10 and T1, it is unlikely to impact or minimise the significance of the heritage items.	

There are no other clauses relevant to the proposal.

## 4. PLANNING CONTROLS

### Penrith Development Control Plan 2014

The following sections of the Penrith Development Control Plan 2014 are relevant to the proposal:

#### Penrith Development Control Plan 2014

C5 WASTE MANAGEMENT	
5.1 Waste Management Plans	
Control Requirement	Comment
<p>1) Applicants are to submit a Waste Management Plan when lodging a development application for:</p> <p>a) Demolition or construction of buildings;</p> <p>b) Change of use of buildings for rural, residential, commercial and industrial developments; Penrith Development Control Plan 2014 C5 Waste Management C5-5 C5 Waste Management</p> <p>c) Subdivision of land and/or buildings; or</p> <p>d) Alterations to 50% or more of the existing gross floor area of buildings, or additions to buildings resulting in a 50% increase (or more) to the existing gross floor area.</p> <p>2) The Waste Management Plan must be supported by scaled waste management drawings that are to assist in demonstrating compliance with the provisions of this Plan.</p> <p>3) A Waste Management Plan will also be required for applications for a Complying Development Certificate.</p> <p>4) The Waste Management Plan enables Council (or the Certifying Authority) to assess the waste likely to be generated by the development and ensure that appropriate actions are taken so as to properly manage the generation, storage and disposal of wastes.</p> <p>5) The Waste Management Plan must include details of:</p> <p>a) The types and volumes of wastes and recyclables likely to be generated as a result of the development;</p> <p>b) How waste and recyclables will be stored and treated on site;</p>	<p>Tenancies T10 &amp; T11 were originally approved to host a Restaurant &amp; Bar, which has a higher production of waste than the proposed Gym Facility.</p> <p>The approved waste plan allowed for the following:</p> <p>T10 &amp; T11: 460L/100m<sup>2</sup> floor area of residual waste per day</p> <p>T10 &amp; T11: 230L/100m<sup>2</sup> floor area of recycling waste per day</p> <p>The proposed Gym Facility will produce the following:</p> <p>T10 &amp; T11: 10L/100m<sup>2</sup> floor area of residual waste per day</p> <p>T10 &amp; T11: 50L/100m<sup>2</sup> floor area of recycling waste per day</p> <p>The volume of waste generated by the Restaurant far exceeds the waste requirements of the gym facility, and as such existing on-site waste facilities will be sufficient.</p> <p>Gym staff will be responsible for storage of waste and recycling in back-of-house areas within the tenancy. On completion of each trading day, nominated staff/cleaners will transport the waste and recycling to the allocated retail waste area on site.</p>



- c) How the residual non-reusable or non-recyclable wastes and recyclables are to be disposed of; and
- d) How ongoing waste management will operate once the development is complete (for the life of the development).

Female washroom facilities will be supplied with sanitary bins which will be arranged with a relevant contractor.

## C9 ADVERTISING AND SIGNAGE

### 9.1 General Requirements

Control Requirement	Comment
<p>1) General</p> <p>a) Signs are to be designed and located to:</p> <p>i) relate to the use of the building;</p> <p>ii) be visually interesting and exhibit a high level of design quality;</p> <p>iii) be constructed of high quality, durable materials;</p> <p>iv) be wholly contained within the property;</p> <p>v) have only a minimal projection from the building;</p> <p>vi) be integrated and achieve a high degree of compatibility with the architectural design of the supporting building having regard to its composition, fenestration, materials, finishes and colours, and ensure that architectural features of the building are not obscured;</p> <p>vii) have regard to the view of the sign and any supporting structure, cabling and conduit from all angles, including visibility from the street level and nearby higher buildings and against the skyline; and Penrith Development Control Plan 2014 C9 Advertising and Signage C9-4</p> <p>viii) be sympathetic to the existing character of the area and the particular architectural/urban design utilised in any improvements scheme.</p> <p>b) Signs that contain additional advertising promoting products or services not related to the approved use of the premises or site (such as the logos or brands of products; e.g. soft drinks, brewers, photographic film, etc) are not permitted.</p> <p>c) Signs painted or applied on the roof are prohibited;</p> <p>d) Corporate colours, logos and other graphics are encouraged to achieve a very high degree of compatibility with the architecture, materials, finishes and colours of the building and the streetscape.</p>	<p>New signage, used to identify and promote the business, will be contained within the envelope of the existing building.</p> <p>Transparent LED Display Signage will be erected to the internal face of the glazing line. The signage will be located on specific windows at the front (North-West) facade of the Gym Facility. The LED displays will be visible from the street, however, will not have a strong visual impact on drivers given their location at the first floor.</p> <p>A LED/LCD Video Wall sign will be located on the balustrade at the rear of the building (South-East). This signage, located at the first floor of the building, is to signify the entry point of the proposed gym facility. Given its location on the first floor, it will not have a strong visual impact on drivers.</p> <p>The new signage will be digital, in order to maintain a high level of design quality. The modern aesthetic will be compatible with the architectural design of the building and seeks to engage with the public.</p>



e) Flat standing signs are only permissible where the main building is set back 3 metres or more from the street alignment.

f) In considering applications for new signs, Council must have regard to the number of existing signs on the site and in its vicinity; whether that signage is consistent with the provisions of this section; and whether the cumulative impact gives rise to visual clutter.

g) Signs must not involve damage, removal or pruning to trees or other vegetation and must not result in pruning or removal for visibility purposes.

h) The dominant design of any sign must relate to business identification rather than product advertising.

## 2) Signs and Road Safety

a) Signs are regarded as prejudicial to the safety of the travelling public and are therefore prohibited if they:

i) Obscure or interfere with road traffic signs and signals or with the view of oncoming vehicles or pedestrians;

ii) Obscure or interfere with the view of a road hazard or an obstruction which should be visible to drivers or other road users;

iii) Give instructions to traffic by use of the word 'stop' or other directions, which could be confused with traffic signs;

iv) Include variable messages or intensity of lighting sufficient to impair drivers' vision or distract drivers' attention; or

v) Are located in places where drivers' require greater concentration, such as at major intersections or merging and diverging lanes.

## 3) Inappropriate Signs

a) Council will not support an application for an advertisement of a form, type or size described below (see Figure C9.1 for example illustrations):

i) Roof signs;

ii) Sky signs controlled from the land;

iii) Signs painted on or applied on the roof;

iv) Flashing signs;

v) Signs made of canvas, calico or the like (other than a temporary sign);

- vi) Signs displayed on an awning blind or external window blind;
- vii) Hoardings (excluding those required during construction);
- viii) Billboards; Penrith Development Control Plan 2014 C9 Advertising and Signage C9-5 ix) Bulletin boards;
- x) Signs in the nature of posters attached directly onto walls, roof surfaces or any street furniture;
- xi) Signs mounted on parked or stationary motor vehicles, trailers (both registered and unregistered) where the principal purpose of the vehicle or trailer is not for the transportation of goods or people but is parked in a location and position as an advertising medium;
- xii) A-frame or sandwich board signs (except where specific controls have been prepared and adopted by Council);
- xiii) Pole or pylon signs, except for industrial, business park, service station or shopping centre uses which are permitted one pole or pylon signs with the maximum height not in excess of 7.0m;
- xiv) Signs that are located on land which advertises businesses that are not being conducted on that land;
- xv) Vertical or horizontal projecting signs;
- xvi) Fin signs; and
- xvii) Above awning signs.

## 9.4 Commercial, Mixed Use and Industrial Zones

Control Requirement	Comment
1) Applicants intending to erect a sign (advertisement) should first consult the relevant environmental planning instrument applying to the subject property to determine whether or not an advertisement requires development consent.	See comments in point C9 - 9.1 .
2) All advertising is to be – Penrith Development Control Plan 2014 C9 Advertising and Signage C9-9	
a) constructed of high quality, durable materials;	
b) considered in conjunction with design and construction of buildings;	
c) restricted to one sign identifying the name of the occupants and/or products manufactured or produced on the site; and	
d) contained wholly within the site.	

3) Signs should generally be confined to the ground level of the building, awning or fascia, unless it can be demonstrated that the building is of a scale, architectural style and in a location that would be enhanced by signage at different elevations (see Figure C9.3 below).

4) The sign is to be contained fully within the confines of the wall or awning to which it is mounted.

5) In the case of multiple occupancy of a building or site:

a) Each development should have a single directory board listing each occupant of the building or site (see Figure C9.4 below). Multiple freestanding signs will not be supported;

b) Only one sign is to be placed on the face of each premises either located on or over the door of the shop, unit, office, suite, etc.;

c) One under awning sign shall be permitted for each shop, unit, office, suite, etc. (see Figure C9.5). In the case where the shop, office, suite etc. has more than one street frontage, one under awning sign may be permitted to each street frontage;

d) The minimum distance between under awning signs shall be 3m (see Figure C9.6); and

e) Where possible, multiple tenancies in the same building should use consistent sign size, location and design to avoid visual clutter and promote business identification.

6) Projecting wall signs, generally, will not be supported unless it can be demonstrated to be of an architectural style which is particularly suited to that building in relation to its design.

#### Illuminated signs

7) Illuminated signs are not to detract from the architecture of the supporting building during daylight.

8) Illumination (including cabling) of signs is to be:

a) Concealed; or

b) Integral with the sign; or

c) Provided by means of carefully designed and located remote or spot lighting.

9) The ability to adjust the light intensity of illuminated signs is to be installed where Council considers it necessary.

10) A curfew may be imposed on the operation of illuminated signs where continuous illumination may impact adversely on the amenity of residential buildings, serviced apartments or other tourist and visitor accommodation, or have other adverse environmental effects.

11) Up-lighting of signs is prohibited. Any external lighting of signs is to be downward pointing and focused directly on the sign and is to prevent or minimise the escape of light beyond the sign.

## C10 TRANSPORT, ACCESS AND PARKING

### 9.1 Provision of Parking Spaces

Control Requirement	Comment
1) Provision of Parking Spaces	
a) Parking provided on site is to meet AS 2890 and where appropriate, AS 1428.	An appropriate level of access is already provided to the site, both vehicular and pedestrian. This will be maintained in full.
b) 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.	Car parking rates for the approved and proposed change of use are noted as follows:
c) Within rural zones, the range of possible uses of land is very broad. Car parking is to be provided in accordance with Table C10.2: Car Parking Rates. If parking rates for the use is not listed, it will be the applicant's responsibility to demonstrate that adequate parking is provided.	For a Restaurant (approved use): 1 space per 6m <sup>2</sup> GFA, which is 16.6 spaces per 100m <sup>2</sup> of GFA, plus 1 space per employee.
d) For commercial developments providing employment for 20 people or more, bicycle parking is to be in secure and accessible locations, and provided with weather protection. The following associated facilities are to be provided:	For the Gym (proposed use): 7 spaces per 100m <sup>2</sup> of GFA.
i) Change and shower for cyclists and are to be conveniently located close to the bicycle storage areas.	
ii) Where the building is to be strata-titled, the bicycle storage facilities and shower/ change facilities are to be made available to all occupants of the building.	For every 100m <sup>2</sup> of GFA, the car parking rates required for a Restaurant far exceed that of a Gym Facility. As such, the existing parking servicing the building as whole will be sufficient to service the proposed gym facility.
e) For existing developments, a new use must not commence or the floor area increased until the required car park spaces	



have been provided on the site, corresponding to the land use outlined in Table C10.2.

f) In the absence of specific requirements relevant to particular developments, the parking requirements in the RTA's "Guide to Traffic Generating Developments" (as updated) and Australian Standard AS 2890.1 and 2 - 2004 should be referred to as a guide. In the absence of all data, the applicant should revert to the use of first principles.

g) Where relevant, development shall provide on-site loading facilities to accommodate the anticipated heavy vehicle demand for the site.

h) Stacked parking will not be permitted for visitor spaces for any development.

i) Stacked parking in commercial or industrial development may be permitted for employee spaces only, provided the number of stacked spaces does not account for more than 10% of the total required parking spaces.

j) Car parking above ground level is to have a minimum floor to ceiling height of 2.8m so it may be adapted to another use in the future. Penrith Development Control Plan 2014 C10 Transport Access and Parking C10-17 C10 Transport, Access and Parking

k) Car parking and associated internal manoeuvring areas provided over and beyond the requirements of this DCP shall be calculated as part of the development's gross floor area.

l) Where possible, natural ventilation is to be provided to underground parking areas with ventilation grilles and structures that are:

i) integrated into the overall façade and landscape design of the development;

ii) located away from the primary street façade; and

iii) oriented away from windows of habitable rooms and private open space areas.

m) Proposals for basement parking areas are to be accompanied with a geotechnical report prepared by an appropriately qualified professional and any other supporting information to the Development Application.

n) For all residential development at least one car parking space for each dwelling shall be covered the second space may be "stacked" or "tandem" or located on a driveway.

## C12 NOISE AND VIBRATION

### 12.4 Industrial and Commercial Development

Control Requirement	Comment
<p>1) General</p> <p>a) Council will not grant consent to any noise generating industrial development, commercial development or licensed premises unless it can be demonstrated that:</p> <p>i) The development complies with the relevant State Government authority or agency standards and guidelines for noise, as well as any relevant Australian Standards;</p> <p>ii) The development is not intrusive (as defined in the EPA's Industrial Noise Policy);</p> <p>iii) Road traffic noise generated by the development complies with the provisions of Section 12.1 Road Traffic Noise of this Section;</p> <p>iv) The development complies with rail noise and vibration criteria (refer Section 12.2 Rail Traffic Noise and Vibration of this Section); and Penrith Development Control Plan 2014 C12 Noise and Vibration C12-9</p> <p>v) The development does not adversely impact on the amenity of the area or cause sleep disturbance.</p> <p>Noise Impact Statements - specific requirements</p> <p>a) All development applications where the above controls are relevant are required to provide a Noise Impact Statement prepared by a qualified acoustic consultant in accordance with the requirements set out in the DA Submission Requirements Appendix of this DCP.</p> <p>b) The Noise Impact Statement should demonstrate acoustic protection measures necessary to achieve an indoor environment meeting residential standards, in accordance with relevant noise criteria, as well as relevant Australian Standards.</p>	<p>See attached Noise Impact Statement prepared by Rodney Stevens Acoustics.</p>

## 5. CONCLUSION

The proposed development has been assessed against the requirements of the Penrith LEP and DCP and is considered to represent a form of development that is acceptable.

The proposed change of use of tenancies to T10 & T11 will not significantly alter the external elevation of the existing building and where alterations have been proposed, seeks to maintain the visual appearance of the existing envelope.

The proposed gym facility will make a positive contribution to the site by diversifying the activities available within the precinct. The proposal seeks to affirm Council's strategic direction and the community's desire to activate the Nepean River by providing opportunities for new types of activities.

Accordingly, it is recommended that the proposed Gym Facility development within the existing precinct at 78-88 Tench Avenue, Jamisontown be approved.