

Statement of Environmental Effects

Development Application

13-23 Patty's Place, Jamisontown NSW 2750

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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

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PROJECT PARTICULARS

Project No.	2018123
Client	Calardu Penrith Pty Ltd
Site Address	Tenancy T310A at 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
23/10/2018	Report 001(Draft) VA	Vai Ching Planning Adviser	
25/10/2018	Report 001(Draft) MD	Marcia Doheney Consultant	
	Report 001 (Final)	Kristy Hodgkinson Director	

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.

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1. INTRODUCTION

Hamptons Property Services (Hamptons) has been retained by Calardu Penrith Pty Ltd (the Applicant) in relation to Shop Tenancy 310A on the land known as, 13-23 Pattys Place and 301-335 Mulgoa Road, Jamisontown, also known as the Penrith Homemakers Centre.

This application seeks consent for the change of use from an existing storage area to a take away food and drink premises; associated business identification signage and fit out works to support the new use. An external seating area is also proposed that will benefit the takeaway food and drinks premises. The proposed use and signage are defined Penrith Local Environmental Plan 2010 (**PLEP**) 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.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

(a) an advertising structure,

(b) a building identification sign,

(c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

Under the PLEP, the proposed use and signage is permissible within the **B5 Business Development** zone.

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

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

Number of staff and Hours of Operation.

The proposed Takeaway Food & Drinks premises will trade from Monday to Sunday and expect to employ a maximum of 5 (five) staff.

The proposed operational hours will be in accordance with the operational hours of the centre, which are:

Monday to Wednesday 9am - 5:30pm

Thursday 9am - 9:00pm

Friday 9am - 5:30pm

Saturday 9am - 5:00pm

Sunday 10am - 4:00pm

The proposed development complies with all controls and will not generate adverse impacts. This development application should therefore be approved in accordance with Penrith City Council's standard conditions of consent.

2. SITE DETAILS

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

Table 1: Site Details

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.	310A
Tenancy Area	53m ² plus 33m ² for external seating area
Slope Direction	Generally flat
Existing Use	Storage area
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.

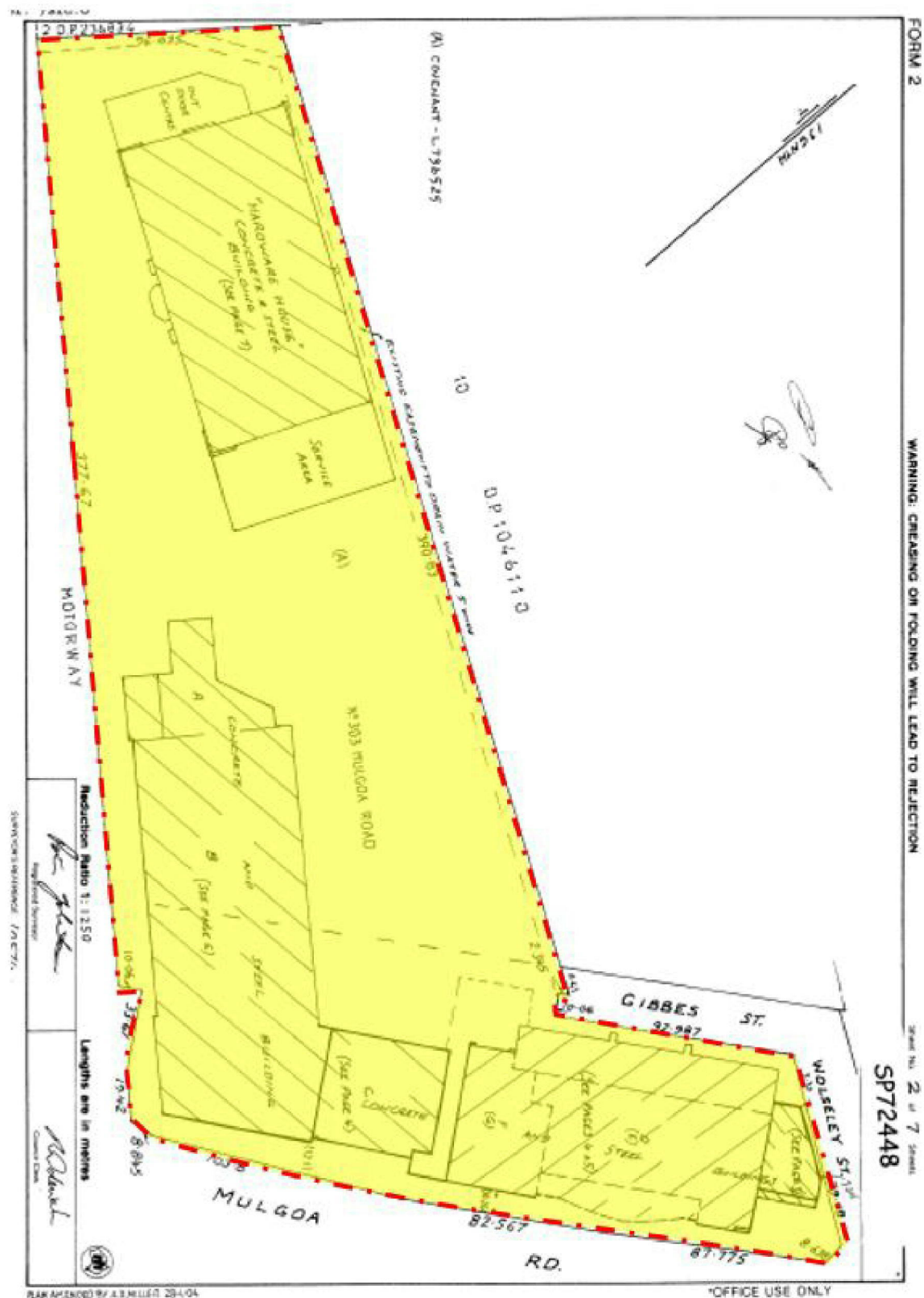


Source: <https://maps.six.nsw.gov.au/>

Statement of Environmental Effects – T310A at 13-23 | Pattys Place | Jamisontown



Figure 3: Strata Plan for SP72448 – 301-335 Mulgoa Road, Jamisontown NSW 2750



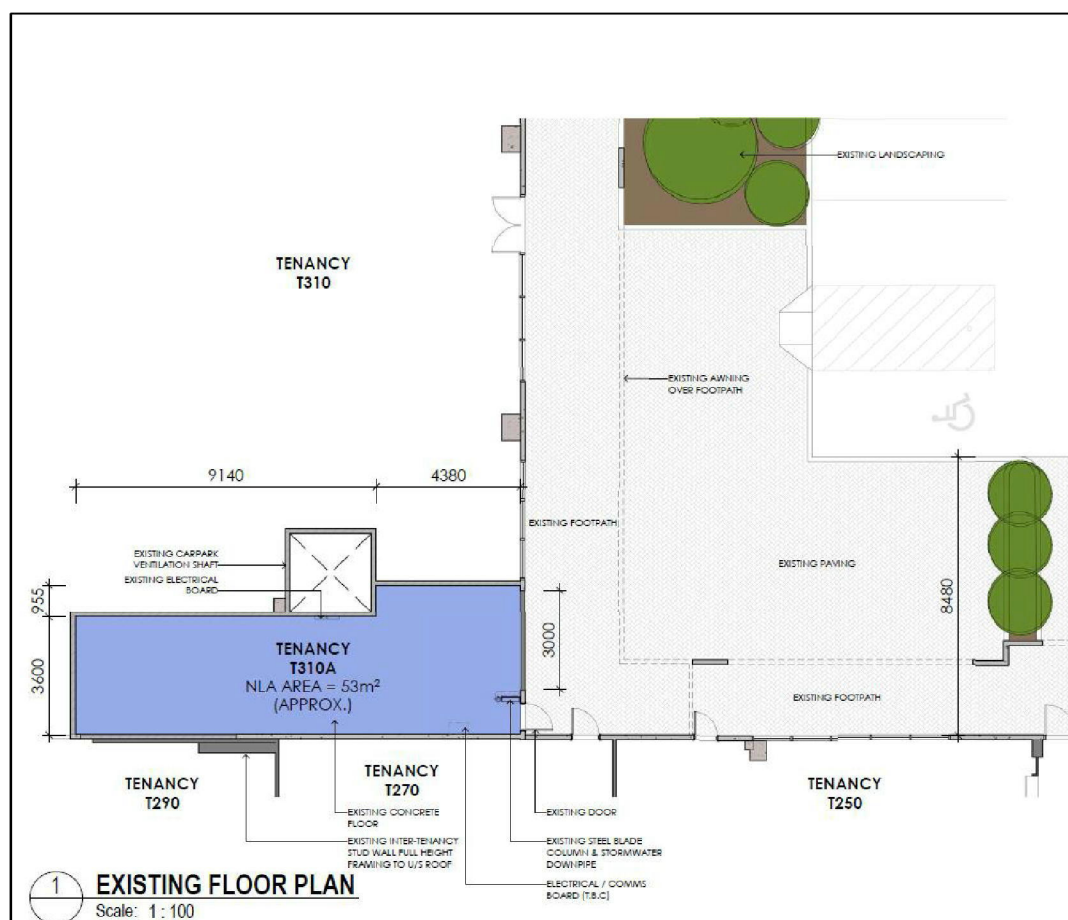
3. THE PROPOSED DEVELOPMENT

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

The proposed works will be carried out in accordance with the plans prepared by Leffler Simes Architects. The tenancy contained within the building is 53m² and the proposed external seating area which will support the new use is 33m². All works will comply with the relevant requirements of the Building Code of Australia and the Australian Standards for Food Safety.

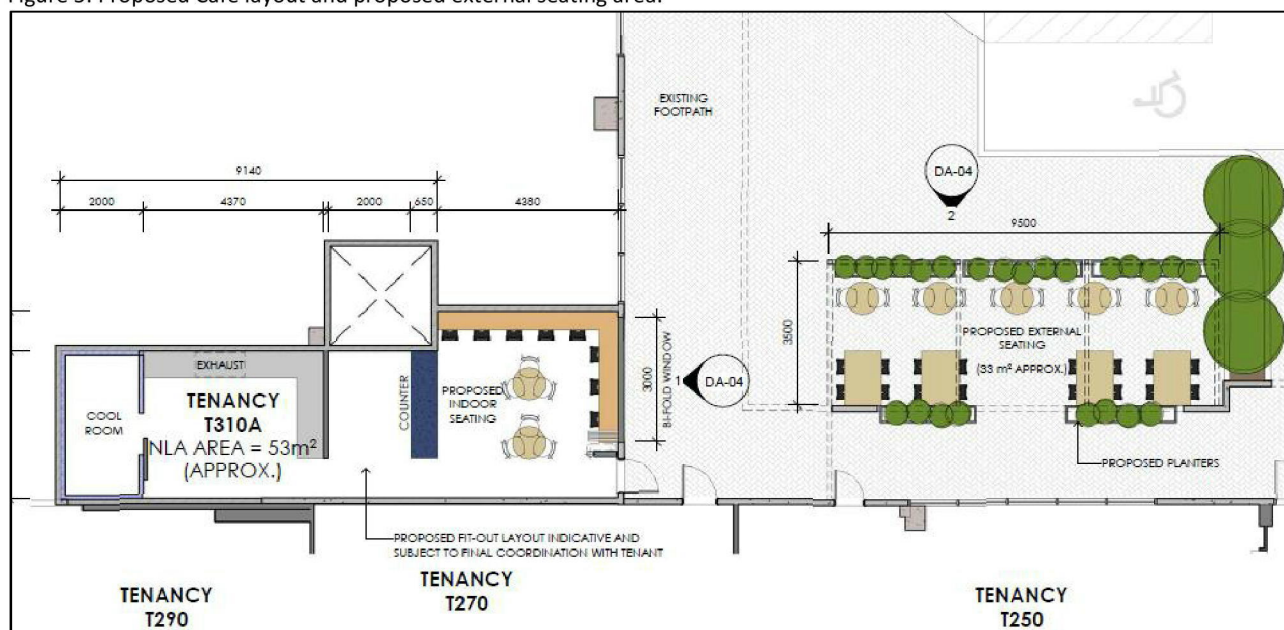
The Annual Fire Safety Certificate for the premises accompanies this application.

Figure 4: Existing plan with highlighted tenancy 310A



Source: Leffler Simes Architects

Figure 5: Proposed Café layout and proposed external seating area.



Source: Leffler Simes Architects

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.

Table 2: Section 4.15 Assessment

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 Please see discussion of the zone and LEP objectives below.
	(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	Not applicable

	authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	
	(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. Please see discussion of relevant provisions below.
	(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,	<p>The likely impacts of the development are extremely limited as the tenancy in question is confined within the existing building. The external seating area proposed to attach to the take away food and drink premises, fronting the Patty's Place car park will provide activation at street level.</p> <p>The external seating area proposed for the existing pavement, adjacent to the entry way to the arcade will provide a vibrant and positive social environment for patrons.</p> <p>The take away premises will be used by customers attending the centre. Therefore, it will not generate additional traffic or impact on parking requirements.</p>
	(c) the suitability of the site for the development,	<p>The proposed use is contained within the existing building envelope that is suitable for that use.</p> <p>.</p> <p>As noted below, it also accords with the objectives of the zone and will assist to service patrons attending the site.</p> <p>It does not change the dominant use of the site, which is for bulky goods purposes.</p>

		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. The proposed use will support the primary use of bulky goods retailing by providing food and drink offering to customers attending the centre. The application is therefore in the public interest.

SEPP 55

Matters pertaining to SEPP 55 are addressed below.

Table 3: SEPP 55 Assessment

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	Not applicable The land is not subject to subclause (4).

	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.	
	(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 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.	Not applicable
	(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.

Table 4: LEP Assessment

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 harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,	The proposed use of the existing tenancy within the existing centre will contribute to the vision of growth for Penrith in that it will support a substantial bulky goods retail facility that, in turn, will support Penrith as a prosperous region.	✓
	(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 utilising part of the existing centre, 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	The proposed development will complement the existing businesses within the Penrith Homemaker Centre, providing	✓

	are close to, and that support the viability of centres.	a supporting, ancillary use to the principal use 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 area proposed to be utilised forms part of a storage area which may not have previously constituted gross floor area. However, the small area proposed to be used (53m ²) is within the confines of the existing building and will have no impact, nor result in any change on the approved bulk and scale of the building.	✓

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. The proposed external seating area will contain only temporary furniture and will not comprise scenic or landscape values	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 application seeks consent to provide business identification signage above the roof cover of the proposed outdoor seating area facing the car park, in accordance with the plans accompanying this application. The business identification signage will be 4.5m wide by 750mm in height and be made of metal of similar material. It will illustrate the name of the business occupier who is yet to be confirmed. The wording is provided for indicative purposes only at this stage.

With regards to road safety, the signage will be confined within the Penrith Homemaker Centre and will not be visible from the surrounding street. No lights are proposed to illuminate the intended signage either internally or externally. Therefore, no impact on road safety will result from the signage.

Section C9.2 Vicinity of Heritage Item

Neither the tenancy (T310A) nor the site being the Penrith Homemaker Centre that houses the tenancy is a heritage item, nor is it within a conservation area or within the vicinity of either.

As such, there will be no effect on any such items as a result of its implementation.

Transport, access and parking:- the proposed use will take place within the existing building, with a potential increase of 53m² to the gross floor area of the site. Given that the intended use is for a purpose ancillary to the primary offering of the site and most likely used by patrons attending the site, it is not considered that this small increase in floor area would result in adverse pressure on car parking for the site. The premises would likely be used by patrons already within the centre. Therefore, given the small increase, it is not considered that any additional car parking is substantiated. In addition, 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.

Waste Management Plan

The waste area located in the loading dock can be accessed via the loading dock entrance on Patty's Place or through the mall and at the exit near Bunnings. This is a shared loading dock arrangement with other tenants on the premises and has sufficient capacity to be utilised by the proposed tenant.

Waste collection will occur in accordance with the current arrangements for the premises.

Noise & vibration:- given the proposed use is contained within the existing building, with a limited external seating area that is positioned within the middle of the site, it will have no adverse effect within the building itself, nor on neighbouring landholdings. It is possible that there may be a small amount of noise emanating from the outdoor seating area, however, not being near residential or other sensitive uses, any noise impacts from the café will be negligible.

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 has a street frontage to Patty's Place and is adjacent to the car parking area which will assist to attract interest at street level. The proposed external seating area will also provide a vibrant section to the centre to promote a degree of activation that is not currently available.

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 Tenancy T310A, for the purpose of a take away food and drink premises with associated business signage and fit out works. The tenancy is 53m² in area plus an external seating area of 33m².

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 objective 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.