

## Statement of Environmental Effects

### **Penrith Homemaker Centre at 301-335 Mulgoa Road, JAMISONTOWN NSW**

SP 72488 and Lot 10 DP1046110

June 2018

Under instruction from

**CBRE**

For the purpose of

**Establishment of new external take away seating area within part of  
Domayne carpark.**

Knight Frank Town Planning  
Level 22, 123 Pitt Street,  
SYDNEY NSW 2000

**KFTP Reference: 18-023-4**



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## 1. Executive Summary

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) to Penrith City Council for the proposed new external take away seating area within a part of Domayne Carpark at the Penrith Homemaker Centre located at 301-335 Mulgoa Road, Jamisontown ("the site").

The proposed works include: the removal of four car parking spaces and a grass verge area located near the Domayne building entry.

Details of the proposal include:

- ◆ Conversion of 4 x existing car parking spaces and grassed area to outdoor seating area;
- ◆ Installation of new paved area of approximately 105 m<sup>2</sup> adjacent existing pathway;
- ◆ Installation of outdoor furniture.

This SEE and accompanying specialist documentation describes the proposed development at the site and provides an environmental assessment against the relevantly applicable Environmental Planning Instruments and Policies, pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The assessments carried out in this SEE demonstrates that the proposed development:

- ◆ would remain consistent with the relevantly applicable Environmental Planning Instruments and Policies;
- ◆ would remain in the public interest by improving the customer experience of the existing bulky goods retailing site with new customer facilities;
- ◆ would contribute to the further economic development of Penrith City Council Local Government Area, both during the demolition/construction and operational phases; and
- ◆ is therefore worthy of Council's approval.



## 2. Introduction

### 2.1 Background

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) to Penrith City Council on behalf of Harvey Norman (Calardu Penrith Pty Limited ACN 71 622 609) for new external take away seating area within part of Domayne carpark at the Penrith Homemaker Centre, located at 301-335 Mulgoa Road, Jamisontown ("the site"). The site has a secondary access via and 13-23 Pattys Place and a legal description of SP72488 and Lot 10 DP1046110.

The proposed works include:

- ◆ Conversion of 4 x existing car parking spaces and grassed area to outdoor seating area;
- ◆ Installation of new paved area of approximately 105 m<sup>2</sup> adjacent existing pathway;
- ◆ Installation of outdoor furniture.

This SEE and accompanying specialist documentation describes the proposed development at the site and provides an environmental assessment against the relevantly applicable Environmental Planning Instruments and Policies, pursuant to Section 4.15 of the Environmental Planning and Assessment Act 1979 (EP&A Act).

### 2.2 Summary Details

Summary details of the proposal and the project site are provided in the Table below:

**Table 1 Summary of the Existing and Proposed Development**

Item	Existing	Previous Proposal (DA18/0339) under assessment by PCC	Current Proposal
GFA (Entire Centre)	66,577 m <sup>2</sup>	69,137 m <sup>2</sup>	No GFA changes proposed
Car Parking Spaces	1,633 Spaces	1,701 Spaces	1,697 (with the conversion of 4 spaces to outdoor seating)
Car Parking Ratio (Min. Requirement 1 space per 50 m <sup>2</sup> GFA bulky goods)	1 space per 40 m <sup>2</sup> GFA	1 space per 40.5 m <sup>2</sup> GFA	1 space per 40.7 m <sup>2</sup> GFA
Independent of DA18/0339 approval,	1,633 existing spaces & 66,577 m <sup>2</sup> existing GFA		1,633 – 4 = 1,629 spaces / 66,577 m <sup>2</sup> GFA = 1 space per 40.86 m <sup>2</sup> GFA

### 2.3 Proponent and Project Team

Knight Frank Town Planning has prepared this SEE on behalf of the landowner. This SEE should be read in conjunction with, and has relied upon, the supporting specialist documentation. The members of the project team who produced the specialist documentation are listed in the Table below.

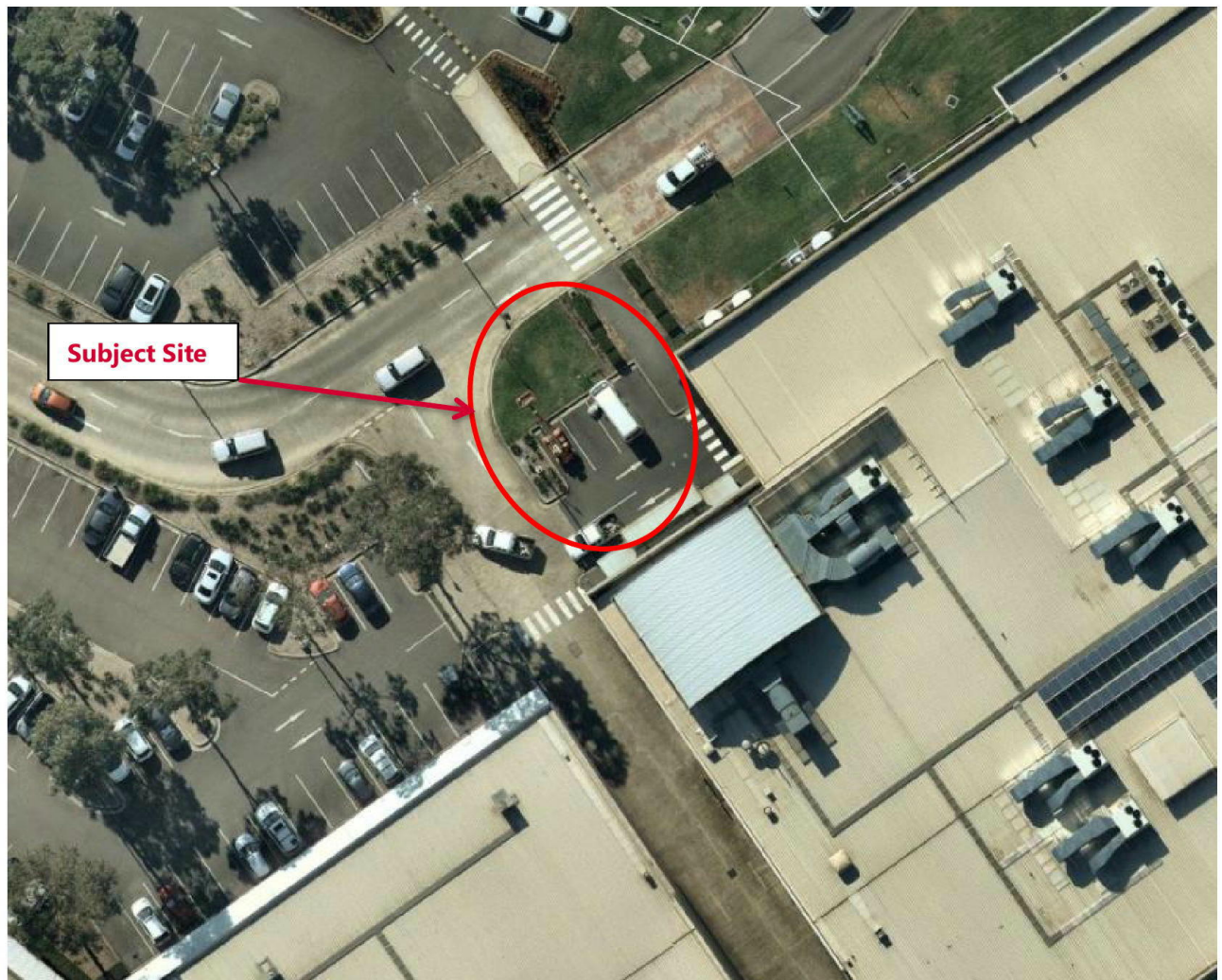
**Table 2 Project Team**

Specialist Discipline	Project Team Member
Proponent & Landowner's Consent	CBRE on behalf of Harvey Norman (Calardu Penrith Pty Limited ACN 71 622 609)
Statement of Environmental Effects	Knight Frank Town Planning
Architectural Drawings	Leffler Simes Architects

### 3. Subject Site

#### 3.1 Site Location

The land to which the proposed development applies is comprised of SP72488, known as 301-335 Mulgoa Road, Jamisontown. The location of the proposed



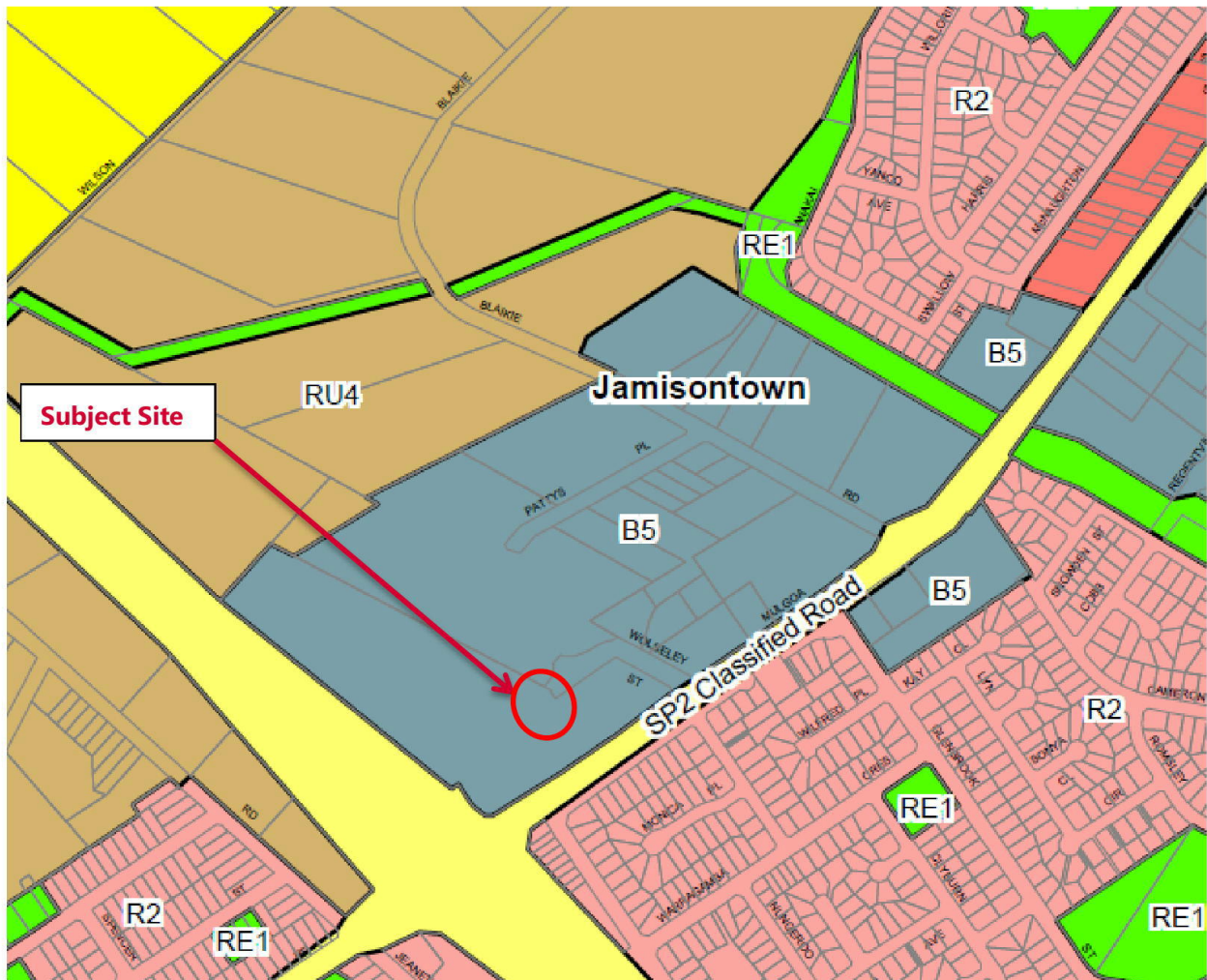
**Figure 1 – Subject Site  
(Nearmap, 08 April 2018)**



### 3.2 Zoning

The Subject Site is located within the B5 Business Development zone.

**Figure 2 – Zoning Map extract**  
(Penrith LEP 2010, map sheet LZN\_006)



The zoning table for the B5 Business Development zone provides the following objectives and permissible uses.

#### **Zone B5 Business Development**

##### **1 Objectives of zone**

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To maintain the economic strength of centres in Penrith by limiting the retailing of food, groceries and clothing.

##### **2 Permitted without consent**

Nil.

##### **3 Permitted with consent**

Bulky goods premises; Car parks; Centre-based child care facilities; Environmental protection works; Flood mitigation works; **Food and drink premises**; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Landscaping material supplies;

*Light industries; Neighbourhood shops; Passenger transport facilities; Recreation areas; Recreation facilities (indoor); Respite day care centres; Roads; Self-storage units; Signage; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres.*

#### **4 Prohibited**

*Restaurants or cafes; Any other development not specified in item 2 or 3.*

The development of *Food and drink premises* is permitted with consent. The Dictionary to Penrith LEP 2010 provides the following definition of Food and drink premises:

***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.*

***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.

While (a) above relating to a restaurant or café is prohibited development in the B5 Business Development zone, the development of (b), (c) and (d) above remain permissible with consent. Thus, the development of a (b) *take away food and drink premises*, (c) *a pub*, or a (d) *a small bar* remain permissible with consent.

### **3.3 Penrith Homemaker Centre**

The Penrith Homemaker Centre (the Centre) is a bulky goods retail facility located west of Mulgoa Road, Jamisontown and north of the M4 Western Motorway. The Centre contains specialist bulky goods retail outlets (furniture, white goods, home hardware, furnishings and manchester), 1,633 existing car parking spaces and take-away food & drink premises. The Centre is accessed via Wolseley Street / Mulgoa Road and has secondary access via Pattys Place.

This SEE relates to the proposed new external take away seating area within part of Domayne carpark at Penrith Homemaker Centre, Jamisontown. The Centre's general trading hours (excluding any promotional periods) are:

**Table 3 General Trading Hours**

Day	Hours
Monday	9.00am – 5.30pm
Tuesday	9.00am – 5.30pm
Wednesday	9.00am – 5.30pm
Thursday	9.00am – 9.00pm
Friday	9.00am – 5.30pm
Saturday	9.00am – 5.00pm
Sunday	10.00am – 4.00pm

The proposal does not seek to alter the existing trading hours of the Centre.

Relevant particulars of this site are listed in the Table below.

**Table 4 Site Particulars**

Site Particulars	
Site Address	301-335 Mulgoa Road, Jamisontown
Legal Description	SP72488
Parcel Size	72,979 sq m
Secondary Address	13-23 Pattys Place, Jamisontown
Land Use Zoning	B5 Business Development
Local Environmental Plan	Penrith Local Environmental Plan 2010
Development Control Plan	Penrith Development Control Plan 2014
Access	Mulgoa Road / Wolseley Street
Alternate Access	Pattys Place



## 4. The Proposal

### 4.1 Proposed Development

The Architectural drawings prepared by Leffler Simes Architects that are appended to this report, provide details of the proposed development.

Details of the proposal include:

- ◆ Conversion of 4 x existing car parking spaces and grassed area to outdoor seating area;
- ◆ Installation of new paved area of approximately 105 m<sup>2</sup> adjacent existing pathway;
- ◆ Installation of outdoor furniture.

The key development standards of the proposal are provided in the table below.

Table 5. Summary of the Proposed Development

Item	Proposed
<b>Total GFA (DA18/0339) under assessment by PCC</b>	69, 137 m <sup>2</sup>
<b>Land Use Zone</b>	B5 Business Development
<b>FSR</b>	No FSR limit applies at the site
<b>Car Parking Existing</b>	1,633 spaces
<b>Car Parking Previous Proposal (DA18/0339) under assessment by PCC</b>	1,701 spaces
<b>Car Parking with reduction of 4 spaces converted to outdoor seating area</b>	1,697 spaces
<b>Car Parking Ratio</b>	1 space per 40.7 m <sup>2</sup> GFA
<b>Independent of DA18/0339 approval, 1,633 – 4 = 1,629 spaces &amp; 66,577 m<sup>2</sup> existing GFA</b>	1 space per 40.86 m <sup>2</sup> GFA

The proposed development meets the objectives of the B5 Business Development zone of the site, as detailed in section 5 below.

## 5. Environmental Assessment

Knight Frank Town Planning has undertaken an assessment of the proposal against the relevant planning and environmental legislation and guidelines to identify potential environmental impacts and mitigation measures. These are examined below.

### 5.1 Assessment of Planning Controls

This SEE includes an assessment of the proposal in terms of the matters for consideration as listed under Section 4.15 of the EP&A Act and should be read in conjunction with information annexed to this report as outlined on the contents page of this report.

#### 5.1.1 State Environmental Planning Policies

Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (SREP 20) is a deemed State Environmental Planning Policy. The provisions of SREP 20 apply to the site as it falls within the Hawkesbury-Nepean River Catchment.

Clause 3 Aims of SREP 20 states that:

*The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.*

Clause 6 of SREP 20 relevantly provides the following *Specific Planning Policies and Recommended Strategies* detailed in the table below.

**Table 6 SREP 20 Hawkesbury-Nepean River**

Specific Planning Policies and Recommended Strategies	Response
1 – Total Catchment Management Policy: Total Catchment Management is to be integrated with environmental planning for the catchment.	The proposed conversion of 4 existing car parking spaces and the existing grass verge to outdoor seating would not affect environmental planning for the Hawkesbury Nepean River catchment.
2 – Environmentally Sensitive Areas Policy: The environmental quality of environmentally sensitive areas must be protected and enhanced through careful control of future land use changes and through management and (where necessary) remediation of existing uses.	N/A, there are no environmentally sensitive areas affected by the proposed development.
3 – Water Quality Policy: Future development must not prejudice the achievement of the goals of use of the river for primary contact recreation (being recreational activities involving direct water contact, such as swimming) and aquatic ecosystem protection in the river system. If the quality of the receiving waters does not currently allow these uses, the current water quality must be maintained, or improved, so as not to jeopardise the achievement of the goals in the future. When water quality goals are set by the	There is a minor reduction in grassed verge area of approximately 45 m <sup>2</sup> . The proposed development will remain consistent with this policy.



Specific Planning Policies and Recommended Strategies	Response
Government these are to be the goals to be achieved under this policy.	
4 – Water Quantity Policy: Aquatic ecosystems must not be adversely affected by development which changes the flow characteristics of surface or groundwater in the catchment.	The proposed development would remain consistent with this policy.
5 – Cultural Heritage Policy: The importance of the river in contributing to the significance of items and places of cultural heritage significance should be recognised, and these items and places should be protected and sensitively managed and, if appropriate, enhanced.	The proposed development would remain consistent with this policy.
6 – Flora and fauna Policy: Manage flora and fauna communities so that the diversity of species and genetics within the catchment is conserved and enhanced.	Existing soft landscaping and vegetation surrounding the proposed outdoor seating area would remain.
7 – Riverine Scenic Quality Policy: The scenic quality of the riverine corridor must be protected.	The proposal relates to ground level development only and does not affect the scenic quality of the riverine corridor.
8 – Agriculture/aquaculture and fishing Policy: Agriculture must be planned and managed to minimise adverse environmental impacts and be protected from adverse impacts of other forms of development.	The proposed works are considered unlikely to result in any adverse environmental impacts.
9 – Rural residential development Policy: Rural residential development should not reduce agricultural sustainability, contribute to urban sprawl, or have adverse environmental impacts (particularly on the water cycle or on flora or fauna).	N/A. The proposal does not involve rural residential development, nor contribute to urban sprawl.
10 – Urban Development Policy: All potential adverse environmental impacts of urban development must be assessed and controlled.	This SEE assesses the potential environmental impacts of the proposed development and finds the proposal to be acceptable.
11 – Recreation and tourism Policy: The value of the riverine corridor as a significant recreational and tourist asset must be protected.	N/A. It is considered that the proposal would not impact upon the riverine corridor's value as a significant recreational and tourist asset.
12 – Metropolitan Strategy Policy: Development should complement the vision, goal, key principles and action plan of the Metropolitan Strategy.	The proposal would remain complementary with the Metropolitan Strategy.

The site is located within the city centre and is not within a scenic corridor of the Nepean River. It is also considered that the proposal would not adversely impact the water or scenic qualities of the Nepean River environment and is therefore consistent with the planning strategies and aims of SREP 20.

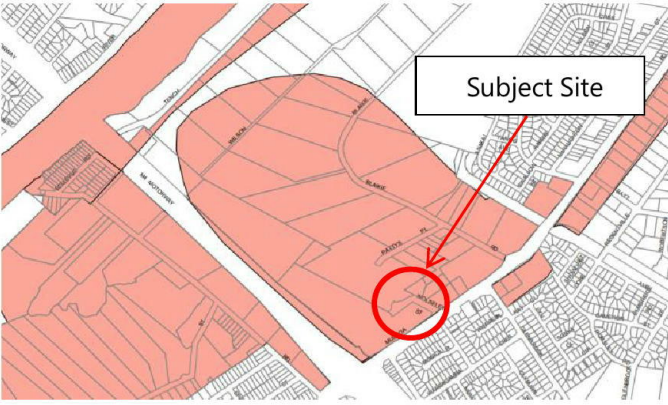
### 5.1.2 Penrith City Council Local Environmental Plan 2010

The Penrith City Council Local Environmental Plan 2010 (LEP) is the relevant Environmental Planning Instrument that applies to development within the Penrith Local Government Area. The proposed development is assessed in detail against the relevant provisions of the LEP within the table below.

**Table 7: Penrith Local Environmental Plan 2010**

LEP 2010 CLAUSE	PROVISION	RESPONSE
Land Use Table	<p><i>Zone B5 Business Development</i></p> <p><i>1 Objectives of zone</i></p> <ul style="list-style-type: none"> <li><i>• To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.</i></li> <li><i>• To maintain the economic strength of centres in Penrith by limiting the retailing of food, groceries and clothing.</i></li> </ul>	The proposed outdoor take-away seating area at the existing bulky goods premises would remain consistent with the objectives of the B5 Business Development zone and support the viability of existing bulky premises.
4.3 Height of Building	<i>The maximum height of building permitted on this site is 12 metres.</i>	The proposed development does not seek to increase building height, as it relates to the conversion of 4 x car parking spaces and lawn areas that are located at ground level.
7.5 Protection of Scenic Character and Landscape Values	<p><i>(1) The objectives of this clause are as follows:</i></p> <p><i>(a) to identify and protect areas that have scenic value either from major roads, identified heritage items or other public places,</i></p> <p><i>(b) to ensure development in these areas is located and designed to minimise its visual impact.</i></p> <p><i>(2) This clause applies to land identified as "Land with scenic and landscape values" on the Scenic and Landscape Values Map.</i></p> <p><i>(3) Development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the development, to minimise the visual impact of the development from major roads and other public places.</i></p>	The site has been identified on the 'Scenic and Landscape Values Map Sheet SLV_006' (extract below) as containing scenic and landscape values. The proposal involves works to an existing bulky goods building, carpark and vehicular access arrangements. It is considered that the proposal would not be visible from major roads and would not adversely impact the scenic and landscape values of the locality.



LEP 2010 CLAUSE	PROVISION	RESPONSE
		
7.6 Salinity	<p>(1) <i>The objectives of this clause are as follows:</i></p> <ul style="list-style-type: none"> <li>(a) <i>to protect natural hydrological systems by minimising soil disturbance and ensuring appropriate land use management,</i></li> <li>(b) <i>to avoid the adverse effects of rising salinity on land, including damage to infrastructure and buildings, loss of productive agricultural land and other adverse environmental effects.</i></li> </ul> <p>(2) <i>Development consent must not be granted to any development unless the consent authority has considered:</i></p> <ul style="list-style-type: none"> <li>(a) <i>whether or not the proposed development is likely to have an impact on salinity processes, and</i></li> <li>(b) <i>whether or not salinity is likely to have an impact on the proposed development, and</i></li> <li>(c) <i>appropriate measures that can be taken to avoid or reduce any undesirable effects that may result from the impacts referred to in paragraphs (a) and (b).</i></li> </ul>	<p>The proposal includes the minor reduction in lawn area of approximately 45 m<sup>2</sup> to create the outdoor seating area. Works shall not include excavations that would impact on salinity.</p>
7.7 Servicing	<p>(1) <i>The objective of this clause is to ensure that development of land to which this Plan applies reflects the availability of services.</i></p> <p>(2) <i>Before granting development consent for development on any land to which this Plan applies, the consent authority must be satisfied that:</i></p> <ul style="list-style-type: none"> <li>(a) <i>the development will be connected to a reticulated water supply, if required by the consent authority, and</i></li> <li>(b) <i>the development will have adequate facilities for the removal and disposal of sewage, and</i></li> <li>(c) <i>if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and</i></li> <li>(d) <i>the need for public amenities or public services has been or will be met.</i></li> </ul>	N/A

### 5.1.3 Penrith City Council Development Control Plan

**Table 8: Penrith Development Control Plan 2014 – Chapter A 1.2: Introduction**

DCP 2014 Chapter A Introduction	PROVISION	RESPONSE
clause 1.2 e	<i>To foster development that responds appropriately to the natural and built environment, in particular, vegetation, biodiversity corridors, significant waterways, riparian land, significant buildings and gardens, and scenic landscapes and views.</i>	The proposal relates to the conversion of grassed areas and 4 x carparking spaces to outdoor customer seating. Existing surrounding soft landscaping would be retained.
clause 1.2 g	<i>To ensure the quality of development in the City of Penrith is of a high standard.</i>	The proposal represents a small investment in improving the quality of customer amenity at the Penrith Homemaker Centre. Works would be carried out to a high standard.

DCP 2014 Chapter C3 Water Management	PROVISION	RESPONSE
Chapter C3 Water Management General Objectives	<i>a) To adopt an integrated approach that takes into account all aspects of the water cycle in determining impacts and enhancing water resources;</i> <i>b) To promote sustainable practices in relation to the use of water resources for human activities;</i> <i>c) To minimise water consumption for human uses by using best practice site planning, design and water efficient appliances;</i> <i>d) To address water resources in terms of the entire water catchment;</i> <i>e) To protect water catchments and environmental systems from development pressures and potential pollution sources;</i> <i>f) To protect and enhance natural watercourses, riparian corridors, wetlands and groundwater dependent ecosystems;</i> <i>g) To protect, conserve and enhance surface and groundwater resources;</i> <i>h) To integrate water management with stormwater, drainage and flood conveyance requirements; and</i>	The proposal remains consistent with these objectives and would not adversely affect water resources within the catchment.

	<i>i) To utilise principles of Water Sensitive Urban Design in designing new developments or infill development in existing areas.</i>	
3.2 Catchment Management and Water Quality	<p><i>Catchment management requires protecting water systems from:</i></p> <p>...</p> <ul style="list-style-type: none"> <li>• <i>Soil erosion and sedimentation from poor construction/land use practices;</i></li> </ul> <p>...</p> <ul style="list-style-type: none"> <li>• <i>Stormwater run-off and surface pollution.</i></li> </ul>	The proposal remains consistent with these objectives and construction / land use practices would not result in soil erosion and surface pollution.
Catchment Management	<p><b>Objectives</b></p> <p><i>b) To prevent direct pollution of existing groundwater or surface water systems;</i></p>	As above
3.2 Water Sensitive Urban Design	<p><i>g) To protect and enhance natural land and water systems such as creeks and rivers, particularly water quality.</i></p> <p><i>h) To maintain and restore the natural water balance;</i></p> <p><i>i) To make more efficient use of water resources by conserving water, particularly potable (drinking) water;</i></p> <p><i>j) To reduce flood risk in urban areas;</i></p> <p><i>k) To reduce erosion of waterways, slopes and banks;</i></p> <p><i>l) To control stormwater pollution and improve water quality in waterways and groundwater;</i></p> <p><i>m) To integrate stormwater management with water supply and waste water treatment; and</i></p> <p><i>n) To integrate stormwater treatment into the landscape so as to maximise the visual and recreational amenity of urban development.</i></p>	As above

#### 4) Council Approval Requirements for WSUD Systems

Land Use	Development Type	Water Conservation	Stormwater Quality	Water Quality Flow	The proposal remains
Commercial and Industrial	All new commercial, retail, mixed use and industrial development greater than 2,500m <sup>2</sup> total site area.	√ - WELS	√	√	consistent with these objectives and the conversion of 105 m <sup>2</sup> of carpark (including 45 m <sup>2</sup> of grassed verge) would lead to construction / land use practices that result in soil
	<p>Alterations and additions where the increase in roof area and impervious area* is equal to or greater than 250m<sup>2</sup>.</p> <p>*Additional impervious area includes building footprint (including roof area), vehicle accessways and parking</p>	√ - WELS	√	√	



	<i>spaces.</i>				erosion and
	<i>Commercial, retail, mixed use and industrial development not addressed above.</i>	√ - WELS	No	No	surface pollution.

DCP 2014 Chapter C5 Waste Management	PROVISION	RESPONSE
C5 Waste Management	<i>General Objectives</i> <i>a) To facilitate sustainable waste management within the City of Penrith in accordance with the principles of Ecologically Sustainable Development.</i>	The proposal is accompanied by a Waste Management Plan prepared by Leffler Simes Architects, that is appended to this SEE and summarised below.
<b>Response</b> Demolition material types and volumes are specified in the Waste Management Plan appended to this SEE.  Existing waste management regime for the Penrith Homemaker Centre will not change as a result of the proposed works and generally comprises: 2m <sup>3</sup> , 3m <sup>3</sup> and 4.5m <sup>3</sup> waste bin/skips located in dedicated waste bin areas adjacent to rear service/loading dock areas behind the various tenancies. Waste is separated into 'general' waste and 'recycle' (ie: paper and cardboard) waste categories and collected by private waste contractors at regular intervals, several times each week. The Centre adopts an initiative of minimising 'general' waste by recycling paper, cardboard, plastic, etc. and separating green waste.		

DCP 2014 Chapter C6 Landscape Design	PROVISION	RESPONSE
Step 3. Lodgement of DA.	<i>Development application, including required landscaping information, is lodged with Council.</i>	The proposal is accompanied by drawings prepared by Leffler Simes Architects, that are appended to this SEE. The proposed includes retention of surrounding soft landscaping at the site and does not propose any vegetation removal.

DCP 2014 Chapter C8 Public Domain	PROVISION	RESPONSE
B. General Objectives	<i>a) To enhance the quality of the public domain;</i> <i>b) To enhance the natural setting and landscape character of Penrith;</i> <i>c) To ensure that the public domain is attractive, safe, interesting, connected, comfortable, readily understood and easily accessed;</i> <i>d) To ensure that the public domain is enhanced by the built form adjoining it; and</i> <i>e) To ensure that the principles of Universal Design are considered when designing the public domain.</i>	The proposed outdoor dining area works is located on private land and will maintain the quality of the site when viewed from the public domain and remain consistent with this clause. Vehicular and pedestrian access, including universal design shall be maintained.
8.1 Pedestrian Amenity B. Objectives	<i>In addition to the general objectives of this section, the objectives of this section are to:</i> <i>a) Encourage future links through sites at ground level, as new development occurs;</i> <i>b) Improve the permeability of large sites when they are redeveloped for more intensive uses;</i> <i>c) Ensure active street frontages address the street that will promote pedestrian activity, safety and passive surveillance in the public domain;</i> <i>d) Ensure that all forms of personal mobility, excluding cycling and cars, are considered when designing access routes;</i> <i>e) Ensure the provision of awnings and street furniture to facilitate pedestrian movement;</i> <i>f) Identify the location for and encourage provision of street tree planting in the City; and Public Domain</i> <i>g) Ensure that landscaping, public art and place-making principles have an integrated approach and are incorporated in the design of the public domain.</i>	<p>The proposed outdoor dining area works would maintain the public access to the site.</p> <p>Should DA18/0339 be approved, the in-filling of the Domayne undercroft would remove all vehicle movements between the outdoor dining and the Domayne entry.</p>
2) Active Street Frontage and Address	<i>Active street frontages promote an interesting and safe pedestrian environment.</i>	The proposed outdoor dining area works would activate the building entry area with customers and create a safer pedestrian environment with opportunities for casual surveillance.
4) Landscape in the Public Domain and	<i>a) The landscape design for the development should incorporate the public domain, including those areas of the site not physically accessed but visible from the street and</i>	The proposal is accompanied by drawings prepared by

DCP 2014 Chapter C8 Public Domain	PROVISION	RESPONSE
Street Tree Planting	<p><i>other locations.</i></p> <p><i>b) Street trees should not compromise water and energy conservation measures or the accessibility, safety and security of the development and public domain.</i></p> <p><i>c) Street trees are to be shown on the landscape plan and should include details of the species and be appropriate to the streetscape. Required street trees for the public domain must be at an advanced growth stage, minimum 25 to 45 litre pot size and generally a minimum of 1.5m in height.</i></p> <p><i>d) Landscape plans accompanying the development application will be required for certain types of development.</i></p>	<p>Leffer Simes Architects, that are appended to this SEE. The proposed outdoor dining area retains the existing surrounding landscaping and groundcover planting at the site.</p>

DCP 2014 Chapter C10 Transport, Access and Parking	PROVISION	RESPONSE
A. General Objectives	<p><i>a) To integrate transport planning and land use to promote sustainable development and greater use of public transport systems;</i></p> <p><i>b) To minimise the impacts of traffic generating developments and manage road safety issues;</i></p> <p><i>c) To ensure that access paths and driveways are integrated in the design of developments and minimise impacts on road systems;</i></p> <p><i>d) To provide appropriate parking for all development whilst promoting more sustainable transport use;</i></p> <p><i>e) To facilitate connections and accessibility for those using non vehicle transport by providing appropriate facilities to improve amenity and safety;</i></p> <p><i>f) To facilitate bicycle connections and provide appropriate bicycle facilities to improve amenity and safety; and</i></p> <p><i>g) To ensure that access is provided for all people with diverse abilities.</i></p>	<p>This SEE has examined the proposed conversion of 4 existing car parking spaces to outdoor take-away seating and confirms the proposed works would remain consistent with relevantly applicable standards and DCP 2014.</p> <p>Should DA18/0339 be approved, the in-filling of the Domayne undercroft would remove all vehicle movements between the outdoor dining and the Domayne entry.</p>
B. Controls 1) Traffic Studies	<p><i>Traffic studies may be required for some developments.</i></p>	<p>As per above.</p>



DCP 2014 Chapter C10 Transport, Access and Parking	PROVISION	RESPONSE
2) Road Safety	<i>ii) Minimise the potential for vehicular/pedestrian conflicts, providing protection for pedestrians where necessary;</i>	The proposed outdoor dining area works and proposed changes to the internal carparking layout are designed to enhance customer and pedestrian amenity at the site.
Table C10.2 Car Parking Rates	<i>Bulky Goods Premises 1 space per 50 m<sup>2</sup> of gross floor area.</i>	1,633 existing car parking spaces – 4 = 1,629 spaces / 66,577 m <sup>2</sup> GFA (existing) = 1 space per 40.86 m <sup>2</sup> GFA which would remain consistent with the minimum requirements.
10.6 Pedestrian Connections A. Objectives	<i>a) To provide a safe, convenient and legible movement network for people with diverse abilities, including those using wheelchairs, mobility scooters, people with prams, small children, elderly people and people with temporary injuries, between residences and points of attraction within and beyond the development;</i>	Should DA18/0339 be approved, the in-filling of the Domayne undercroft would remove all vehicle movements between the outdoor dining and the Domayne entry.

DCP 2014 Chapter D3 Commercial and Retail Devt	PROVISION	RESPONSE
3.1 Bulky Goods Retailing	<p>A. Controls</p> <p>1) General</p> <p>a) The built form is to provide consistent landscaped front setbacks and an active street address.</p> <p>b) Where bulky goods developments also comprise ancillary café or service uses, locate these uses within the primary street frontage to generate activity and interest at street level.</p> <p>c) Provide pedestrian footpaths on all streets.</p> <p>d) Entrances to bulky goods premises must be on the primary street frontage.</p> <p>e) Awnings are to be provided at entry points.</p>	The proposal remains consistent with this clause. As detailed above and within the specialist documentation appended to this SEE, the works include retention of adequate amounts of landscaping, pedestrian footpaths, awnings and

DCP 2014 Chapter D3 Commercial and Retail Dev't	PROVISION	RESPONSE
	<p><i>f) Bulky goods developments are to be located on or close to the main street alignment.</i></p> <p><i>g) Provide consistent street planting and footpaths are to be provided along Blaikie Road to establish the public domain.</i></p> <p><i>h) Setback areas are to be landscaped, but may incorporate an off-street parking area if it can be demonstrated that the location of the car parking area as illustrated in Figures D3.1-D3.3:</i></p> <p><i>i) Is within a setback which is at least 13m wide and set behind a landscaped area which is at least 4m wide;</i></p> <p><i>ii) Promotes the function and operation of the development.</i></p>	<p>off-street parking.</p>

## 6. Section 4.15 Matters for Consideration

The following *Matters for Consideration* are to be taken into consideration by a consent authority when determining a development application, pursuant to Section 4.15 *Evaluation* of the *Environmental Planning and Assessment Act 1979*.

### 6.1 Section 4.15(1)(a)(i) The Provisions of any Environmental Planning Instrument,

The relevantly applicable provisions of Penrith LEP 2010 have been examined above in this SEE and the proposal is considered to be consistent with those provisions.

### 6.2 Section 4.15(1)(a)(ii) The provisions of any Draft Environmental Planning Instrument

The Greater Sydney Commission's draft Western City District Plan applies to the land. The draft Western City District Plan provides a 20-year plan to manage growth and achieve the 40-year vision, while enhancing Greater Sydney's liveability, productivity and sustainability into the future. It is a guide for implementing the draft Greater Sydney Region Plan at a District level and is a bridge between regional and local planning. The proposal would remain consistent with the Directions to *Create Conditions for a Stronger Economy* and the relevant Planning Priority W11 relating to *Growing investment, business opportunities and jobs in strategic centres*.

### 6.3 Section 4.15(1)(a)(iii) Any Development Control Plan

The relevantly applicable provisions of Penrith DCP 2014 have been examined above in this SEE and the proposal is considered to be consistent with those provisions.

### 6.4 Section 4.15(1)(a)(iiia) Any Planning Agreement that has been entered into or any Draft Agreement

There is no relevant Planning Agreement that has been entered into nor any Draft Agreement.

### 6.5 Section 4.15(1)(a)(iv) The Regulations

Not applicable to the proposed development.

### 6.6 Section 4.15(1)(a)(v) Any Coastal Zone Management Plan

Not applicable to the proposed development.

### 6.7 Section 4.15(1)(b) The likely impacts of that development,

#### **Context and Setting**

The proposal will not detract from the existing character of the locality and streetscape and will not result in adverse impact on the surrounding development or public domain as examined in this SEE and accompanying specialist documentation. The proposed works would not adversely impact the surrounding area. Furthermore the proposed development meets the objectives of the B5 Business Development zone of the site. The proposed development will not result in any adverse amenity impacts on surrounding properties as examined in this SEE and accompanying specialist documentation.

***Access & parking***

Access and parking are discussed in this SEE, and confirms that, with the conversion of 4 car parking spaces to outdoor take-away seating, there would be more than the required number of car parking spaces remaining at the site.

***Public domain***

The proposal includes public domain enhancements through the provision of take-away dining options for enhanced customer amenity.

***Utilities***

The site is serviced by existing utilities. The proposed works do not affect utility services.

***Landscaping***

The proposal is accompanied by drawings prepared by Leffler Simes Architects that are appended to this SEE. The proposed works allow for the retention of surrounding landscaping and does not propose any tree removal.

***Waste Management***

Waste facilities will be retained in their current location within the proposed outdoor seating area and the proposed development would not result in a significant waste increase. Waste would be managed through existing waste collection arrangements. Existing waste management regime for the Penrith Homemaker Centre will not change as a result of the proposed works.

***Natural hazards***

The site is not affected by any known natural hazards.

***Economic impact***

The proposal will have a positive economic impact on the viability of existing Bulky Goods Retailing by allowing customers to be seated with their take-away meals while shopping at the Penrith Homemaker Centre thus encouraging customers to spend more time and money at the site, thereby providing for additional employment opportunities.

***Site design***

The development has been designed to respond to the environmental conditions and features of the site and its wider context as discussed in the body of this report. The proposed development can achieve compliance with the relevant provisions of the Building Code of Australia. Temporary construction phase impacts would be appropriately managed in accordance with any relevant conditions of development consent.



#### **6.8 Section 4.15(1)(c) The Suitability of the Site for the Development**

It is considered that the proposed development meets the objectives of the B5 Business Development zone of the site. The site is an existing Bulky Goods Retailing facility and the further development and strengthening of this Centre would result in a compatible, appropriate, economic and efficient development of the site.

#### **6.9 Section 4.15(1)(d) Any submissions made**

Any submissions made to Council during the notification and advertising period would be evaluated during the DA assessment phase. Knight Frank Town Planning would welcome the opportunity to be able to respond to any issues that may be raised.

#### **6.10 Section 4.15(1)(e) The Public Interest**

The proposal will not give rise to any adverse environmental, amenity or streetscape impacts. The proposal would generate additional customer activity at the Bulky Goods premises, which may lead to increased employment opportunities at the site and benefit the local economy. The ground floor outdoor seating would also serve to activate the ground floor frontage and curtilage of the Domayne building area while providing for additional informal public surveillance at the site. The proposed development is considered to be in the public interest by contributing to the local economy, by providing for enhanced customer experience at the site that may lead to increased employment opportunities.

## 7. Conclusion

The relevant matters for consideration under section 4.15 of the Environmental Planning and Assessment Act 1979 have been addressed in this Statement of Environmental Effects and the proposed development has been found to be consistent with the objectives and requirements of the relevant planning provisions.

The proposed take away seating is part of an existing food and drink premises at the site and is permissible in the B5 Business Development zone and meets the relevant objectives of the zone. Careful consideration has been given to the location, size, civil engineering, landscape design and external appearance of the proposed development to ensure that a high quality outcome will be achieved which is consistent with the existing character of the area.

The site is therefore suitable for the development proposed which would positively contribute to the customer experience at the Penrith Homemaker Centre. For reasons outlined in this Statement of Environmental Effects the proposed development is considered worthy of being granted development consent.