



STATEMENT OF ENVIRONMENTAL EFFECTS

Harris Street Business Premises

32 Harris Street, St Marys

March 2018

Ref: 18010

STATEMENT OF ENVIRONMENTAL EFFECTS

Harris Street Business Premises

32 Harris Street North St Marys Lot A DP 152452

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This document has been registered with our solicitors along with a copy of all previous materials.



EXECUTIVE SUMMARY

This Statement of Environmental Effects (SoEE) supports a Development Application (DA) for the establishment of a business premises at 32 Harris North St Marys (Lot A DP 152452). This application has been made on behalf of Lincoln Hudson who will be the leasee of the premises and operator of the business.

This SoEE has addressed the applicable sections of the Penrith Local Environmental Plan (LEP) 2010 and the Penrith Development Control Plan (DCP) 2014. This SoEE identifies that the proposed development would comply with the relevant provisions of both the LEP and DCP.

This Statement of Environmental Effects concludes that the proposal satisfies the relevant heads of consideration pursuant to Section 4.15C of the Environmental Planning and Assessment Act 1979 (EP&A Act) and can be approved.

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ATTACHMENTS

A – Proposed Plans

1 Introduction

This Statement of Environmental Effects has been prepared by Insite Planning Services Pty Ltd on behalf of Lincoln Hudson in support of a Development Application to Penrith City Council involving the establishment of a business premises at 32 Harris Street (Lot A DP 152452).

The primary topics addressed in this report are:

- Site description
- Surrounding areas description
- Details of the proposal;
- Summary and assessment against the relevant heads of consideration under Section 4.15C of the Environmental Planning and Assessment Act, 1979 (as amended).

1.1 Site Description

The development site is located at 32 Harris Street North St Marys. The formal property description is Lot A DP 152452. The site is located within the Penrith Local Government Area (LGA), and thereby the Penrith City Council is the consent authority for this development application. The site has previously been developed for a multi storey car a park which contains vacant commercial premises on the ground floor. The vacant commercial premises is the subject of this development application.



Figure 1 Subject Site (SIX Maps Online)

The subject site, and vacant premises, has dual street frontage to Harris Street and Forrester Road. Vehicle access to the multi-storey car park is via Harris Street and pedestrian access to the vacant

premises via Forrester Road. A ramp to the principle pedestrian site entrances provides accessible access to the premises for people with disability. The subject site is identified in the aerial image contained in Figure.1 above.

The premise currently exists as three separate tenancies. As part of this application, consent is sought to place doors into the two walls separating the three tenancies so as to connect the space.

The total floor area of the business premises is 642m².

1.2 Surrounding Area

The subject site, along with adjoining land to the north, east and west is zoned IN1 General Industrial, while to the south the land adjoins SP2 Special Purpose Infrastructure zoned land. This land is identified as being reserved for the purpose of railway infrastructure by the Penrith LEP 2010 maps and is developed accordingly. B4 Mixed Use zoned land is located further south of the site beyond the rail corridor. The subject site and wider locality is highly accessible with vehicle and pedestrian access available as well as:

- Significant area of off-street parking within the existing multi-storey car parking compound, Insite Planning understands that seven (7) of the available spaces within this facility will be reserved for use solely by staff and patrons of the proposed business.
- St Marys Station. This station is located immediately south of the site and provides a railway connection between the site and the wider Sydney metropolitan area.
- Bus transport facilities. These facilities are located on the southern side of the rail corridor and provide local public transport options which could be used by staff and customers to access the proposed development.

Figure 2 below shows the location of the subject site in relation to the wider locality.



Figure 2 Subject site in relation to locality (SIX Maps Online)



1.3 Proposal

The proposed use of the premises involves the establishment of a business aimed at providing training and counselling services direct to the public on a range of lifestyle and health related issues, including:

- **Healthy Eating and Weight Loss** – The business will offer one on one and group session services aimed at people wanting to reduce body mass or change body shape. The business has developed successful and proven meal plans which are based on eating clean and fresh fruits, vegetables and lean meats that allow the body to mass to reduce quickly and effectively for long term weight change. This program is ideal to for the lifestyle changes necessary for those with Type 2 diabetes. The staff of the business will work one on one with clients as well as have group sessions and group programmes.
- **Workplace Wellness Programmes** – The business will work with other businesses to offer a range of health initiatives that are aimed to improve the health of working adults by giving businesses the tools, resources and support to address five health focus areas:
 - Healthy weight – weight reduction programmes, Type 2 diabetes, heart disease Education
 - Physical activity – on site strength and conditioning sessions
 - Healthy eating – on site mini health checks, nutritional advice and education
 - Smoking – smoking cessation courses
 - Harmful alcohol consumption – education and reduction programmes

These programmes would be run in the training rooms within the premises by qualified/trained staff. Again they would be run with management groups, one on one and group sessions with client businesses staff.

- **Injury Management and Rehabilitation** – The business will work with other business clients to assist them in getting people who have been injured or are having mental health problems the necessary skills to “get back to work”. The business will provide onsite and in workplace assistance to those workers who are injured or ill as a result of a workplace incident.

The business will be WorkCover NSW accredited Rehabilitation and Return to Work Providers. As such the business will be able to provide workers and employers a range of services to help injured staff to return to work in their pre-injury position, another role with alternative duties or retrain for an alternate role.

These services include rehabilitation and medical referrals, assessments, injury/case management and RTW consultancy and programs.

- **Self Defence Programmes** – The self defence programme will be based on the Brazilian Jiu-Jitsu and self defence curriculum. This Women’s Only Introduction to Self Defence Course discusses and explores theories of awareness and preparedness in self defence situations. The course also takes participants through some basic, but essential, physical movements

and techniques to counter common attacks which may arise in any self defence situation. This class is provided to those wanting to learn a solid, fundamental base of self-defence and self-defence theory.

- **Medical and Allied Health Services** – The business will also have facilities to enable provision of remedial therapy and acupuncture services and a range of other allied health professionals including:
 - Experienced GP, specialising in workplace injury and illness
 - Physiotherapists
 - World renowned acupuncturist
 - Occupational therapists
 - Psychologists
 - Injury management consultant
 - Consultant exercise physiologist
 - Audiologists

- **Acupuncture, Cupping and Remedial Massage** – In association with the other health and wellbeing programmes being provided, acupuncture, cupping and remedial massage are important services to be provided in the rehabilitation process.

It should be noted that the main elements of the business are related to the Healthy Eating and Weight Loss, Workplace Wellness Programmes and the Injury Management and Rehabilitation services. The medical and allied health services and the acupuncture, cupping and remedial massage are ancillary to these programmes in that they are just a part of the other main programmes that are provided through the business.

Staffing

The business will employ the following staff:

- ***In respect to the Healthy Eating and Weight Loss and the Workplace Wellness Programmes*** – programs will be designed by a trained health physician such as dietician and physiotherapists and occupational therapists and delivered by the businesses Healthy Lifestyle Counsellors. The business will employ nine (9) Counsellors. Then a consultant dietician, physiotherapists and occupational therapists (not directly employed by the business) will be engaged on a contract basis by the business to design the courses and train our Lifestyle Counsellors to deliver the programmes. They would also be used to deliver some elements of the programs and take responsibility for the quality of the courses being provided.

- ***Injury Management and Rehabilitation*** – these programs will be run by trained people in Occupation Health and Safety. It is envisaged that this element of the business will employ three (3) trained professionals.

- **Self Defence** – The business will employ three (3) trained and skilled self defence experts.

- **Administration** – the business will employ three staff who will be responsible for the administration of the business from the site.
- **Medical and Allied Health Services** – These will be “consultants” who will be provided with consultancy spaces within the premises and will only be used to provide a comprehensive service in respect to each of the programmes offered by the business.

At anyone time no more than five (5) staff would be working on site.

Building Works

In terms of internal works, the premises already consist of three separate spaces as the area has been previously separated into three tenancies. It is proposed to install two doors in the two walls that currently separate the three tenancies so as to connect the premises. This layout is ideal for the services being provided which will otherwise be setup as an open plan facility with the exception of the group training room.

It is also proposed to install toilets within each of the rooms as illustrated on the plans accompanying the development application.

This development does not involve the carrying out of any other building works requiring development consent.

Previous Approval

To Insite Planning’s knowledge the commercial space subject to this application has remained vacant since its construction and was reportedly constructed at the same time as the multi-storey car park at the site. As the approval of the formal use of the premises has not been obtained (as it was approved by either Transport NSW or RailCorp), this development application is required to establish its use as a business premises.

Signage

Council is also advised that this development application does not include any signage installations. Any signage associated with the premises operation and which does not constitute exempt development will be subject to a separate development application where required.

Carparking

As per the plans accompanying the development application, the subject premises are allocated seven (7) carparking spaces. The subject premises are also located within a multi storey carpark.

1.4 Pre-Lodgement Consultation with Council

Insite Planning has been advised by its client that they have undertaken pre-lodgement consultation with Council. From these discussions Insite Planning understands that Council has advised our client that it did not have any objections to the lodgement of a development application for the establishment of a business premises at the site and our client was advised to seek the assistance of a planning consultant to assist with the preparation of a development application in relation to the project.

1.5 Approvals Sought

The development application which this Statement of Environmental Effects relates, seeks consent under section 4.16 of the Environmental Planning and Assessment Act, 1979 for the establishment of a business premises at 32 Harris Street North St Marys (Lot A DP 152452).



2 Planning Assessment

2.1 Environmental Planning & Assessment Act 1979 (EP&A Act)

The relevant objects of the Act are:

(a) to encourage:

(i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,

(ii) the promotion and co-ordination of the orderly and economic use and development of land.

This application is consistent with the objects of the Act. The proposed alterations and additions to the existing industrial premises would be an orderly development of the site which would support the economic use of the land.

2.2 Integrated Development

Section 4.46 of the EP&A Act 1979 defines integrated development as development that requires development consent by one or more approvals under another Act. The proposed development has been reviewed in relation to these Acts, and it is not nominated as 'integrated development'.

The development proposed within this development application is not nominated as 'integrated development' as the activity proposed does not require approval by another authority under an Act listed in Section 4.46 of the EPA Act 1979.

2.3 Section 4.15C Assessment

Section 4.15C of the EP&A Act outlines the matter for consideration in the determination of a Development Application. The relevant matters for consideration are addressed individually below.

2.3.1 State Environmental Planning Policy No 64 – Advertising Signage - Section 4.15C (1)(a)(i)

Clause 6 of this SEPP stipulates that the policy applies to the following:

(1) This Policy applies to all signage:

(a) that, under another environmental planning instrument that applies to the signage, can be displayed with or without development consent, and

(b) is visible from any public place or public reserve, except as provided by this policy

Clause 8 of the SEPP requires that a consent authority be satisfied of the following when determining an application for signage:

A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:

- (a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and*
- (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.*

Clause 3(1)(a) of the SEPP requires the following:

- (1) This Policy aims:*
 - (a) to ensure that signage (including advertising):*
 - (i) is compatible with the desired amenity and visual character of an area, and*
 - (ii) provides effective communication in suitable locations, and*
 - (iii) is of high quality design and finish, and*

No advertisement signage is proposed as part of this development application. Any advertisement signage which does not constitute exempt development would be subject to a separate development application which would require full assessment against the requirements of this SEPP.

2.3.2 State Environmental Planning Policy No 55 – Remediation of Land - Section 4.15C (1)(a)(i)

SEPP 55 is a NSW-wide planning approach to the remediation of contaminated land. When considering a Development Application, the consent authority must observe the requirements of SEPP 55. The significant clauses of SEPP 55 are clauses 7, which is outlined below.

Clause 7 - Contamination and remediation to be considered in determining development application

Under Clause 7, 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*
- (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*
- (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.*

In accordance with Clause 7 of SEPP 55, Council must consider whether the land is potentially contaminated. The land subject to this development application has previously been developed to support its use as both a car park and commercial premises. It is considered that the site is unlikely to be subject to any contamination that would affect the opportunity for the development to be carried out.

2.3.2.1 State Environmental Planning Policy Infrastructure 2007 - Section 4.15C (1)(a)(i)

This policy sets out certain requirements to smooth the path of mainly large infrastructure projects. The SEPP also sets out circumstances under which a consent authority is required to notify a development application to additional public authorities to consider the impact of a proposed development on certain types of infrastructure.

The provisions of this SEPP are not understood to have any implications in relation to the proposed development.

2.3.3 State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 - Section 4.15C (1)(a)(i)

This SEPP was recently gazetted by the State Government on the 25 August 2017. The SEPP provides new provisions relating to the approval of the removal of vegetation within non-rural zones.

Clause 5 of the SEPP identifies land to which the policy applies as all land within the following Local Government Areas:

*Bayside, City of Blacktown, Burwood, Camden, City of Campbelltown, Canterbury-Bankstown, Canada Bay, Cumberland, City of Fairfield, Georges River, City of Hawkesbury, Hornsby, Hunter's Hill, Georges River, Inner West, Ku-ring-gai, Lane Cove, City of Liverpool, Mosman, Newcastle, North Sydney, Northern Beaches, City of Parramatta, **City of Penrith**, City of Randwick, Rockdale, City of Ryde, Strathfield, Sutherland Shire, City of Sydney, The Hills Shire, Waverley, City of Willoughby, Woollahra.*

The land subject to this development application is located within the Penrith Local Government Area (LGA) and therefore the provisions of this SEPP are of relevance to this development application.

Part 3 of the SEPP provides for Council to issue permits for the clearing of vegetation in non-rural in accordance with the SEPP, where a development control plan identifies vegetation to be vegetation to which this part applies.

This development application does not involve the clearing of any established native vegetation. It is therefore understood that although this SEPP is relevant to the subject site it would not affect the carrying out of the proposed development.

2.3.4 Penrith Local Environmental Plan 2010 - Section 4.15C (1)(a)(i)

The Penrith LEP 2010 is the applicable local planning instrument for the site.

2.3.4.1 Applicable Land use Definitions

In respect to Penrith LEP 2010 land use definitions relevant to the land use classification of the proposed development are as follows:

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
 - (b) a service is provided directly to members of the public on a regular basis,
- and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

This land use classification is considered appropriate as the business would check each of the threshold tests in respect to this definition as follows:

- *means a building or place at or on which....* - the premises at 32 Harris Street is a building (and a place);

- *an occupation, profession or trade (other than an industry) is carried on* – The business employs a range of Healthy Lifestyle Counsellors and allied health care professionals however those health care professionals will be contractors who are an ancillary (albeit critical) to the business delivery.
- *for the provision of services directly to members of the public on a regular basis....* – the healthy lifestyle and workplace programs are a service provided direct to the public.

Based on the above, the proposed business will comfortably fit under the business premises land use definition.

2.3.4.2 Site Zoning

The site is zoned IN1 General Industry under the Penrith LEP 2010 as illustrated in the Figure below.

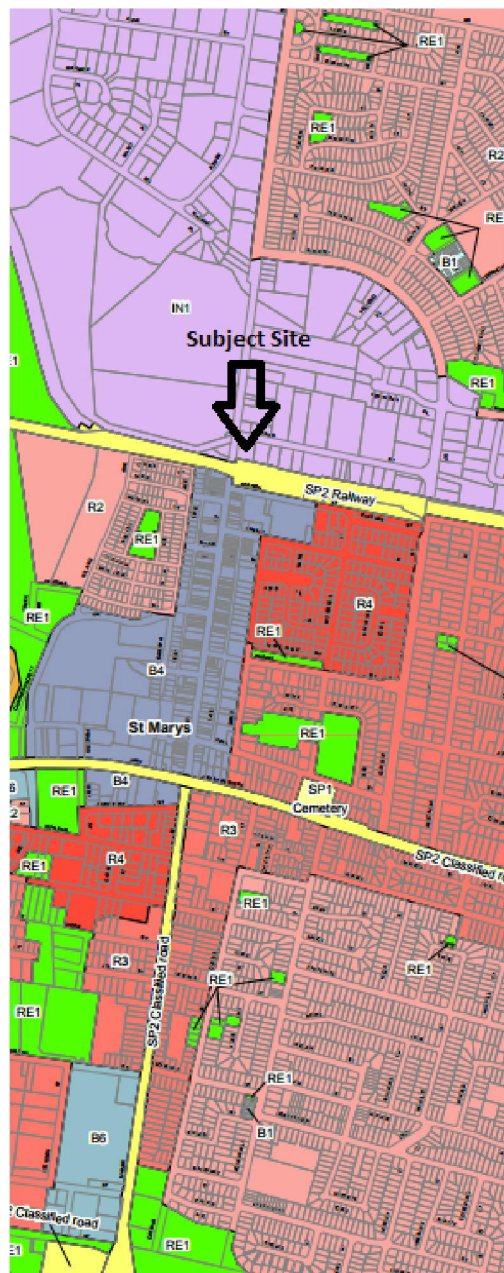


Figure 3 (Land Use Zone Map Penrith LEP 2010).



2.3.4.3 Permissibility

Under the land use table for the IN1 General Industrial land use table the following land use table applies:

2 Permitted without consent

Nil

3 Permitted with consent

Animal boarding or training establishments; Boat building and repair facilities; Car parks; Depots; Environmental facilities; Environmental protection works; Flood mitigation works; Freight transport facilities; Garden centres; General industries; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Industries; Kiosks; Landscaping material supplies; Light industries; Neighbourhood shops; Places of public worship; Plant nurseries; Recreation areas; Roads; Rural industries; Self-storage units; Signage; Storage premises; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres

4 Prohibited

Hazardous industries; Offensive industries; Any other development not specified in item 2 or 3

Planning Analysis:

Development for the purpose of a business premises or a commercial premises (a business premises is a sub-category of the commercial premises land use category) is not identified as a type of development permissible without consent or with consent within the land use table. Accordingly, the proposed development is not permissible as a type of permissible development under the IN1 General Industrial land use table.

2.3.4.4 Clause 2.5 Additional permitted uses for particular land

Notwithstanding the permissibility of the proposed business premises under the IN1 land use zone table, clause 2.5 of the Penrith LEP 2010 allows for additional permitted uses to be carried out where that use relates to land and a particular use identified by Schedule 1. This schedule and clause and the additional permitted use land use map enable certain development and land use notwithstanding any other provision of the LEP. The provisions of Clause 2.5 are as follows:

(1) Development on particular land that is described or referred to in Schedule 1 may be carried out:

(a) with development consent, or

(b) if the Schedule so provides—without development consent,

in accordance with the conditions (if any) specified in that Schedule in relation to that development.

(2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

The land subject to this development application is listed in Schedule 1 as being land on which development for the purposes of business premises and community facilities is permissible with consent. The relevant section of Schedule 1 has been inserted below along with the additional permitted uses land use map.

Use of certain land at 32–52 Harris Street, St Marys

- (1) This clause applies to land at 32–52 Harris Street, St Marys, being Lot A, DP 152452 that is identified as “28” on the [Additional Permitted Uses Map](#).
- (2) Development for the purposes of business premises and community facilities is permitted with development consent.

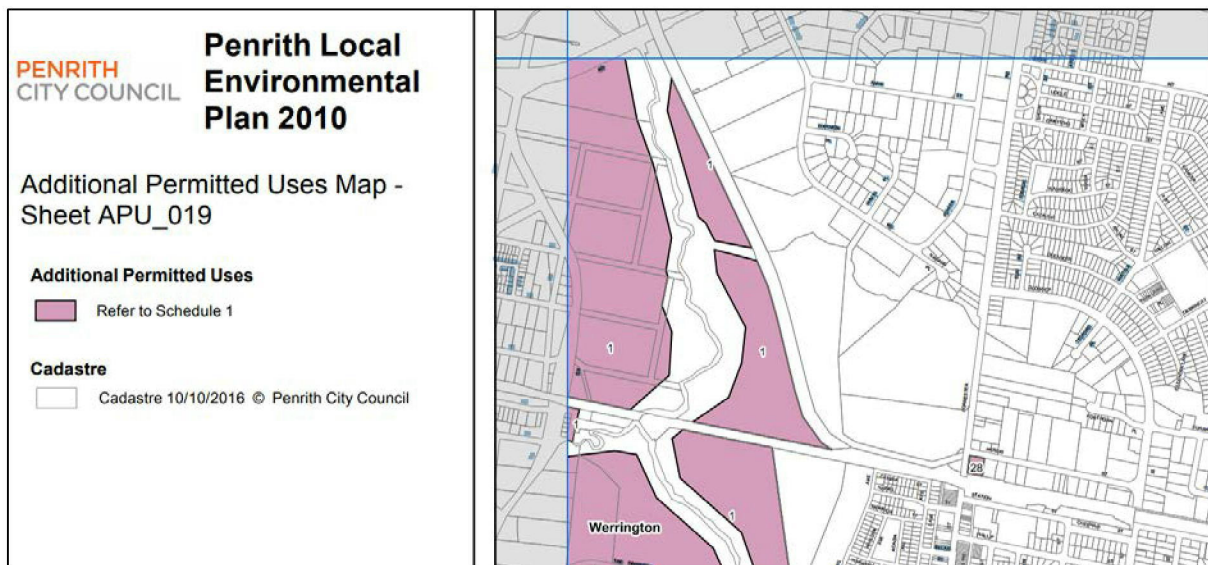


Figure 4 (additional permitted land use map)

Consequently, a business premises is a land use that is permitted with consent on the subject site.

2.3.4.5 Zone Objectives

In relation to zone objectives clause 2.3 (2) of the Penrith LEP 2010 requires the following:

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

The zone objectives for the IN1 General Industrial zone are listed below along with comments pertaining to their consideration in relation to the development proposed:

- *To provide a wide range of industrial and warehouse land uses.*

Planning comment: the proposed development does not relate to an industrial or warehouse use of land, but another land use permissible with consent on the land under the additional permitted land use clause.

- *To encourage employment opportunities.*

Planning comment: the proposed development would support employment opportunities associated with the establishment and operation of a new business premises.

- *To minimise any adverse effect of industry on other land uses.*

Planning comment: the proposed development would not cause any adverse effect on other land by the carrying out of industry at the site.

- *To support and protect industrial land for industrial uses.*

Planning comment: the proposed development would not interfere with the carrying out of industrial development on adjoining land. The subject premises themselves are not suited for industrial purposes.

- *To promote development that makes efficient use of industrial land.*

Planning comment: the proposed development would be an efficient use of a site currently developed as a car park with the capacity to support an additional use such as that proposed noting that the premises has been vacant for an extended period of time.

- *To permit facilities that serve the daily recreation and convenience needs of the people who work in the surrounding industrial area.*

Planning comment: the proposed development would establish a new business premises that would provide health services available to and which would likely be utilised by individuals working in the industrial area.

- *To promote businesses along main roads and to encourage a mix of compatible uses.*

Planning comment: the proposed development would be in accordance with this objective as it would support the establishment of a business premises at a highly accessible location. The proposed development is considered to be compatible with industrial development in the vicinity of the site and would provide a service to individuals working within the industrial area.

2.3.4.6 Other Relevant Penrith LEP 2010 Provisions

The following table outlines the other relevant provisions of the Penrith LEP 2010.

Table 1 – Penrith Local Environmental Plan 2010 Controls

LEP Provision	Proposal	Comment
4.3 Height of buildings	The land subject to this development application is limited to a maximum building height of 12m by the height of buildings map. The proposed development relates only to establishing a new use for an existing building and accordingly presents no concern in relation to this Clause.	Complies
4.4 Floor space ratio	The subject site is not identified as being subject to a floor space ratio by the Floor Space Ratio Map.	Complies
7.6 Salinity	It is understood that this Clause applies to all development and is	Complies

<p>(2) Development consent must not be granted to any development unless the consent authority has considered:</p> <p>(a) whether or not the proposed development is likely to have an impact on salinity processes, and</p> <p>(b) whether or not salinity is likely to have an impact on the proposed development, and</p> <p>(c) 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).</p>	<p>therefore a relevant consideration for this development application.</p> <p>The relevance of this clause notwithstanding the proposed development is not anticipated to have any impact in terms of affecting salinity processes. The proposed development would not involve the construction of any new buildings or the expansion of existing buildings and thereby would not disturb soils, affect the water table or risk increasing the salinity of land.</p>	
<p>7.7 Servicing</p> <p>(2) Before granting development consent for development on any land to which this Plan applies, the consent authority must be satisfied that:</p> <p>(a) the development will be connected to a reticulated water supply, if required by the consent authority, and</p> <p>(b) the development will have adequate facilities for the removal and disposal of sewage, and</p> <p>(c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and</p> <p>(d) the need for public amenities or public services has been or will be met.</p>	<p>The proposed development relates to establishing a new use for a previously constructed premises with access to reticulated sewage and water.</p> <p>The proposed development would include staff and customer amenities which would be serviced by a connection to reticulated sewage and water infrastructure.</p>	<p>Complies</p>

2.3.5 Proposed Instruments - Section 4.15C (1)(a)(ii)

Insite Planning is not aware of any proposed instruments that are or have been the subject of public consultation under the Act and that have been notified to Council that would have implications for this development application.

2.3.6 Penrith Development Control Plan 2014 - Section 4.15C (1)(a)(iii)

Penrith Development Control Plan (DCP) 2014 applies to all development on land within the Penrith Local Government Area. The provisions of the Penrith DCP 2014 must therefore be considered in relation to this development application.

These provisions have been considered below and it is considered that the proposed development is generally in accordance with the provisions of Penrith DCP 2014.

The DCP provisions that relate to development have been considered and commented on in the table below.

Table 2 – Penrith DCP 2014

Part D.3 Commercial and Retail Development		
Requirements	Comments	Compliance
<p>This part of the DCP identifies development controls relevant to the following types of commercial development.</p> <p>3.1 Bulky Goods retailing 3.2 Sex Services 3.3 Restricted Premises</p>	<p>The proposed development does not involve any type of development identified by this part of the DCP and accordingly the DCP requirements of this Part of the DCP are not considered to be relevant to the assessment of this development application.</p>	Not Relevant
Part D.4 Industrial Development		
Requirement	Comments	Compliance
<p>4.1 Industrial Precincts Precinct</p> <p>Site located within Dunheved St Mary's Industrial Precinct 3</p>	<p>The site subject to this development application is located within the Dunheved/St Mary's Precinct 3 identified by this part.</p> <p>The location of specific industrial precincts within this part affects the development controls relevant to their assessment under later subsections of this Part of the DCP.</p> <p>There are no development controls referenced by this Part</p>	Yes
<p>4.2 Building Heights</p> <p>In addition to height controls in the LEP, buildings on land in Precincts 4, 7 and 8 will need to satisfy the following additional controls:</p> <p>1) For Precincts 4 and 7 (areas adjacent to the Nepean River), the development must not be visually obtrusive when viewed from the</p>	<p>The proposed development involves the use of an existing building and no alterations to the height of the existing building are proposed. Accordingly, the proposed development presents no issue in relation to the requirements of this sub-section.</p>	Yes

<p>Nepean River and must not adversely affect the scenic quality of the river.</p> <p>2) For Precincts 7 (north of Old Bathurst Road) and 8 (south of Old Bathurst Road), the application must demonstrate that the development will not adversely affect the scenic quality of the precinct, particularly when viewed from elevated locations.</p>		
<p>4.3 Building Setbacks and Landscape</p> <p>This section establishes minimum building setbacks for development in industrial areas and landscaping and site treatment requirements.</p>	<p>The proposed development involves the use of an existing building, and does not involve any expansion of the building footprint of the premises. Accordingly it is considered that the controls of this DCP subsection present no issue in relation to the proposed development.</p>	<p>Yes</p>
<p>4.4 Building Design</p> <p>2) All developments shall be designed to present a high standard of urban form incorporating innovative and attractive architectural design of all elevations and roof form; and appropriately reflect the important gateway entry roles of these precincts and the visually important access routes to the City.</p> <p>3) Prominent elevations, such as those with a frontage to the street or public reserves or those that are visible from public areas, must present a building form of significant architectural and design merit. The construction of large, blank wall surfaces is not permitted.</p>	<p>This subsection specifies a variety of development controls in relation to the design and functionality of proposed developments on industrial zoned land. A number of the provisions of this part are not relevant to the development proposed.</p> <p>A review of the development controls of this part identified that the controls relating to maintaining a high quality design and appearance of proposed development as being the only controls of relevance to the development proposed.</p> <p>It is submitted that the proposed development would present no issue in relation to these controls. The appearance of the building within which this development is proposed would not be subject to any significant alterations and would remain relatively unchanged.</p> <p>No external signage is currently proposed and any signage would be subject to a separate development application where that signage is not exempt.</p>	<p>Yes</p>
<p>4.5 Storage of Materials and Chemicals</p>	<p>The proposed development would not present any issue in relation to this part. The proposed development would not require the storage of dangerous goods, while the development proposed would be carried out within an existing building and no external storage of goods would be carried out at the site.</p>	<p>Yes</p>

<p>4.6 Accessing and Servicing the Site</p>	<p>The site subject to this development application is situated in a highly accessible location. The site is situated a short distance from St Mary’s Train Station with a bus station a short distance from the site and an existing car park located at the property which this development application relates to.</p> <p>Accordingly, the accessibility of the subject site and the site is not considered to present any issue in relation to the proposed development.</p>	<p>Yes</p>
<p>4.7 Fencing</p>	<p>The proposed development does not involve the installation of any fencing.</p>	<p>Yes</p>
<p>4.8 Lighting</p>	<p>The site subject to this development application is located at a secure location with good passive surveillance. It is considered that the installation of additional security lighting would not be necessary to satisfy the requirements of this subsection and ensure the security of the proposed development.</p> <p>As no additional external lighting is proposed it is submitted that the proposed development presents no issue in relation to the requirements of this sub-section.</p>	<p>Yes</p>

2.3.7 The likely impacts of that development – Section 4.15C(b)

2.3.7.1 Impact on adjoining properties

The site subject to this development application is situated within an industrial area adjacent a public rail corridor. The site does not immediately adjoin any residential receptors, whilst it is also recognised that the extent of the sites proposed use is unlikely to adversely affect a residential receptor were one located in the immediate vicinity of the development site.

2.3.7.2 European Heritage

The site subject to this development application is not identified as an item of heritage significance nor is it located within a conservation area.

The site however, is located immediately adjacent an item listed an item of identified heritage significance, the St Mary’s Station. This site is identified as a State Significant Heritage Item.

It is submitted that this development application would have a negligible impact on the significance of this heritage item. The proposed development involves establishing the use of an existing building adjacent this heritage listed train station and rail corridor as a business premises. The proposed

development does not involve any external alterations to the existing building and its relationship with the heritage item would be unaltered by the proposed development.

2.3.7.3 Infrastructure Considerations

The land subject to this development application has been previously developed in a manner capable of supporting this proposed development. Adequate services are available at the site to support the proposed development.

2.3.7.4 Access & Carparking

The site subject to this development application is situated in a highly accessible location with and pedestrian access both available as well as public transport options. The following parking and public transport options are available in the vicinity of the proposed development:

- A multi-storey off-street car parking compound is currently located on the property subject to this application. Insite Planning understands that seven (7) of the available spaces within this facility will be reserved for use solely by staff and patrons of the proposed business. Customers and staff will also have the opportunity to use other parking spaces within the facility not solely reserved for the proposed development. Considering the size of the off-street parking compound the use of the parking area in relation to the proposed development is unlikely to affect the overall availability of car parking at the premises.
- St Marys Station. This station is located immediately south of the site and provides a railway connection between the site and the wider Sydney metropolitan area.
- Bus transport facilities. These facilities are located on the southern side of the rail corridor and provide local public transport options which could be used by staff and customers to access the proposed development.

Council DCP requires 1 space per 60m². Given the 642m² floor area, the premises generates the need for 10 carparking spaces however only seven (7) spaces are provided. Variation is sought for the three (3) spaces based on the following:






- i. The premises are located within a multi storey carpark where there is ample parking provided.
- ii. The premises are located close to public transport facilities noted above including a train station and bus facilities.

2.3.7.5 Social and Economic Impact

It is submitted that the proposed development would have positive social and economic impacts. The proposed development would support an economic use of a site in a highly accessible locality. It is therefore viewed that the proposed development would have a positive economic impact. In relation to the social impacts of the proposed development it is considered that the business premises proposed would provide health support services to members of the public. The services provided by the business proposed would therefore have positive social impacts by improving the health and wellbeing of patrons.

2.3.8 Suitability of the Site – Section 4.15C(c)

The subject site is considered suitable for the proposed use based on the following:

-  The proposed development is permissible with consent under the additional permitted uses provisions of the Penrith LEP 2010.
-  The proposed development would comply with the relevant provisions of the Penrith Development Control Plan 2014;
-  The development site is located in a highly accessible area with good links to public transport and off-street car parking available;
-  The proposed development would have a negligible impact on the St Mary's Train Station heritage item; and
-  The proposed development would establish a new business premises specialising in health and wellbeing services. The business would create employment opportunities and would provide a new and beneficial service to members of the public.

2.3.9 The Public Interest – Section 4.15C(e)

The proposed development is considered to be in the public interest for the following reasons:

- It supports the continued orderly, efficient and economic use of land.
- The proposal is consistent with the applicable Council planning controls under the Penrith LEP 2010 and Penrith DCP 2014.
- It is considered unlikely that the proposed development would have an adverse impact on either the built or natural environment in the locality.
- The proposed development would provide additional employment opportunities and health and wellbeing services supportive of the St Mary's and wider locality.



3 Conclusion

This statement of Environmental Effects has been prepared on behalf of Lincoln Hudson in support of a Development Application to City of Penrith Council for the establishment of a business premises at 32 Harris Street North St Marys (Lot A DP 152452).

The proposal has been assessed in accordance with S.4.15C of the EP&A Act 1979. This assessment has concluded that the proposed development is in accordance with the relevant provisions of Penrith Local Environmental Plan 2010, is compatible with the prescribed development controls applicable under the Penrith DCP 2014.

This report has assessed environmental considerations of the proposal, including heritage, impact to neighbouring properties, flooding, access, bushfire threat, access, carparking, stormwater runoff and servicing, and has concluded that there are no likely adverse environmental impacts associated with the proposal.

ATTACHMENT A

Proposed Plans