



STATEMENT OF ENVIRONMENTAL EFFECTS

For a Proposed first Use of a premises and signage at Tenancy T6 / T7 78 - 88,
Tench Avenue, JAMISONTOWN , NSW, 2750

Thursday, August 22, 2019

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Revision History

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Authorship

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1. INTRODUCTION

This Statement of Environmental Effects is prepared for the consideration of Penrith Council in support of development application for the first use, occupation and signage associated with a *food and drink premises* within the newly constructed building at 78 – 88 Tench Avenue, Jamisontown. The purpose of this report is to describe the development and review the relevant planning requirements relating to the proposal.

The proposal has been designed to relate to the intended use of the site. It also provides for an assessment of the proposal, having regard to relevant legislation and the Penrith Council Policies. The preparation of this Statement is pursuant to Section 4.12 of the *Environmental Planning and Assessment Act 1979* (As amended) and Clause 50 of the *Environmental Planning and Assessment Regulation 2000*.

In the preparation of this Statement of Environmental Effects considers the following drawings and documents:

- Fitout Plan suite prepared by Brad Ward Design
 - Title sheet
 - MKP – 000 Site Plan
 - MKP – 001 Proposed Floor Plan
 - MKP – 002 Kitchen / Bar Plans
 - MKP – 003 Reflected Ceiling Plan
 - MKP – 004 Hydraulics Layout Plan
 - MKP – 005 Floor Finishes Plan
 - MKP – 006 Wall Setout Plan
 - MKP – 007 External Signage Details
 - MKP – 100 Elevation A - Shopfront
 - MKP – 101 Section B
 - MKP – 102 Section C
 - MKP – 103 Section D

Other documentation included in the package includes:

- BCA Assessment Report;
- Operational Waste Management Plan,

2. THE LOCALITY AND THE SITE

The subject site is located at 78-88 Tench Avenue Jamisontown and is formally described as Lot 3 on DP30354. The subject site has an area of approximately 3.34ha and is generally rectangular in shape with a primary frontage to Tench Avenue. The site is located within the Nepean River floodplain area and is located directly opposite to Tench Reserve with the associated car parking area and boat ramp.

The surrounding land uses consist of typical larger rural-residential allotments. The location of the site is indicated below in Figure 1 and 2 respectively.

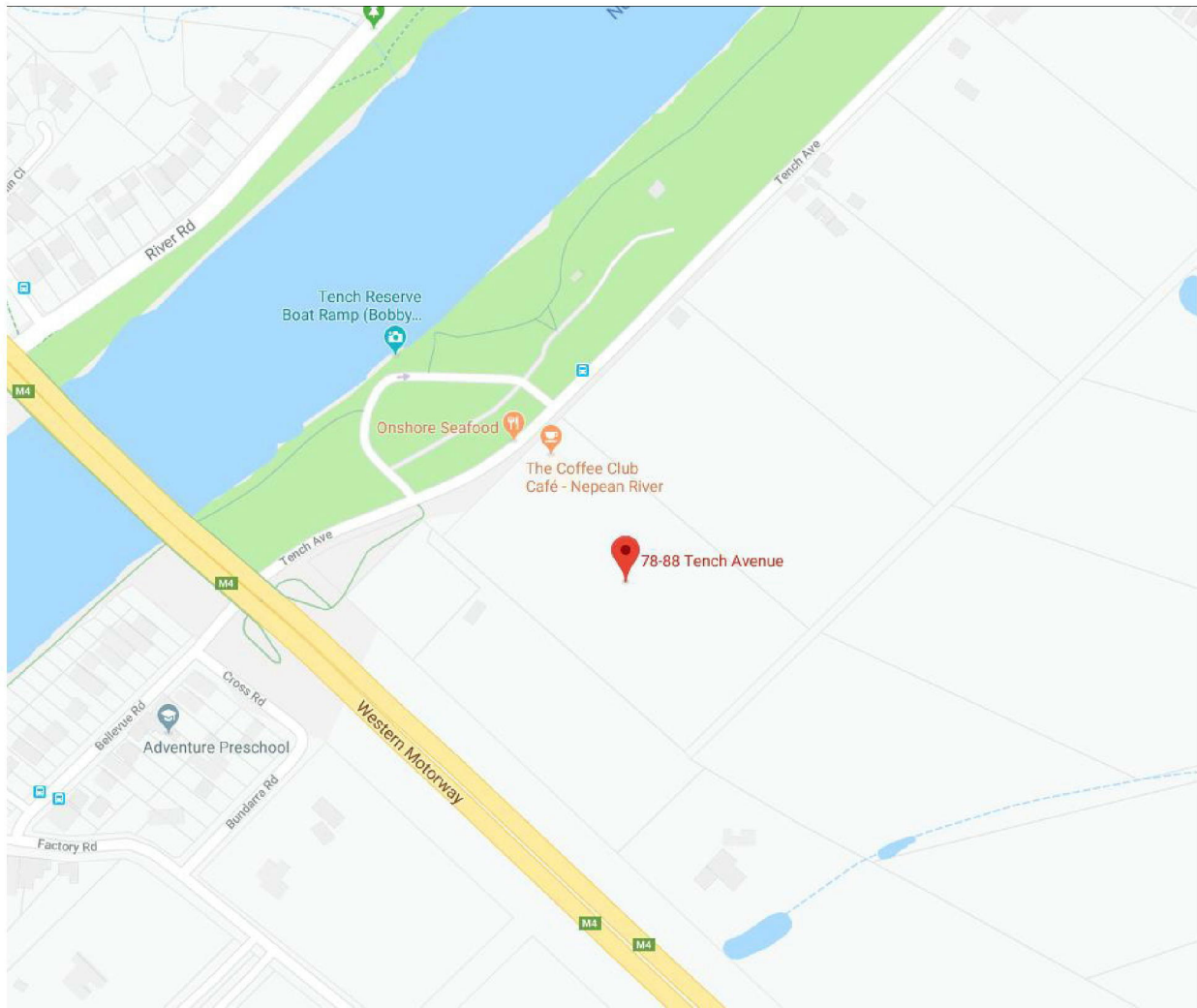


Figure 1: Location Plan of the site (Source Google.com)

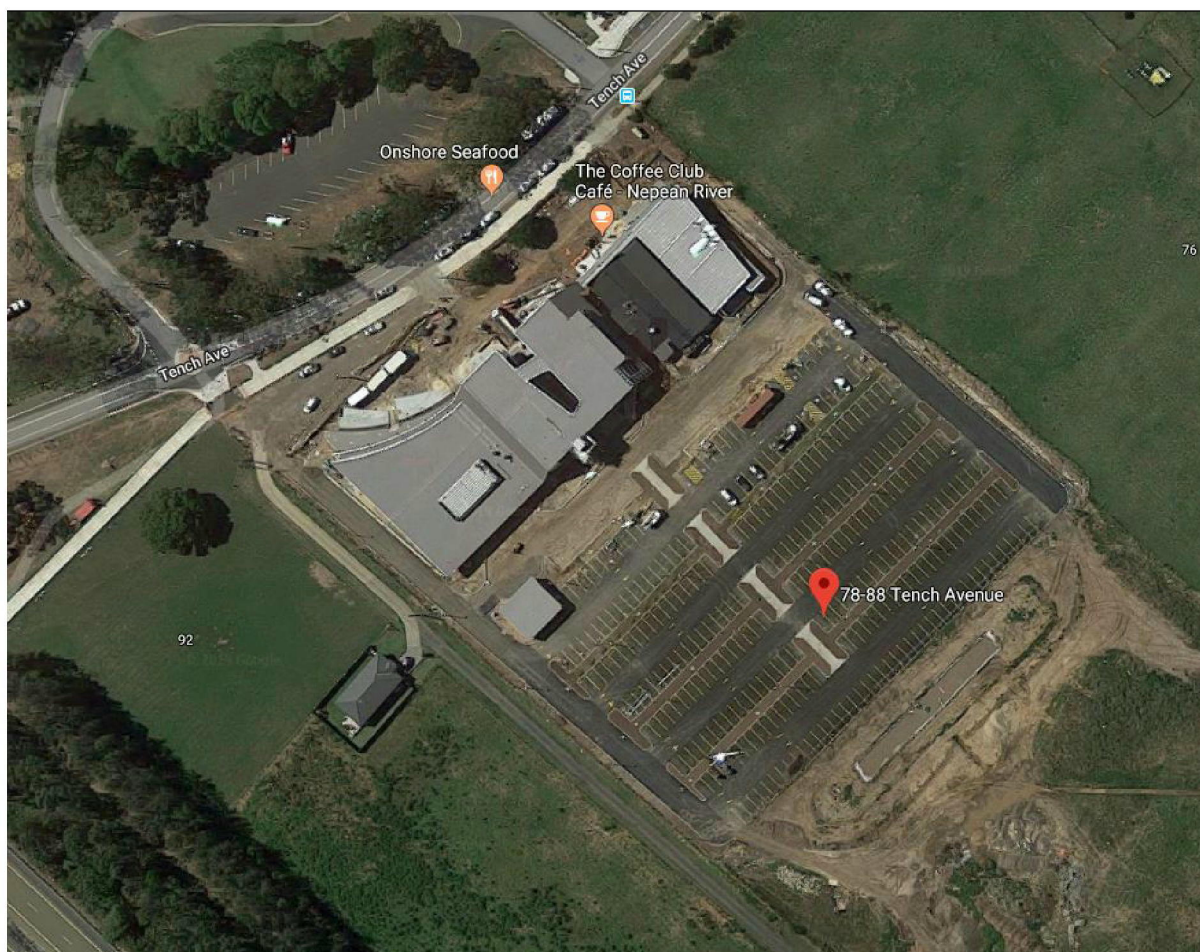


Figure 2: Aerial of the site (Source Google.com)

3. BACKGROUND / RELEVANT HISTORY

Relevant history

DA 15/0335 (and subsequent amendments) for "Construction of Three (3) Buildings Straddling Existing Coffee Club Building including Eleven (11) Tenancies for future Restaurant & Cafe Uses & Associated Outdoor Seating". As the DA did not stipulate specific patron numbers for each tenancy, it is to be noted that based on the proposed number of patrons for the restaurant tenancy, Complying Development for the first-use of the tenancy for the numbers sought is not permissible. Therefore development consent from Council as the relevant consent authority is required.

4. DESCRIPTION OF PROPOSAL

Consent is sought from Penrith Council to formalise use of Tenancy 6 and 7 in the newly constructed complex for a food and drink premises (restaurant).

Proposed Hours are:

Monday to Sunday – 7:00 am to 12:00 am 7 days a week

Capacity

The general seating at the premises will be for a total of 146 patrons with 74 dining spots and 26 internal bar spots located inside and 46 seats outside on the terrace (not located on public land)

Staff

At full operation there will be 20 staff comprising cooks / chefs, wait staff, bar tenders and other back of house staff. There will be at least one on Manager on site at all times of operation.

Parking

The on-site parking at the rear of the new building is to be used. There is in excess of 200 communal parking spaces available.

Deliveries and unloading will be undertaken from the allocated parking bays with the majority of deliveries being undertaken by a light van or small rigid truck

Waste

Premises to be cleaned and serviced daily at the end of service and daily pre service as required.

Waste to be sorted and cleared daily after service to be temporarily stored in the designated complex bin area then removed by an external waste collection contractor service. Refer to attached waste management plan.

Toilets

The building has propose built with communal toilets which have considered total potential capacity of the building. The fitout will not include new toilets relying on the building communal toilets.

Signage Proposal

Sign 1 – Fixed black ACM panel to upper section of new glazing with 3D Internally Illuminated logo to face. “Masala” letters to be 50 mm thick, “Kitchen” letter to be 25 mm thick. Overall size – 1900 mm x 750 mm. Stencilled lettering in pink to front apron on canvas awning – 100 mm high.

Sign 2 – “Masala” letters to be 400 mm high, 50 mm thick 3D internally illuminated letters with pink faces and black sides. “Kitchen” letters to be 150 mm high, 25 mm thick internally illuminated pink letters. Sub-heading in black lasercut 20 mm thick lasercut letters, 150 mm high.

Sign 3 – “Masala” letters to be 400 mm high, 50 mm thick 3D internally illuminated letters with pink faces and black sides. “Kitchen” letters to be 150 mm high, 25 mm thick internally illuminated pink letters. Sub-heading in black lasercut 20 mm thick lasercut letters, 150 mm high.

Refer to Plan MKP-007 of the design package for the signage location plan

5. ENVIRONMENTAL ASSESSMENT UNDER SECTION 4.15

The following matters are to be considered in the assessment of this development application under Section 4.15 of the Environmental Planning & Assessment Act, 1979 (As amended).

5.1 SECTION 4.15(1)(a) ENVIRONMENTAL PLANNING INSTRUMENTS

5.2 Integrated Development

The proposal does not constitute Integrated Development and does not require concurrent approval from any other State Government Bodies.

5.3 Relevant State Instruments and Legislation

State Environmental Planning Policy No. 55 - Remediation of Land

This SEPP provides a state-wide practice for the remediation of contaminated land. Under clause 7 (1) (a) of State Environmental Planning Policy No. 55 – Remediation of Land, requires the contamination and remediation of land to be considered in determining development applications.

The building is a purpose built facility and the application for construction dealt with the requirements to be fit for purpose. There is no new history to suggest that any contaminating uses occurred on the site as this is the proposed first use of the premises. Council can therefore be satisfied that the land is not contaminated and remediation of the land is not required. The land is therefore suitable for its proposed use as a *food and drink premises*. No further consideration is therefore required under clause 7 (1) (b) and (c) of SEPP 55.

Sydney Regional Environmental Plan No 20 - Hawkesbury Nepean River

The subject site is located within the Sydney Regional Environmental Plan No 20-Hawkesbury-Nepean River. The plan has the following aim: 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. It is to be noted that the specific requirements of the Greater Metropolitan Regional Environmental Plan were assessed as part of the base-build DA, and as part of the proposed use and fit-out of the subject tenancy there will be no major changes to overall built form of the approved building and the proposed works will not cause any associated negative impacts to the environmental quality of the surrounding area.

State Environmental Planning Policy No 64 – Advertising and Signage

The aims of State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64) are to ensure that signage, including advertising, is compatible with the desired amenity and visual character of an area.

The proposal also seeks rebranding of existing signage zones identification signage as noted in the description of the development section of this statement and where applicable in the associated plans.

Clause 8 of the SEPP requires that all signage, including advertising, must be consistent with the objectives of SEPP 64 and satisfies the assessment criteria specified in Schedule 1. The signage is considered to be consistent with the objectives of the SEPP as:

- the signage is compatible with the industrial character of the area;
- There will be no proliferation of new signage.
- effectively communicates regarding the purpose and nature of the proposed business; and
- is of high quality design and finish.

An assessment of the signage against the criteria of Schedule 1, is discussed in the table below.

Criteria	Compliance / Comment
Character of the area	The signage is not out of character with the existing signage of the locality.
Special Areas	The signage does not unreasonably intrude into the surrounding visual catchment. The surrounding amenity of nearby residential premises will not be reduced.
Views and Vistas	The signage does not obscure or compromise any significant views or vistas or viewing rights of other advertisers and is integrated appropriately into the overall design.
Streetscape, setting or landscape	The signage is of a scale, proportion and form appropriate to the streetscape and an integral part of the building design.
Site and building	The signage locations do not detract from the existing built form. The signs are not overwhelming or inappropriate to the building.
Associated devices and logos with advertisements and advertising structures	All signage is identified as business identification signage and will not comprise third party advertising.
Illumination	No adverse illumination
Safety	The signage will not obscure sightlines from public areas. It will not have a negative impact on the safety of any public roads. Pedestrian and bicycle safety will not be compromised.

5.4 Penrith Local Environmental Plan 2010

Aims and objectives of zone

The site is zoned “*SP3 Tourist*” Zone under the provisions of the Penrith Local Environmental Plan 2010. The objectives and permissibility characteristics of the zone are:

"1 Objectives of zone

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

The use as a *food and drink premises* is permissible with consent from Council. The proposal will be consistent with the zone objectives because it provides for the use of a purpose tourist facility in the area of Penrith. Use is now critical for the functional operation of the building.

The proposed use promotes the desired future character and amenity of the surrounding area.

Demolition is permissible pursuant to Clause 2.7 of the LEP 2010 but given the use is fitout only, very limited demolition would be required.

Penrith Local Environmental Plan 2010 Controls**Clause 4.3 - Height of Buildings**

The maximum permitted building height for the subject site is 8.5 metres. There is no modification of the existing building height.

Clause 4.4 Floor Space Ratio

The proposed use and fit-out of the tenancy will not alter the floor space of the approved building, therefore Clause 4.4 of the LEP is not applicable.

Clause 5.10 Heritage Conservation

The subject site is not a heritage item and is not located within a heritage conservation area.

Clause 7.2 Flood Planning

The subject site is affected by potential flooding risks from the Nepean River and associated local overland flow paths, however the subject site is subject to a flood evacuation and management plan as part of the overall DA for the building (DA 15/0335).

Clause 7.4 – Sustainable Development

The development will incorporate a suite of sustainable features to minimise materials and resources consumption.

Clause 7.7 Servicing

The site is currently serviced, and the proposed development is capable of operation with no augmentation of services required.

7.0 Section 4.15(1)(a)(ii) DRAFT AMENDMENTS TO STATUTORY CONTROLS

There are no draft amendments noted to any statutory controls applicable to the proposal.

8.0 Section 4.15(1)(a)(iii) DEVELOPMENT CONTROL PLANS

8.1 Penrith Development Control Plan 2014

Sections of the DCP not directly applicable to the development have been omitted from the table.

C1 Site Planning and Design	N/A	Site planned and designed as part of the base-build Principles DA (DA15/0335).
C2 Vegetation Management	N/A	No vegetation management required.
C3 Water Management	N/A	No water management required.
C4 Land Management	N/A	No land management required.
C5 Waste Management	Yes	Waste management was assessed as part of the base-build DA (DA 15/0335).
C6 Landscape Design	Yes	Landscaping was assessed as part of the base-build DA (DA15/0335).
C7 Culture and Heritage	N/A	Not a heritage item or within a conservation area.
C8 Public Doman	Yes	Proposal will respond appropriately to the public domain.
C9 Advertising and Signage	Yes	Only three business identification signs are proposed and are minor in nature.
C10 Transport, Access	Yes	Transport, access, and parking were assessed as Parking part of the base-build DA (DA15/0335).
C11 Subdivision	N/A	No subdivision proposed.
C12 Noise and Vibration	N/A	Acoustic impacts were assessed as part of the base-build DA (DA15/0335).
C13 Infrastructure	Yes	New development will be provided with associated

		Services infrastructure and services from the base-build DA (DA15/0335).
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8.0 Section 4.15(1)(a)(iv) APPLICABLE REGULATIONS

Access consultants were engaged to determine whether the proposal would comply with onsite related accessibility standards or other relevant legislation under the original proposal. Their assessment concludes that the proposal can comply with relevant accessibility standards. This is largely because the proposal provides accessible units with respective disabled car parking spaces, achieves level or close to level access between the adjoining public domain.

Clause 92 of the EPA Regulation 2000 requires consideration of Australian Standard AS 2601-1991: The demolition of structures. It also requires compliance with this, by standard by condition of consent.

It is intended that any noise generated from the site will comply with the relevant provisions of the *Protection of Environment Operations Act* and the *NSW EPA Environmental Noise Manual* for the control of construction noise. The proposal can meet applicable noise criteria to protect the amenity of the nearby industrial and residential premises.

The use in itself should not result in any ongoing or unreasonable noise generation occurring from the premises given the lack of residential premises in near vicinity.

9.0 Section 4.15(1)(b) THE LIKELY IMPACTS OF THE PROPOSAL

The proposed development will result in additional services being provided to the area. This will assist in achieving Council's operational targets in the local area.

There are no negative social or economic impacts as a result of the proposed development. The proposed development will not have any adverse impacts to the local streetscape character.

The proposed development will have a positive economic impact by providing a use in accordance with the desired future character of the building.

10.0 Section 4.15(1)(c) THE SUITABILITY OF THE SITE

The development proposed is such that it would not affect the suitability of the site to accommodate the development nor impact upon adjoining sites in the locality ability to support new development in accordance with the zoning and desired future character of the zone.

The ongoing use is considered to be within the public interest for the following reasons:

1. The site is appropriately zoned and the use for a food and drink premises is in accordance with the zoning.

2. The proposal can site comfortably within the locality without adverse impacts to any adjoining sites.
3. The use will support the local workers and residents.
4. The proposal will improve the usage of the pre-approved site and assist in maintaining the vitality of the area;
5. There are no precipitate constraints posed by adjacent land uses.

The application therefore satisfies this section of the Act.

11.0 Section 4.15(1)(e) THE PUBLIC INTEREST - CONCLUSION

There are no unreasonable impacts that will result from the proposed development, and as such the proposed development will have an overall public benefit.

The SEE provides an assessment of the proposal against the relevant environmental planning framework. the Penrith Local Environmental Plan 2010, as well as the Penrith Development Control Plan 2014.

This SEE has undertaken an environmental assessment of the proposal and has concluded that the proposal is consistent with the outcomes sought by the relevant planning controls and is appropriate given the unique physical characteristics of the site.

In summary, the proposal is considered to:

- be an appropriate response to the context, setting, planning instruments and development guidelines and other considerations outlined in Section 4.15(1) of the Environmental Planning and Assessment Act, 1979;
- provide a use consistent with the desired future character of the site;
- have no adverse impacts on the environment, traffic, parking, drainage or other external features or services.

The. benefits provided by the proposed development outweigh any potential impacts and is it is therefore considered to be in the public interest. The proposal will deliver a suitable and appropriate development and is worthy of approval.