

- STATEMENT OF ENVIRONMENTAL EFFECTS -
for alterations and additions, change of use and signage at
premises fronting Riley Street & Henry Street
WESTFIELD PENRITH

Prepared for

SCENTRE GROUP

Owner and Operator of  in Australia and New Zealand

By

INGHAM PLANNING Pty Ltd
Suite 19, 303 Pacific Highway, Lindfield, 2070

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Urban and Regional Planning, Environmental Planning and Statutory Planning
Registered Office: Lyndhurst, Suite 19, 303 Pacific Highway, Lindfield N.S.W 2070
Telephone: (02) 9416 9111 Facsimile: (02) 9416 9799
email: admin@inghamplanning.com.au
A.C.N. 106 713 768

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1. INTRODUCTION

The Statement of Environmental Effects (SEE) has been prepared to accompany a development application for alterations and additions, change of use and signage at premises fronting Riley Street and Henry Street at Westfield Penrith.

The proposal includes the consolidation of Shop 152 with part of the existing retail mall area into one tenancy comprising 187.8sqm of floor space, for use as a café/restaurant. There are also changes to the external façade of the building and new services including rooftop plant and equipment. Four (4) under awning signs are also proposed. The proposed works will provide for a new tenancy that will create an enhanced active frontage at the corner of Riley and Henry Streets.

The SEE describes the subject property in terms of the location of the shopping centre site, the area where works are proposed and the layout of the existing area. It outlines the statutory and development controls that apply to the subject site and reviews the proposal in light of the objectives of the zone and relevant planning controls.

An environmental assessment of the proposed development with respect to the matters of consideration under Section 4.15 of the Environmental Planning and Assessment Act 1979 is provided. Conclusions are drawn and relevant illustrative material is attached.

2. THE SITE AND LOCALITY

As illustrated in **Figure 1 - Location** the subject property is known as the Westfield Shopping Centre, Penrith and occupies a large parcel of land located on the southern side of the railway line and bounded between Jane Street and Henry Street, within the commercial centre of Penrith. It is known as 569 High Street Penrith and comprises Lot 1 DP1137699.

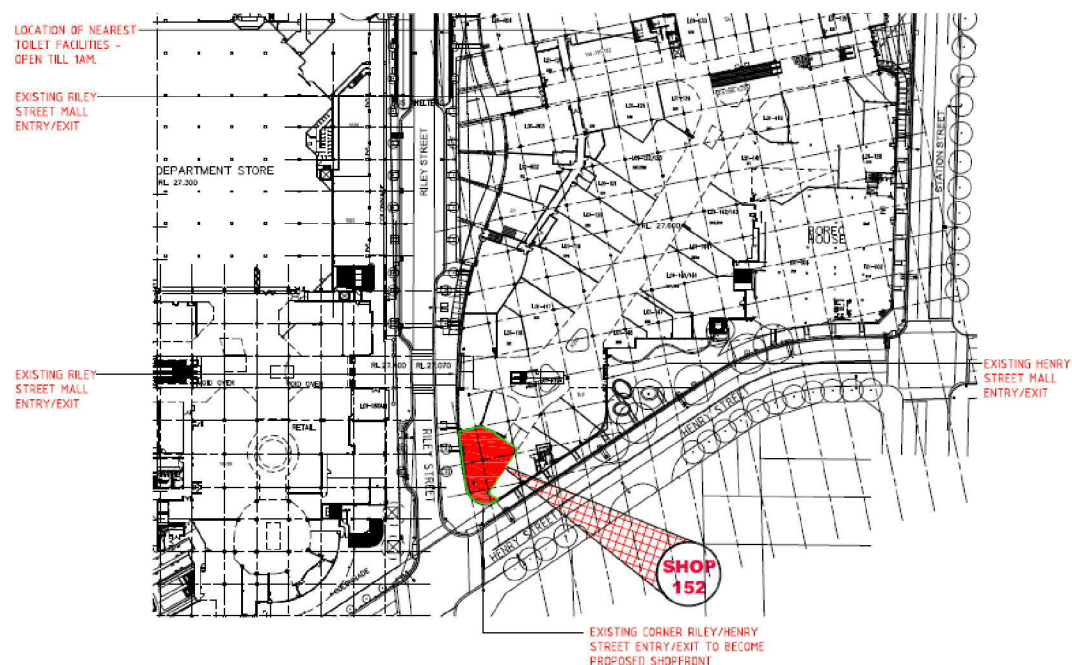


Figure 1 – Location of Proposed Works



Figure 2 – View towards Existing Shopfronts (Shops 151/152)
(Source: Google Maps)

The location of the proposed works is generally within the area known as the Riley Street casual dining precinct of the site within the Westfield Shopping Centre site as illustrated in the photos below.

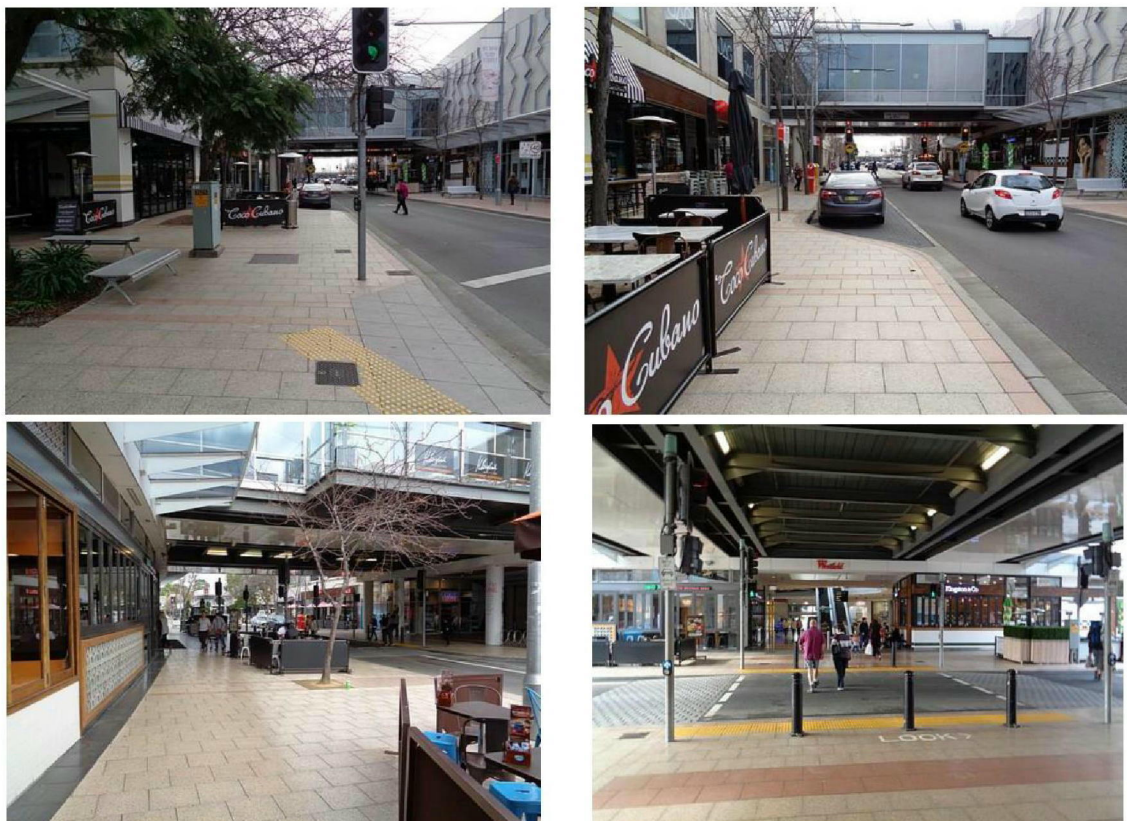
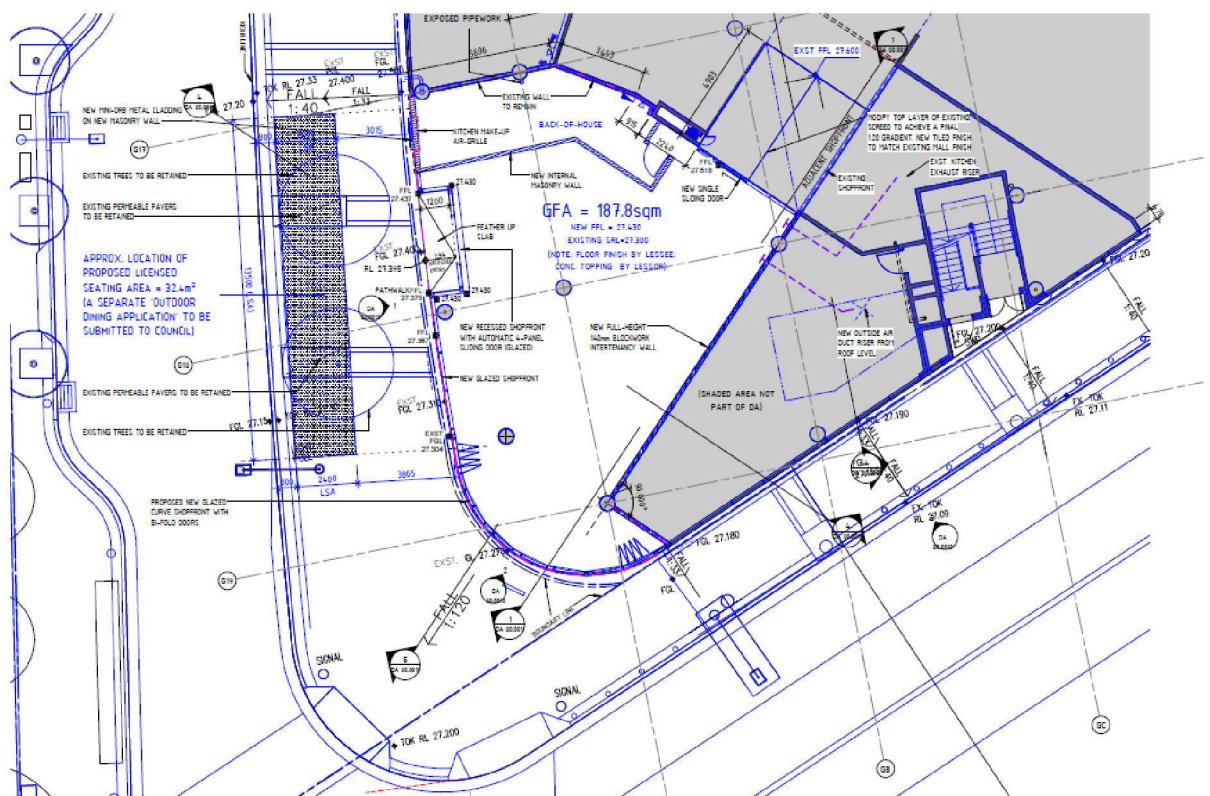


Figure 3 – Photos of Riley Street and main pedestrian crossing
(Source: Access Australia Report)

3. PROPOSED DEVELOPMENT

It is proposed alterations and additions relate to the existing shop 152 and adjoining mall area. The proposed works seek consent to consolidate this shop with the adjoining internal mall and part external mall into one single tenancy of 187.8sqm (a 54.86sqm increase).

The proposal also seeks consent for the change of use of this floor space to a café/restaurant tenancy and provision for new mechanical plant and plant room on the roof top and internally. The changes to pedestrian movement will not affect compliance with the BCA fire safety requirements as indicated in **Appendix A**.



4. ZONING AND DEVELOPMENT CONTROLS

4.1 Penrith Local Environmental Plan 2010

The site is zoned B3 Commercial Core pursuant to the provisions of Penrith Local Environmental Plan 2010.

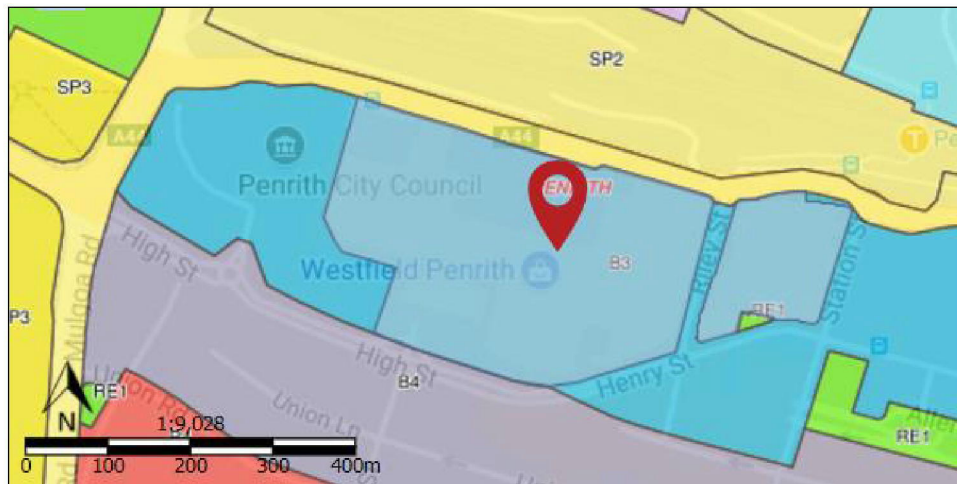


Figure 4: Extract of Zoning Map (Penrith LEP 2008)

The land use table for the B3 Commercial Core zone states as follows:

Zone B3

Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.
- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.
- To strengthen the role of Penrith City Centre as the business, retail and cultural centre of the region.

2 Permitted without consent

Nil

3 Permitted with consent

Amusement centres; Car parks; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Function centres; Helipads; Hotel or motel accommodation; Information and education facilities; Medical centres; Mortuaries; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Sex services premises; Signage; Tourist and visitor accommodation; Veterinary hospitals

4 Prohibited

Bed and breakfast accommodation; Farm stay accommodation; Any other development not specified in item 2 or 3

The proposed development is defined as a 'restaurant or café' which is a type of food and drink premises and is also defined as retail premises. Retail premises fall within the definition of "commercial premises" under the provisions of the LEP. The proposed development is permissible on the site subject to development consent.

Other relevant LEP clauses are addressed in **Section 5** below.

4.2 Penrith City Centre Development Control Plan 2014

Penrith City Centre Development Control Plan was adopted by Council on 23 March 2015 and came into force on 17th April 2015. The provisions for the Penrith City Centre are provided in Section E11 of the DCP.

The DCP provides more detailed provisions expanding on the Penrith City Centre Local Environmental Plan 2008 for development of the city centre. The aims of Section E11 of the DCP are as follows:

The aim of this Section is to provide more detailed provisions for development in the Penrith Centre that will:

- a) contribute to the growth and character of Penrith
- b) deliver a balanced social, economic and environmental outcome; and
- c) protect and enhance the public domain.

The provisions of the DCP are discussed in Section 5.3 of this SEE.

5. MATTERS FOR CONSIDERATION UNDER SECTION 4.15 OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979.

5.1 The provisions of any environmental planning instrument

5.1.1 Penrith LEP 2008

Apart from the zoning provisions discussed above, the following clauses of the LEP are relevant:

4.3 Height of buildings – there is only a minor increase in height associated with the additional plant required on the roof and this will be well below the 20m height limit and will not be visible from the public domain.

4.4 Floor space ratio – the proposal provides to an increase in GFA of 54.86sqm which is minimal in regard to the overall GFA of 110,698sqm. The total FSR will still be well within the 1.5:1 permitted on the site.

7.4 Sustainable development – the proposal reinforces the vitality of the town centre which is highly accessible and well serviced, consistent with the principles of sustainability.

7.8 Active frontages – the streets adjoining the subject area as designated as requiring active frontages. Whilst the existing shopfronts are ‘active’ the proposed change of use will result in increased activity at and on the street.

8.4 Design excellence – the proposed changes are minor and will not substantially affect the overall appearance of the building. The infill of the open corner will better define the street frontage and result in a superior design outcome.

The proposal will strengthen the role of the Penrith City Centre as a business, retail and cultural centre. It will maintain and enhance ongoing employment opportunities in the centre and encourage the use of public transport and liveability of the CBD.

5.1.2 State Environmental Planning Policy No 64—Advertising and Signage

SEPP 64 Advertising and Signage seeks to achieve the following aims and objectives:

- (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*
- (b) to regulate signage (but not content) under Part 4 of the Act, and*
- (c) to provide time-limited consents for the display of certain advertisements, and*
- (d) to regulate the display of advertisements in transport corridors, and*
- (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors.*

Clause 4 provides the definitions for SEPP 64. Pursuant to these definitions, the proposed external signage would be defined as “*business identification signs*” as they will accommodate the name/logo of the new tenant. No general advertising signs are proposed.

The relevant sign type definitions from SEPP 64 are reproduced below.

business identification sign means a sign:

- (a) that indicates:*
 - (i) the name of the person, and*
 - (ii) the business carried on by the person,*
at the premises or place at which the sign is displayed, and
 - (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,*
- but that does not include any advertising relating to a person who does not carry on business at the premises or place.*

The proposed business identification signs comply with the above definitions.

Clause 8 of SEPP 64 requires that:

“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”.*

The objectives referred to in clause 3(1)(a) are:

- “(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.”*

In regard to (i), the proposed signage is in keeping with the amenity and visual character of the Penrith City Centre within which Westfield is located. Westfield is the major retail, entertainment and lifestyle destination at the heart of the Penrith CBD.

In regard to (ii), nature of the proposed signage is intended to clearly identify the proposed tenant to pedestrians and vehicular traffic in the locality.

In regard to (iii), as indicated on the submitted plans and images, the proposed signage will be of high quality design and finish and is integrated with building design.

The assessment criteria in Schedule 1 of SEPP 64 are noted and addressed in the following table.

Criterion	Comment
1 Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	Yes, as noted above the proposed signage is considered to be compatible with the existing and desired character of this busy and developing major centre.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes. The existing signage in the area relates to building and tenant names in the Westfield Penrith centre. The proposed signage will be in keeping with this building/business identification sign theme, with colours, typography and style compatible with the existing signage and the corporate identity of major operators within the premises.
2 Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas,	No. There are no areas of particular sensitivity that will be affected by the proposed signs.

Criterion	Comment
heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	
3 Views and vistas	
Does the proposal obscure or compromise important views?	No. It is considered that the views of the building will be improved by adding colour and visual interest to the building, as viewed from nearby properties and private and public roads in the locality. Proposed signage does not obscure or encroach any important views.
Does the proposal dominate the skyline and reduce the quality of vistas?	No. The signs do not extend above the roofline of the building and will not affect the skyline or any vistas.
Does the proposal respect the viewing rights of other advertisers?	Yes. Proposed signage does not obstruct or clutter views of existing signage of neighbouring properties or any general advertising signs in the locality.
4 Streetscape, setting or landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes. The signs are of a modest size compared to the overall scale of the tenancy and building generally. The proposed signs are of a scale, proportion and form appropriate to the building on which they are located and the streetscape and setting within which this building is located. The proposed signs will enhance the presentation of the building by adding visual interest in a co-ordinated manner to the ground floor façade of the building. The signs do not conflict with or obstruct architectural features of the building.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	Yes. The signage will contribute significantly to the visual interest of the setting as discussed above. Having regard to the length of building façade, a satisfactory visual outcome is achieved.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	Existing signage will be removed. The large nature of the building facades ensure that proposed signage can be accommodated without creating visual clutter or detracting from the architecture of the building.
Does the proposal screen unsightliness?	No.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	No. The signs are under awning signs that will site within the overall building form.

Criterion	Comment
5 Site and building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	Yes. Three signs are appropriate due to the corner location and the length of the frontage.
Does the proposal respect important features of the site or building, or both?	Yes. The architectural integrity of the building is maintained and by providing visual interest, enhances building appearance.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Yes. A mix of traditional and non-traditional forms are proposed.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	No. The signage is simple and does not need elaborate structures.
7 Illumination	
Would illumination result in unacceptable glare?	No. Lighting sufficient enough to illuminate the signage zone at night is proposed. No unacceptable glare or light spillage is created
Would illumination affect safety for pedestrians, vehicles or aircraft?	No. The relatively low level of light emission from the illuminated signs would not affect safety, rather the safety of pedestrians will be improved by a modest increase in the ambient level of light at night time. This is a positive outcome, given that the Westfield building continues to trade into the evening period.
Would illumination detract from the amenity of any residence or other form of accommodation?	No. There are no nearby residences that would be affected.
Can the intensity of the illumination be adjusted, if necessary?	No. Low intensity lighting is proposed.
Is the illumination subject to a curfew?	No. Low intensity lighting is proposed which does not need to be limited.
8 Safety	
Would the proposal reduce the safety for any public road?	No. The signage is designed and located in a manner that does not distract drivers or impact on road safety in adjoining streets. No flashing or moving signage is proposed and low glare lighting is utilised. .
Would the proposal reduce the safety	No.

Criterion	Comment
for pedestrians or bicyclists?	
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.

5.2 Any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority

There are no draft environmental planning instruments of relevance to the proposal.

5.3 Any development control plan

5.3.1 Penrith City Centre Development Control Plan 2014

Clause 11.3.2 of Penrith City Centre DCP 2007 relates to the promotion of interesting and safe pedestrian environments within the Penrith City Centre. The DCP seeks to encourage active street frontages and enhance the interactivity of buildings with the street network. The DCP has the following objectives and controls:

B. Objectives

- a) To promote pedestrian activity and safety in the public domain.
- b) To maximise active street fronts in Penrith City Centre.
- c) To define areas where active streets are required or are desirable.
- d) To encourage an address to the street outside of areas where active street frontages are required.

C. Controls

Active Street Frontages

- 1) Active frontage uses are defined as one or a combination of the following at street level:
 - a) entrance to retail;
 - b) shop front;
 - c) glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage;
 - d) café or restaurant if accompanied by an entry from the street;
 - e) active office uses, such as reception, if visible from the street;
 - f) public building if accompanied by an entry.
- 2) Active street fronts are to be located at the ground level of all buildings located in those areas as shown in the Active Street Frontages map of Penrith LEP 2010.
- 3) Ground floor active street frontage uses are to be at the same level as the adjoining footpath and must be directly accessible from the street.
- 4) Restaurants, cafes and the like are to consider providing openable shop fronts.
- 5) Only open grill or transparent security shutters are permitted to retail frontages.

In regard to the current application, the provisions for the Penrith City Centre within Section E11 of the DCP 2014 specifically identifies Riley Street as a location where

active street frontages are required and outdoor dining is encouraged. The proposal is consistent with the provisions of the Penrith City Centre DCP.

The proposed restaurant at the corner of Riley and Henry Street will included entry from the street and glazed shop front with views available to and from the public domain. A condition of consent can be imposed to require this if necessary.

A separate development application or complying development certificate by the future lessee will be lodged for fit out. Any proposal to provide seating within the adjoining footpath area associated with the modern restaurant tenancies will require separate approval from Council.

The proposed works and change of use have been reviewed in light of pedestrian movements in and through Riley Street. The DCP provisions relating to pedestrian accessibility have been addressed within the Access Australia Report attached as **Appendix B**.

The only other relevant provisions of the DCP relate to waste management, signage and parking. A Waste Management Plan has been prepared and is provided at **Appendix C**.

The proposed signs are generally consistent with the DCP and in this case the provisions of SEPP 64 is given greater weight. The proposal is consistent with SEPP 64.

In relation to parking, the increase in floor area is minor and given the amount of parking already provided by the development, additional parking is not considered necessary. The site is close to the Penrith Interchange and most visitors to the site will be regular Penrith shoppers. The peak dining period will also be outside the primary trading hours of the centre and therefore existing parking can cater for the needs of those patrons not utilising public transport.

5.4 Any planning agreement or draft planning agreement under Section 7.4

There are no relevant planning agreements.

5.5 Any matter prescribed by the regulations that apply to the land to which the development relates

No matters of relevance are raised in regard to the proposed development.

5.6 The likely impacts of that development, including environmental impacts on both the natural and built environments, and the social and economic impacts in the locality

The likely impacts of the proposed development are summarised as follows:

Context and Setting

As discussed previously, the proposal will enhance and revitalise an underutilised tenancy by utilising the existing shopfront and mall for a new restaurant that will improve the activation of the Riley Street and Henry Street frontage.

There is no significant impact on the natural or built environment of the surrounding locality. The site is well located to public transport and is a suitable location for such a use. In terms of the built environment, the minor works do not result in any significant change to the overall built form of the centre.

Social and Economic Impacts

The proposal effectively improves the existing retail space along Riley Street by providing an enhanced restaurant dining precinct within the shopping centre. It is considered that, as there is no significant increase in floor space and the proposal maintains a similar use to that already approved that there will be no significant economic impact as a result of the proposed works.

The proposal will provide benefits to shoppers by providing an enhanced dining experience and providing greater choice and increased competition between tenancies. It will maintain and improve additional employment opportunities within the area.

Traffic

It is considered that the proposal will not cause any substantial increase in traffic.

5.7 The suitability of the site for the development

The site is highly suited to the proposed use as it is within a major shopping centre and has access to all the appropriate facilities (including toilets) for such premises. The proposal predominantly relates to an internal reorganisation and change of floor space usage that would normally be permitted by way of complying development provisions.

The proposal is consistent with the planning objectives for the land and will not unreasonably impact on adjoining properties or the surrounding locality.

Appropriate conditions of consent can ensure that the proposal will have minimal effects on the surrounding environment during the construction stage.

5.8 Submissions made in accordance with this Act or the regulations

Submissions received following public notification (if necessary) are a matter for Council to consider.

5.9 The public interest

The proposal is considered to be in the public interest. It is consistent with the objectives and planning controls for the site as set out in Penrith City Centre LEP 2010 and DCP 2014.

6. CONCLUSION

The proposed works include the consolidation an existing vacant retail shop (Shop 152) and part of the internal and external retail mall area into a new restaurant tenancy. These change will improve the definition of the streetfront and result in increased activity at and on the street as required by Council's planning controls. It has minimal potential for environmental impact and will provide improvement in retail and shopper experience and additional employment.

We support the proposal and seek Council's favourable consideration.

APPENDIX A

Fire Engineering Assessment by Fire Engineering Professionals

APPENDIX B

**Access Report by
Access Australia**

APPENDIX C

Waste Management Plan by Scentre Group