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# STATEMENT OF ENVIRONMENTAL EFFECTS

*‘Minor additions and alterations  
+ update existing  
signage - KFC Penrith’*

**123 Mulgoa Road,  
PENRITH**

**October 2019**

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## 1.0 INTRODUCTION

- 1.1. This Statement of Environmental Effects has been prepared by Andrew Martin Planning for the applicant to accompany a development application to Penrith City Council (the “Council”) for minor additions and alterations + update of signage to the existing KFC – Penrith.
- 1.2. The KFC Penrith is located on the south-east corner of the Penrith Panthers site (corner of Mulgoa and Jamison Roads). The proposal seeks to undertake upgrade works to the premises. The works modernise the ordering and pick-up service area; outdoor seating provisions; and corporate KFC business identification signage. The proposal does not intensify the use on the existing site. Additional floor area is very minor (pay-point window only) and no additional parking is required as a result of the works. The proposal includes the conversion of existing outdoor dining area to indoor dining area of 45.5sqm.
- 1.3. The site is zoned SP3 Tourist zone pursuant to Penrith LEP 2010 (PLEP 2010). Food and drink premises are permitted with consent. Retail premises are also permissible on the site, noting that food and drink premises are a type of retail premises. The provisions of the Penrith Development Control Plan 2010 (PDCP 2010) also apply to the site, noting that Part 9 – Penrith Panthers Site applies to the future redevelopment of the site. The Penrith Panthers site specific provisions are not entirely relevant to the assessment of this particular application due to the minor nature of the works.
- 1.4. The detailed scope of works for this application are notated on the DA plan set prepared by BD Architects, dated September 2019.
- 1.5. This application has been prepared pursuant to Section 4.12 of the Act, and cl.47 and Schedule 1, Part 1, cl. 2(c) of the *Environmental Planning and Assessment Regulation 2000*, and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the environmental impacts of the proposal with particular reference to the relevant heads of consideration listed under s4.15 of the Act.
- 1.6. Therefore, it is with confidence that the subject development application is submitted to Council for favourable determination.

## 2.0 SITE AND SURROUNDS

The subject site is legally described as Lot 55 in DP 1246141, No. 123 Mulgoa Road, Penrith. The KFC premises is located in the south-east corner of the larger Penrith Panthers property at the corner of Jamison Road and Mulgoa Road.

The KFC premises is a longstanding landuse on the site, comprising drive-through and onsite seating with shared parking adjoining and adjacent to the building.

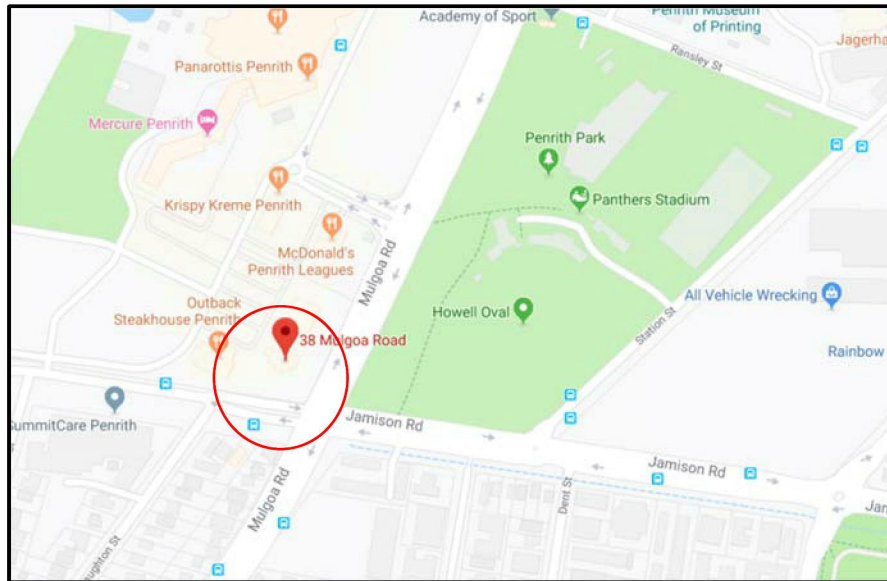


Figure 1: Location of the site



Figure 2: Aerial of the subject site



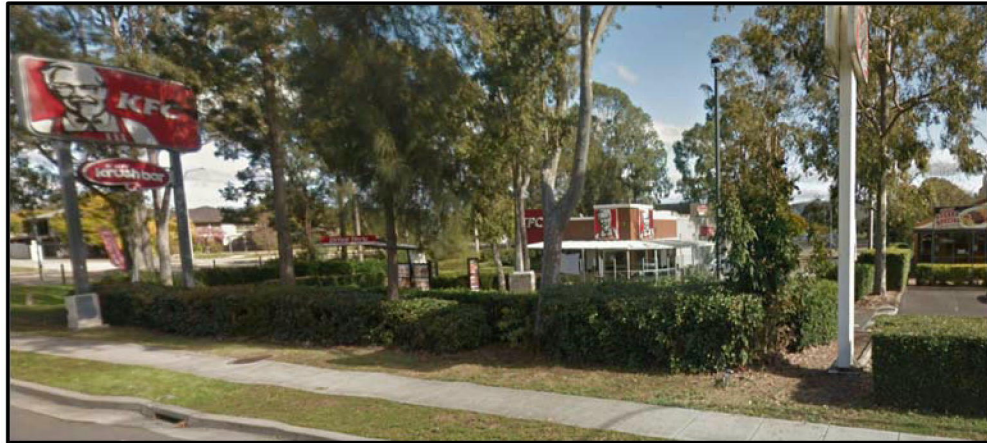


Figure 3: View of the site from Mulgoa Road



Figure 4: View of KFC from access road and carpart

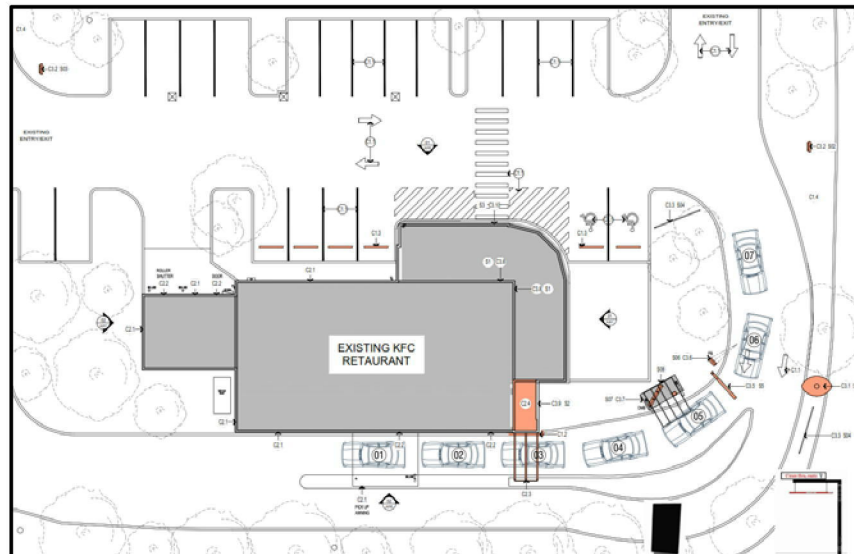


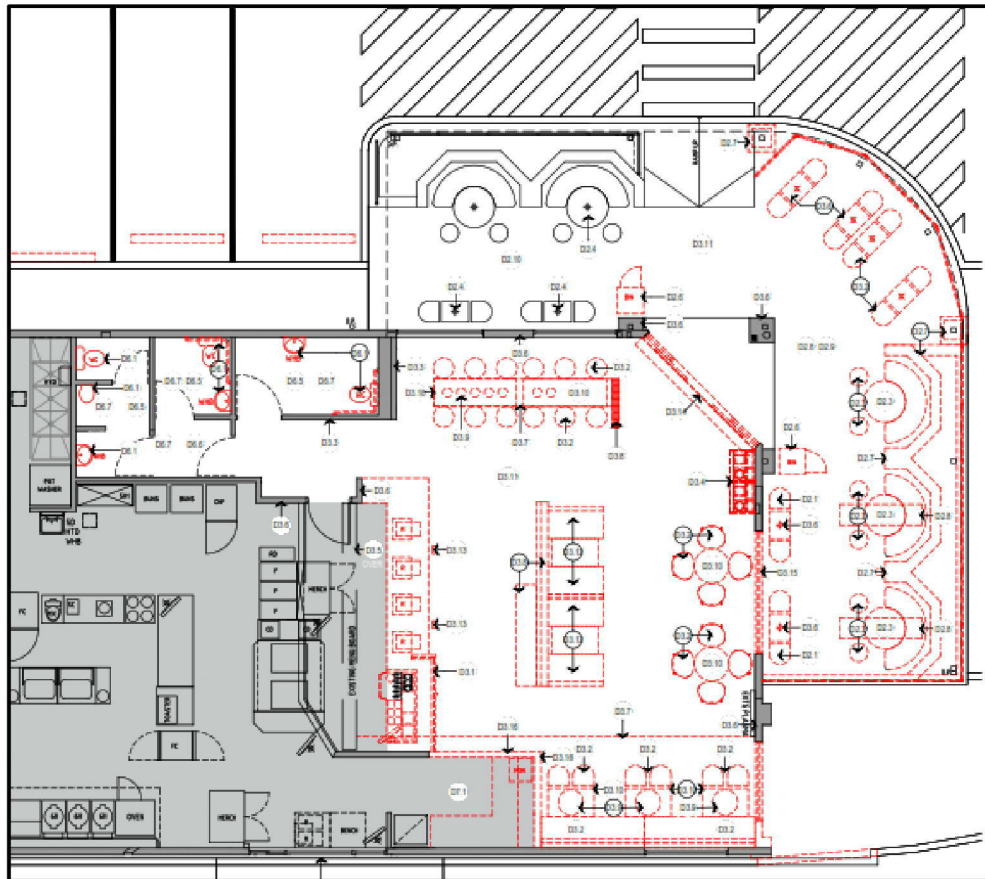
Figure 5: Existing KFC – restaurant and drive-thru layout

### 3.0 PROPOSED DEVELOPMENT

#### 3.1 Demolition and Proposed Building Works

The proposal comprises minor additions and alterations to the existing KFC building and signage upgrades to current corporate brand standards.

Demolition as per the following Plan (A100, Rev A)



**Figure 6: Existing KFC showing demolition and removal in red**

Table 1 below lists in detail the proposed demolition and/or removal works.

In relation to signage and parking, there is removal of wheel stops from some parking spaces on the northern side of the building and the following changes to outdoor signage.

In addition to the above, it is noted that there are no external works to the building.

Table 1 – Proposed Works

<p>D2.1 <u>CHAIRS</u> - ALLOW TO REMOVE ALL EXISTING LOOSE CHAIRS.</p> <p>D2.2 <u>FIXED STOOLS</u> - ALLOW TO REMOVE EXISTING FIXED STOOLS UNLESS NOTED.</p> <p>D2.3 <u>TABLES</u> - ALLOW TO REMOVE EXISTING FIXED TABLES.</p> <p>D2.4 <u>BANQUETTE TABLES</u> - ALLOW TO RETAIN EXTG FIXED TABLES &amp; MAKE GOOD.</p> <p>D2.5 <u>FLOOR</u> - ALLOW TO REMOVE EXISTING FLOOR TILES. MAKE GOOD SLAB &amp; READY TO ACCEPT NEW TILES</p> <p>D2.6 <u>BINS</u> - ALLOW TO REMOVE EXISTING BINS.</p> <p>D2.7 <u>WALL</u> - ALLOW TO REMOVE EXISTING WALL. RETAIN COLUMNS</p> <p>D2.8 <u>LIGHTS/SPEAKER/HEATER</u> - ALLOW TO REMOVE ALL LIGHTS, SPEAKERS, AND HEATERS. PATCH &amp; MAKE GOOD CEILING.</p> <p>D2.9 <u>POLYCARBONATE ROOFING</u> - ALLOW TO CLEAN OR REPLACE IF NEEDED. BUILDER TO INSPECT AND COMMUNICATE WITH THE ARCHITECT REGARDING THE EXISTING CONDITION.</p> <p>D2.10 <u>CEILING</u> - ALLOW FOR PROFESSIONAL CLEAN TO THE EXTG CEILING. REFER TO THE PLAN FOR THE EXTEND AREA</p>	<p>D3.0 <u>FRONT OF HOUSE</u></p> <p>D3.1 <u>COUNTER</u> REMOVE FRONT FACING UNDER COUNTER FINISH. COUNTER TOP, UPSTAND FINISH, KRUSHER SCREEN &amp; KRUSHER BLADE. RETAIN BENCH.</p> <p>D3.2 <u>LOOSE SEATING</u> - ALLOW TO REMOVE ALL EXISTING LOOSE DINING CHAIRS, STOOLS &amp; BANQUETTE.</p> <p>D3.3 <u>GENERAL WALL GRAPHICS</u> - ALLOW TO REMOVE EXTG MURALS &amp; PATCH &amp; MAKE GOOD WALL READY TO ACCEPT NEW FINISH</p> <p>D3.4 <u>BIN JOINERY</u> - ALLOW TO REMOVE ALL BINS</p> <p>D3.5 <u>MENUBOARDS</u> - TO BE RETAINED</p> <p>D3.6 <u>WALLS (GENERAL)</u> - REMOVE EXTG WALL FINISHES &amp; MAKE GOOD READY TO ACCEPT NEW FINISH</p> <p>D3.7 <u>CEILING PLASTERBOARD</u> ALLOW TO REMOVE BULKHEAD WHERE NOTED AND MAKE GOOD READY TO ACCEPT NEW PLASTERBOARD AND NEW PAINT FINISH AS SCHEDULED.</p> <p>D3.8 <u>SCREEN &amp; JOINERY</u> - ALLOW TO REMOVE EXTG SCREEN &amp; JOINERY.</p> <p>D3.9 <u>LIGHTING</u> - ALLOW TO RETAIN &amp; REMOVE PENDANTS &amp; DOWNLIGHTS WHERE NOTED</p> <p>D3.10 <u>TABLES (GENERAL)</u> - ALLOW TO REMOVE ALL TABLES.</p> <p>D3.11 <u>FLOOR &amp; SKIRTING</u> - ALLOW TO REMOVE FLOOR &amp; SKIRTING TILES. MAKE GOOD SLAB &amp; READY TO ACCEPT NEW TILES.</p>
<p>D3.12 <u>BANQUETTES</u> - ALLOW TO REMOVE EXTG BANQUETTE SEATINGS. ALLOW TO REMOVE EXTG CORRESPONDING TABLES &amp; BASES.</p> <p>D3.13 <u>ORDER &amp; PICK UP SIGN</u> - ALLOW TO REMOVE ORDER &amp; PICK UP SIGN. MAKE GOOD CEILING.</p> <p>D3.14 <u>AUTO DOORS</u> - ALLOW TO REMOVE AUTO DOORS. MAKE GOOD WALL. READY TO ACCEPT NEW FINISH.</p> <p>D3.15 <u>WINDOWS</u> - ALLOW TO REMOVE WINDOWS. MAKE GOOD WALL, READY TO ACCEPT NEW FINISH.</p> <p>D3.16 <u>DEMOLISH WALL</u> - ALLOW TO DEMOLISH WALLS. MAKE GOOD CEILING, READY TO ACCEPT NEW FINISH.</p> <p>D6.0 <u>AMENITIES</u></p> <p>D6.1 <u>FITTINGS</u> - ALLOW TO REMOVE EXISTING FITTINGS &amp; FIXTURES. PREPARE FOR NEW.</p> <p>D6.2 <u>LIGHTING</u> - ALLOW TO REMOVE &amp; REPLACE ALL LIGHTING.</p> <p>D6.3 <u>CEILING</u> - ALLOW TO RETAIN. PATCH &amp; MAKE GOOD PREPARE FOR NEW PAINT FINISH.</p> <p>D6.4 <u>DOORS</u> - ALLOW TO RETAIN. PREPARE FOR NEW PAINT FINISH &amp; SIGNAGE TO COMPLY.</p> <p>D6.5 <u>WALLS</u> - ALLOW TO REMOVE EXTG WALL TILES &amp; PREPARE FOR NEW</p> <p>D6.6 <u>WALLS (AIRLOCK)</u> - ALLOW TO REMOVE EXISTING WALL FINISH TO AIRLOCK. PREPARE FOR NEW TILE FINISH.</p>	<p>D6.7 <u>FLOOR &amp; SKIRTING</u> - ALLOW TO REMOVE FLOOR &amp; SKIRTING TILES. MAKE GOOD &amp; READY TO ACCEPT NEW TILES</p> <p>D7.0 <u>BACK OF HOUSE</u></p> <p>D7.1 <u>MANAGER</u> - ALLOW TO REMOVE MANAGER AREA &amp; EXISTING CORRESPONDING TABLES &amp; BASES.</p> <p>D8.0 <u>DRIVE THRU WINDOWS</u></p> <p>D8.1 <u>WALL</u> - PREPARE SURFACE FOR NEW FEATURE FINISH.</p>
<p>D3.1 <u>PYLON SIGN</u> - ALLOW TO REMOVE EXTG PYLON SIGN TO SUIT CURRENT BRAND STANDARDS. (S01).</p> <p>D3.2 <u>DIRECTIONAL SIGN</u> - ALLOW TO REMOVE &amp; MAKE GOOD SURFACE (S02). BUILDER TO CHECK EXISTING FOOTINGS ARE ADEQUATE FOR NEW DIRECTIONAL SIGNS AT TENDER STAGE. IF NOT PLEASE ALLOW FOR MODIFICATIONS TO FOOTING PADS TO SUIT.</p> <p>D3.3 <u>BANNER SIGN</u> - ALLOW TO RETAIN &amp; MAKE GOOD EXTG STRUCTURE. PREPARE FOR NEW PAINT FINISH. (S03)</p> <p>D3.4 <u>HEIGHT BAR</u> - ALLOW TO REMOVE &amp; PREPARE FOR HEIGHT BAR TO SUIT CURRENT BRAND STANDARDS. (S04)</p>	<p>D3.5 <u>PREVIEW BOARD</u> - ALLOW TO REMOVE PREVIEW BOARD &amp; MAKE GOOD LANDSCAPING AREA. (S05) BUILDER TO CHECK EXISTING FOOTINGS ARE ADEQUATE FOR NEW DIGITAL MENUBOARDS AND PREVIEW BOARDS AT TENDER STAGE. IF NOT PLEASE ALLOW FOR MODIFICATIONS TO FOOTING PADS TO SUIT. "BUILDER TO SUPPLY DEDICATED POWER TO PROMO BOARDS AND MENUBOARDS. CAT 6 DATA CABLING WITH RJ45 TERMINATION FROM THE COMMS RACK TO EACH UNIT.</p> <p>D3.6 <u>PROMOTIONAL BOARD</u> - ALLOW TO REMOVE &amp; REPLACE WITH NEW DIGITAL PROMOTIONAL BOARD TO SUIT CURRENT BRAND STANDARDS (S06) BUILDER TO CHECK EXISTING FOOTINGS ARE ADEQUATE FOR NEW DIGITAL MENUBOARDS AND PREVIEW BOARDS AT TENDER STAGE. IF NOT PLEASE ALLOW FOR MODIFICATIONS TO FOOTING PADS TO SUIT. "BUILDER TO SUPPLY DEDICATED POWER TO PROMO BOARDS AND MENUBOARDS. CAT 6 DATA CABLING WITH RJ45 TERMINATION FROM THE COMMS RACK TO EACH UNIT.</p> <p>D3.7 <u>MENUBOARDS &amp; SPEAKER</u> - ALLOW TO REMOVE &amp; REPLACE WITH NEW DIGITAL TRIPLE STACK MENUBOARDS &amp; DIGITAL SPEAKER DISPLAY TO SUIT CURRENT BRAND STANDARDS. (S06) BUILDER TO CHECK EXISTING FOOTINGS ARE ADEQUATE FOR NEW DIGITAL MENUBOARDS AND PREVIEW BOARDS AT TENDER STAGE. IF NOT PLEASE ALLOW FOR MODIFICATIONS TO FOOTING PADS TO SUIT. "BUILDER TO SUPPLY DEDICATED POWER TO PROMO BOARDS AND MENUBOARDS. CAT 6 DATA CABLING WITH RJ45 TERMINATION FROM THE COMMS RACK TO EACH UNIT.</p>



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<p>D3.8 DT AWNING - ALLOW TO REMOVE &amp; REPLACE WITH NEW AWNING TO SUIT CURRENT BRAND STANDARDS. (S07)</p> <p>D3.9 CLEARANCE SIGN - ALLOW TO REMOVE &amp; REPLACE WITH NEW AWNING TO SUIT CURRENT BRAND STANDARDS. (S08)</p> <p>D3.10 BUILDING SIGN (COLONEL) - ALLOW TO REMOVE &amp; REPLACE WITH NEW TO SUIT CURRENT BRAND STANDARDS. (S1)</p> <p>D3.11 BUILDING SIGN (KFC RED LETTER SET) - ALLOW TO REMOVE. MAKE GOOD WALL, READY TO ACCEPT NEW FINISH. (S2)</p> <p>D3.12 BUILDING SIGN (KFC WHITE LETTER SET) - ALLOW TO REMOVE &amp; REPLACE WITH NEW TO SUIT CURRENT BRAND STANDARDS. (S3)</p>	<p><b>SIGNAGE LEGEND</b></p> <p>S01 PYLON SIGN - EXTG S02 DIRECTIONAL SIGN - EXTG S03 BANNER SIGN - EXTG S04 HEIGHT BAR - EXTG S05 PREVIEW BOARD - EXTG S06 PROMOTIONAL BOARD - EXTG S07 MENUBOARDS - EXTG S08 DT AWNING - EXTG S09 CLEARANCE SIGN - EXTG</p> <p>S1 COLONEL SIGN - EXTG S2 KFC RED LETTERSET - EXTG S3 KFC WHITE LETTERSET - EXTG</p>
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Figure 6 above shows the existing design and layout of the building. The proposal seeks to make minor additions and alterations to the building to improve the ordering and pick-up areas inside the building. Seating, whilst not increasing in number, is reconfigured and updated. Figure 7 below shows the proposed new layout.

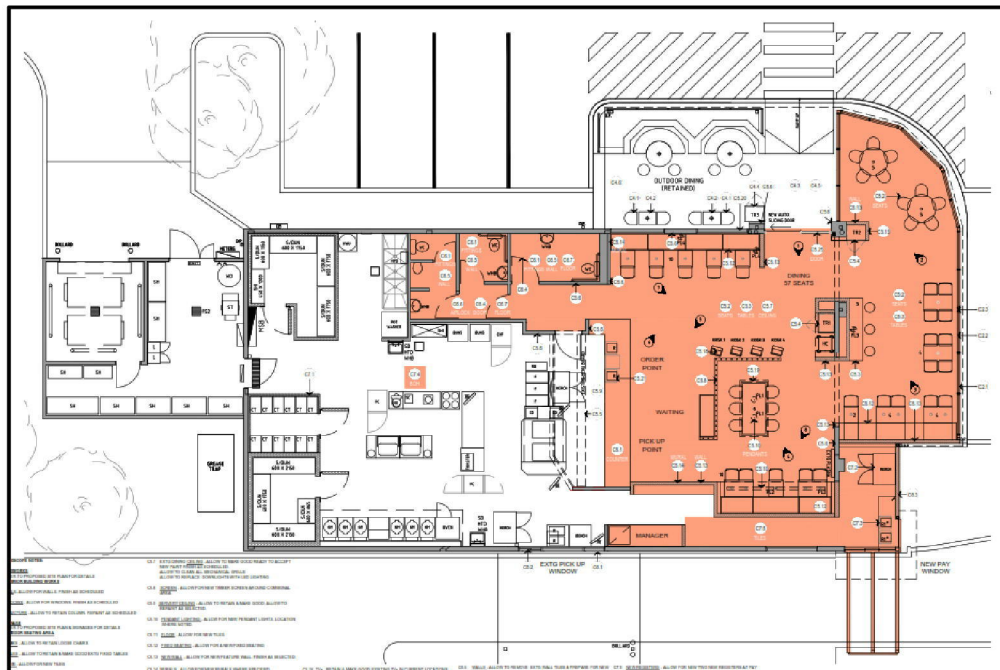


Figure 7: Proposed KFC layout showing work area in orange

The following existing and proposed elevations show the minor nature of the proposed works:



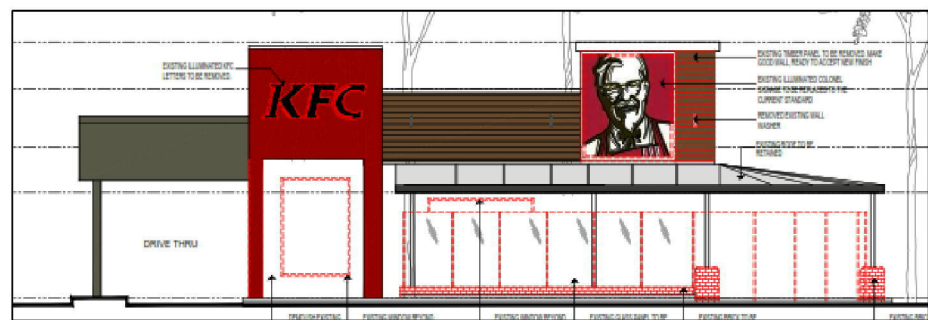
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Figure 8: Existing and proposed North elevation



Figure 9: Existing and proposed South elevation





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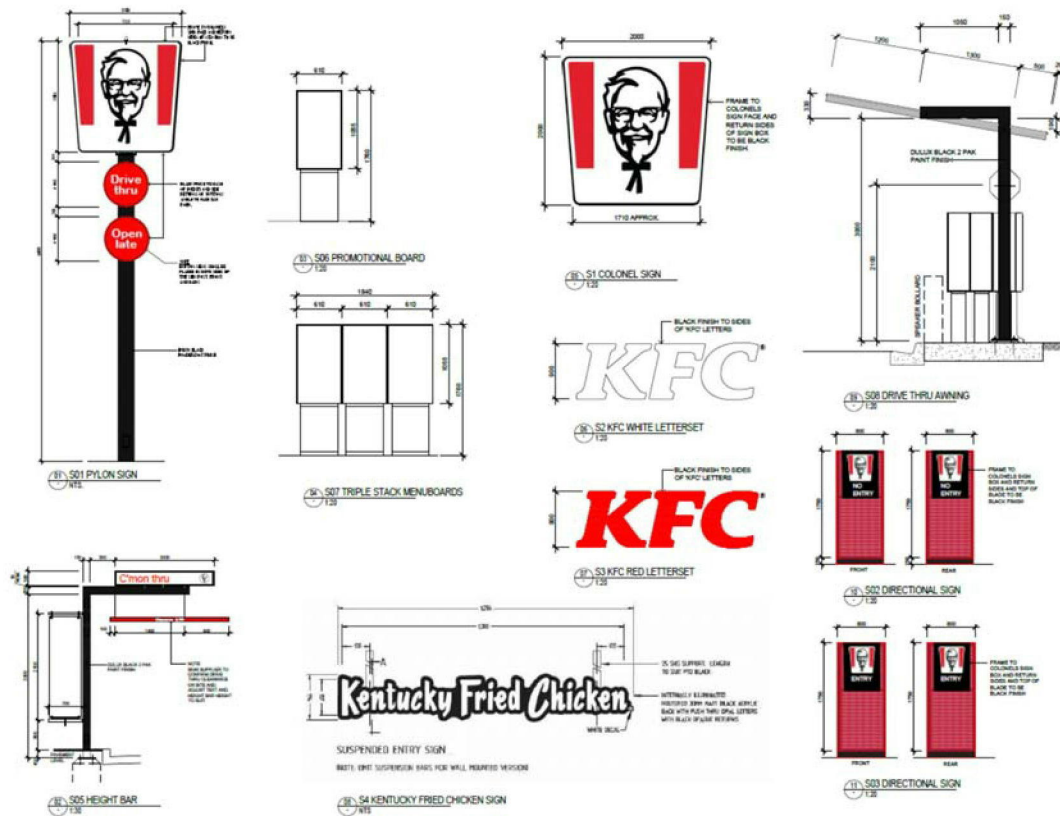


Figure 12: Perspectives of the proposed development

### 3.2 Signage

The following identifies the proposed replacement signage:

Figure 13: Proposed Signage





#### 4.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS – SECTION 4.15 OF THE EP&A ACT 1979

This section of the report considers the proposed development assessed against the relevant heads of consideration of Section 4.15 of the *EP&A Act 1979*.

##### 4.15 Evaluation

###### (1) Matters for consideration—general

*In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:*

###### (a) the provisions of:

(i) any environmental planning instrument, and

(ii) 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 (unless the Director-General has notified the consent authority that the making of the draft instrument has been deferred indefinitely or has not been approved), and

(iii) any development control plan, and

(iiia) any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F, and

(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,

(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,

(c) the suitability of the site for the development,

(d) any submissions made in accordance with this Act or the regulations,

(e) the public interest.

#### 4.1 Relevant Environmental Planning Instruments (EPI's)

In accordance with s.4.15 of the *EP&A Act 1979* Council will take into consideration provisions of any relevant EPI's. The following EPI's are considered in the assessment of the application.

##### 4.1.1 Sydney Regional Environmental Plan 20 (Hawkesbury Nepean River)

The following provisions are relevant:

<p><b>3 Aim of this plan</b></p> <p><i>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.</i></p>	<p>Proposal satisfies the aims of the SREP given that there are negligible environmental impacts resulting from the proposed development.</p>
<p><b>General planning considerations</b></p> <p><b>6 Specific planning policies and recommended strategies</b></p> <p>The specific planning policies and recommended strategies for this plan are as follows:</p> <ol style="list-style-type: none"> <li>1) Total catchment management</li> <li>2) Environmentally sensitive areas</li> </ol>	<p>There are no proposed building works that would impact on any of the planning considerations listed.</p> <p>No requirements.</p>

<ul style="list-style-type: none"> <li>3) Water quality</li> <li>4) Water quantity</li> <li>5) Cultural heritage</li> <li>6) Flora and fauna</li> <li>7) Riverine scenic quality</li> <li>8) Agriculture/aquaculture and fishing</li> <li>9) Rural residential development</li> <li>10) Urban development</li> <li>11) Recreation and tourism</li> <li>12) Metropolitan strategy</li> </ul>	
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#### 4.1.2 SEPP 64 – Advertising and Signage

SEPP 64 applies to all signage that can be displayed with or without development consent and is visible from any public space or public reserve. While SEPP 64 specifically does not require consent for a change in the content of signage (clause 3(2)), Table 1 below addresses each of the SEPP 64 criteria to satisfy Council that the proposed new signage, visible from the intersection of two main roads in Penrith, satisfies the State Policy.

**Table 1: SEPP 64 Assessment**

SEPP 64 Criteria	Comment	Complies
<p>Clause 3 is relevant to the assessment of signage and states:</p> <p><b>Part 2 Signage generally</b></p> <p><b>8 Granting of consent to signage</b>  <i>A consent authority must not grant development consent to an application to display signage unless the consent authority is satisfied:</i></p> <p><i>(a) that the signage is consistent with the objectives of this Policy as set out in clause 3 (1) (a), and</i>  <i>(b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.</i></p> <p><i>(1) This Policy aims:</i>  <i>(a) to ensure that signage (including advertising):</i>  <i>(i) is compatible with the desired amenity and visual character of an area, and</i>  <i>(ii) provides effective communication in suitable locations, and</i>  <i>(iii) is of high quality design and finish, and</i>  <i>(b) to regulate signage (but not content) under Part 4 of the Act, and</i>  <i>(c) to provide time-limited consents for the display of certain advertisements, and</i>  <i>(d) to regulate the display of advertisements in transport corridors, and</i>  <i>(e) to ensure that public benefits may be derived from advertising in and adjacent to</i></p>	<p>The proposal consists of the replacement of a number of existing signs on the external façades of the building and internal to the site which are visible from public roads and pathways. The proposal includes replacement of the pylon type sign with the new corporate signage.</p> <p>Consent under this SEPP is not required for the change of content of signage, however, assessment against the SEPP 64 is provided in this case for replacement and to satisfy Council that there is no adverse impact arising from the replacement signage. Assessment against the general provisions of Councils' DCP signage provisions. The site is not located within any residential, industrial or commercial zone.</p>	<p>✓</p>

<i>transport corridors. (2) This Policy does not regulate the content of signage and does not require consent for a change in the content of signage.</i>		
<b>Schedule 1 Criteria</b>		
<b>1.Character of the area</b>		
• 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	✓
• Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	Yes, corporate signage for KFC only.	✓
<b>2.Special areas</b>		
• Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	No.	✓
<b>3.Views and vistas</b>		
• Does the proposal obscure or compromise important views?	No.	✓
• Does the proposal dominate the skyline and reduce the quality of vistas?	No.	✓
• Does the proposal respect the viewing rights of other advertisers?	Yes	✓
<b>4.Streetscape, setting or landscape</b>		
• Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	Yes.	✓
• Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	No impact. New corporate branding is positive outcome for the site.	✓
• Does the proposal reduce clutter by rationalising and simplifying existing advertising?	N/A	✓
• Does the proposal screen unsightliness?	N/A	✓
• Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The signage replaces existing signage. The height is acceptable and is typical of food outlets throughout the state. Height assists with motorists identifying the	✓



	entry and location of the food outlet. Whilst the pylon sign protrudes above the existing building height it is compatible with signage in the area.	
<b>5.Site and building</b>		
• 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?	As existing. Yes.	✓
• Does the proposal respect important features of the site or building, or both?	Yes.	✓
• Does the proposal show innovation and imagination in its relationship to the site or building, or both?	Corporate signage. As existing.	✓
<b>6.Associated devices and logos with advertisements and advertising structures</b>		
• 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?	As indicated on the DA plan set.	✓
<b>7.Illumination</b>		
• Would illumination result in unacceptable glare?	No.	✓
• Would illumination affect safety for pedestrians, vehicles or aircraft?	No.	✓
• Would illumination detract from the amenity of any residence or other form of accommodation?	No.	✓
• Can the intensity of the illumination be adjusted, if necessary?	No.	✓
• Is the illumination subject to a curfew?	No and signage will be in operation whilst the premises is open for trade.	✓
<b>8.Safety</b>		
• Would the proposal reduce the safety for any public road?	No.	✓
• Would the proposal reduce the safety for pedestrians or bicyclists?	No.	✓
• Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No.	✓

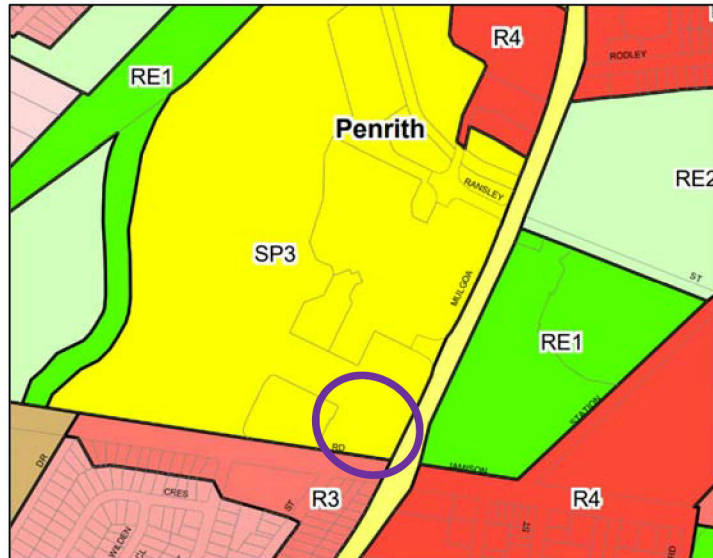


#### 4.1.3 Penrith Local Environmental Plan 2010 (PLEP 2010)

PLEP 2010 is the relevant local statutory planning instrument applicable to the site. The following identifies the relevant provisions of the policy.

##### Zoning and Permissibility

The subject site is zoned SP3 Tourist pursuant to PLEP 2010.



##### Zone SP3 Tourist

###### 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.

###### 2 Permitted without consent

Nil

###### 3 Permitted with consent

Aquaculture; Amusement centres; Boat launching ramps; Boat sheds; Car parks; Charter and tourism boating facilities; Community facilities; Educational establishments; Entertainment facilities; Environmental facilities; Environmental protection works; Flood mitigation works; **Food and drink premises**; Function centres; Helipads; Health services facilities; Information and education facilities; Jetties; Kiosks; Markets; Neighbourhood shops; Passenger transport facilities; Places of public worship; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Roads; Service stations; **Signage**; Tourist and visitor accommodation; Water recreation structures

###### 4 Prohibited

Any development not specified in item 2 or 3

The approved use is defined as a food and drink premises. Food and drink premises are defined as follows:

**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.

Comment: The proposal seeks to make minor modifications to the existing KFC takeaway premises designed to update the service areas and seating of the site together with branding improvements reflecting current corporate standards. The proposed works are permissible with consent.

### Clause 1.2 Aims of Plan

(1) This Plan aims to make local environmental planning provisions for land in Penrith in accordance with the relevant standard environmental planning instrument under section 33A of the Act.

(2) The particular aims of this Plan are as follows:

- (a) to provide the mechanism and planning framework for the management, orderly and economic development, and conservation of land in Penrith,
- (b) to promote development that is consistent with the Council's vision for Penrith, namely, one of a sustainable and prosperous region with harmony of urban and rural qualities and with a strong commitment to healthy and safe communities and environmental protection and enhancement,
- (c) to accommodate and support Penrith's future population growth by providing a diversity of housing types, in areas well located with regard to services, facilities and transport, that meet the current and emerging needs of Penrith's communities and safeguard residential amenity,
- (d) to foster viable employment, transport, education, agricultural production and future investment opportunities and recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,
- (e) to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,
- (f) to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,
- (g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,
- (h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.

Comment: The application satisfies the stated objectives given that the proposal:

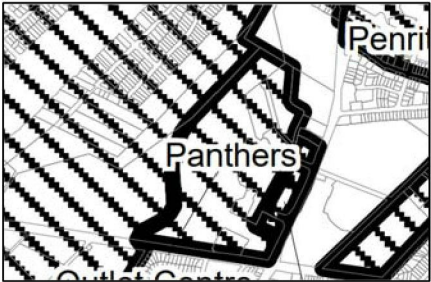
- Is to upgrade existing facilities generally within the existing business;
- The existing premises is a local business which provides a service to local residents, visitors and tourists to the area;
- The proposed works are minor in nature and aimed at modernising the premises;

- The business employs local full and part time staff and contributes to the local economy;
- Does not result in any significant environmental impacts on the area;
- Does not impact any adjacent business;
- Maintains adequate traffic flow through the local road system servicing the site;

**Table 2: PLEP 2010 – Relevant Provisions**

Provision	Proposal
<p><b>2.7 Demolition requires development consent</b></p> <p><i>The demolition of a building or work may be carried out only with development consent.</i></p>	<p>The proposal includes some demolition works. Refer to the demolition plan in the DA plan set. Those works are part of the application.</p>
<p><b>4.3 Height of buildings</b></p>	<p>No change to the overall height of the building.</p>
<p><b>4.4 Floor Space Ratio</b></p>	<p>The KFC premises is part of a larger site that contains a number of business in separate parts of the land. The only additional GFA is the addition of a small pay window area (2m x 3.5m) with merchandise area and pay registers plus conversion of existing outdoor dining space to indoor dining space of 45.5sqm. The additional GFA is only minor and does not contribute to the overall bulk and scale of the development or impact on the remainder of the site. The existing outdoor area is currently active trading area.</p>
<p><b>5.10 Heritage Conservation</b></p>	<p>The premises is not heritage listed, is not located in a HCA or in proximity to any listed heritage item.</p> <p>No requirements.</p>
<p><b>7.4 Sustainable development</b></p> <p><i>In deciding whether to grant development consent for development, the consent authority must have regard to the principles of sustainable development as they relate to the development based on a “whole of building” approach by considering each of the following:</i></p> <p>(a) conserving energy and reducing carbon dioxide emissions,          (b) embodied energy in materials and building processes,          (c) building design and orientation,          (d) passive solar design and day lighting,          (e) natural ventilation,          (f) energy efficiency and conservation,          (g) water conservation and water reuse,</p>	<p>Application for minor building works, predominantly internal to the existing building.</p> <p>Any materials able to be recycled and reused on the site will be utilised. LED lighting will reduce power consumption, which supports ESD initiatives.</p>



<p>(h) waste minimisation and recycling, (i) reduction of vehicle dependence, (j) potential for adaptive reuse. 3 Development on natural resources sensitive land</p>	
<p><b>7.7 Servicing</b></p> <p>(1) The objective of this clause is to ensure that development of land to which this Plan applies reflects the availability of services. (2) Before granting development consent for development on any land to which this Plan applies, the consent authority must be satisfied that: (a) the development will be connected to a reticulated water supply, if required by the consent authority, and (b) the development will have adequate facilities for the removal and disposal of sewage, and (c) if the development is for seniors housing, the development can be connected to a reticulated sewerage system, and (d) the need for public amenities or public services has been or will be met. (3) Subclause (4) applies to land in Zone RU5 Village or Zone R5 Large Lot Residential that is not connected to a reticulated sewerage system provided by Sydney Water or licensed by the Council or the Environment Protection Authority. (4) Development consent must not be granted to a subdivision of land referred to in subclause (3) unless each resulting lot will have an area of at least 1 hectare.</p>	<p>As existing. No changes.</p> <p>Complies.</p>
<p><b>Part 9 Penrith Panthers</b> <b>9.2 Application of Part</b></p> 	<p>The KFC premises is part of the overall Penrith Panthers site. However, this application is for minor building works to upgrade the existing operation, not to redevelop the site. The provisions of the LEP and DCP do not strictly apply given minor nature of this application.</p> <p>Notwithstanding the proposed works are not antipathetic to the stated objectives and ongoing use of the site by the fast food change – KFC.</p> <p>There are no specific requirements raised by the LEP or DCP provisions that need to be addressed by this application.</p>
<p><b>Schedule 1 Additional permitted uses</b></p> <p>22 Use of certain land at 65, 73, 83, 109 and 123–135 Mulgoa Road and Lot 1 Retreat Road, Penrith</p>	<p>The KFC is part of the site listed in No. 22 and shown on the APU map as “21”.</p> <p>The proposal is permissible on the site notwithstanding this schedule in the</p>



<p>(1) <i>This clause applies to those parts of the following land that are in Zone SP3 Tourist at Penrith and that are identified as “21” on the Additional Permitted Uses Map—</i></p> <p>(a) <i>65 Mulgoa Road, being Lot 1021, DP 812335,</i></p> <p>(b) <i>73 Mulgoa Road, being Lot 1, DP 1043008,</i></p> <p>(c) <i>83 and 109 Mulgoa Road, being Lots 151 and 152, DP 863625,</i></p> <p>(d) <i>123–135 Mulgoa Road, being Part Lot 13, DP 710086,</i></p> <p>(e) <i>Lot 1 Retreat Road, being Lot 1, DP 1064526.</i></p> <p>(2) <i>Development for the purposes of multi dwelling housing, office premises, residential flat buildings, retail premises and seniors housing is permitted with development consent.</i></p>	<p>LEP.</p> <p>No requirements.</p>
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#### 4.2 Draft Planning Instruments

There are no current Draft LEPs that affect the subject site or the permissibility of the proposed use.

#### 4.3 Relevant Development Control Plans


The following DCPs are relevant to the assessment of the application under Section 4.15 of the *E&A Act 1979*.

##### 4.3.1 Penrith Development Control Plan 2014 (PDCP 2014)

Penrith DCP 2014 is the principle non-statutory Council document that provides guidelines for development within the Penrith LGA. In this case, the proposal is for minor building works to the existing KFC premises and upgrading the existing signage to current brand standards. The general provisions of part C: City-wide Controls is addressed in Table 3 below.

**Table 3: Part C City-wide Controls**

Par C City-wide Controls		
Control	Proposal	Complies
C1 Site planning and Design	No change to the existing building, parking or circulation of vehicles around the building or entry/exit points to the premises.	Yes
C2 Vegetation management	No change to the existing trees in the vicinity of the building along Mulgoa and Jamison Roads.	Yes
C3 Water Management	No change to existing.	Yes

C4 Land Management	No change to existing.	Yes
C5 Waste Management	No change to existing.	Yes
C6 Landscape Design	Minor changes in the landscape area of the site due to signage upgrades and awnings. No impact.	Yes
C7 Culture and Heritage	No impact	Yes
C8 Public Domain	No change to existing and works are proposed on private lands.	Yes
C9 Advertising and Signage	New corporate business identification signage proposed to include current brand standard. No impact on the existing area. Refer to Section 4.3.2 below.	Yes
C10 Transport, Access and Parking	No change to the access into or out of the site. The total parking provided is acceptable as all spaces maintained.	Yes
C11 Subdivision	N/A	N/A
C12 Noise and Vibration	No impact as the function and operation of the KFC premises is not proposed to change.	As existing. No change.
C13 Infrastructure and Services	No change to the existing services to the site	Yes
<b>E13 Riverlink Precinct Part B Panthers Penrith Precinct</b>		
<b>13.6 Panthers Penrith Precinct Vision</b>	 <p>The site is located within the Riverlink Precinct and further within the Panthers Penrith Precinct.</p> <p>The existing KFC premises is located in the area nominated as “5” on the Precinct Vision Plan. This is future residential. On the Structure Plan for the Precinct this site is shown as a star and notated as a gateway building.</p> <p>This application does not seek to activate any part of the overall vision plan. As stated the application is for relatively minor upgrades of the current business. The</p>	Acceptable as works only minor in nature.

	<p>DCP provisions are designed to apply for other uses which do not exist at present on the site. The current use is an existing fast food use and is permitted to continue as such.</p>	
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In terms of the general siting and development provisions of PDCP 2014 the proposal does not seek to amend any of the following aspects of the approved landuse and therefore there is no environmental, economic or social impacts of the proposal pursuant to S4.15 of the EP&A Act 1979:

- Parking for the premises
- Loading/unloading areas
- Hours of operation
- Waste collection or disposal

#### 4.3.2 C9 Advertising and Signage

The site is zoned SP3 Tourist. The existing and proposed signage is not specifically covered by the signage provisions for residential, environmental, industrial or commercial areas of the LGA. Notwithstanding Table 4 below addresses the general provisions of Part C9 Signage.

**Table 4: C9 Advertising and Signage**

Part C9 Provisions	Proposal	Complies
<p><b>B. Objectives</b></p> <p>a) <i>To recognise the legitimate need for clear business identification and promotion through appropriate advertising signs;</i></p> <p>b) <i>To limit the overall amount of advertising through the provision of fewer, more effective signs, to avoid the creation of visual clutter on buildings and streetscapes;</i></p> <p>c) <i>To promote signs that add character to the streetscape and assist with direction and the pedestrian useability of the City;</i></p> <p>d) <i>To consider the amenity of residential development and the visual quality of the public domain;</i></p> <p>e) <i>To promote signs, including corporate logos and colours, that achieve a high degree of compatibility with the architectural features, colour scheme and external finish of the building; and</i></p> <p>f) <i>To ensure that the location and design of signs are consistent with road safety</i></p>	<p>a) The proposed signage is business identification signage only. Not third party advertising.</p> <p>b) The proposed signage does not increase the overall existing signage for the premises, rather it seeks to upgrade and update that signage.</p> <p>c) As existing. No change.</p> <p>d) As existing. Renewed signage will assist to refresh the appearance of the premises from the public domain.</p> <p>d) Refer to the elevation and perspectives plans. Achieved.</p>	<p>Yes - Achieves the overall objectives for signage.</p>



<p><i>principles.</i></p>	<p>f) Satisfactory. No impact on road safety.</p>	
<p><b>C. Controls</b></p> <p><b>1) General</b></p> <p>a) Signs are to be designed and located to:</p> <p>i) relate to the use of the building;</p> <p>ii) be visually interesting and exhibit a high level of design quality;</p> <p>iii) be constructed of high quality, durable materials;</p> <p>iv) be wholly contained within the property;</p> <p>v) have only a minimal projection from the building;</p> <p>vi) be integrated and achieve a high degree of compatibility with the architectural design of the supporting building having regard to its composition, fenestration, materials, finishes and colours, and ensure that architectural features of the building are not obscured;</p> <p>vii) have regard to the view of the sign and any supporting structure, cabling and conduit from all angles, including visibility from the street level and nearby higher buildings and against the skyline; and</p> <p>viii) be sympathetic to the existing character of the area and the particular architectural/urban design utilised in any improvements scheme.</p> <p>b) Signs that contain additional advertising promoting products or services not related to the approved use of the premises or site (such as the logos or brands of products; e.g. soft drinks, brewers, photographic film, etc) are not permitted.</p> <p>c) Signs painted or applied on the roof are prohibited;</p> <p>d) Corporate colours, logos and other graphics are encouraged to achieve a very high degree of compatibility with the architecture, materials, finishes and colours of the building and the streetscape.</p> <p>e) Flat standing signs are only permissible where the main building is set back 3 metres or more from the street alignment.</p> <p>f) In considering applications for new signs, Council must have regard to the number of existing signs on the site and in its vicinity; whether that signage is consistent with the provisions of this section; and whether the</p>	<p>a) Complies to each point (i) – (viii).</p> <p>b) All signage relates to the KFC business existing on the site.</p> <p>c) Replacement of existing signage only with new, current brand standard signage.</p> <p>d) KFC corporate signage only.</p> <p>e) The location of all signage is as indicated on the DA plans.</p> <p>f) As existing.</p>	<p>Yes</p>

<p><i>cumulative impact gives rise to visual clutter.</i></p> <p><i>g) Signs must not involve damage, removal or pruning to trees or other vegetation and must not result in pruning or removal for visibility purposes.</i></p> <p><i>h) The dominant design of any sign must relate to business identification rather than product advertising.</i></p>	<p>g) No tree removal proposed.</p> <p>h) Complies.</p>	
<p><b>2) Signs and Road Safety</b></p> <p><i>a) Signs are regarded as prejudicial to the safety of the travelling public and are therefore prohibited if they:</i></p> <p><i>i) Obscure or interfere with road traffic signs and signals or with the view of oncoming vehicles or pedestrians;</i></p> <p><i>ii) Obscure or interfere with the view of a road hazard or an obstruction which should be visible to drivers or other road users;</i></p> <p><i>iii) Give instructions to traffic by use of the word 'stop' or other directions, which could be confused with traffic signs;</i></p> <p><i>iv) Include variable messages or intensity of lighting sufficient to impair drivers' vision or distract drivers' attention; or</i></p> <p><i>v) Are located in places where drivers' require greater concentration, such as at major intersections or merging and diverging lanes.</i></p>	<p><i>None of the signage is prejudicial to the safety of the travelling public.</i></p>	<p>Yes - Acceptable</p>
<p><b>3) Inappropriate Signs</b></p> <p><b>4) Appropriate Signs</b></p>	<p>All of the proposed signage is designed and located to relate solely to the existing premises. It is proposed to upgrade the existing KFC corporate signage for the site. In each case the signage is considered acceptable.</p> <p>Refer to the DA plans showing the proposed signs on the site plan, elevations and perspective drawings. In each case the signs are considered to benefit the business and not obstruct or detract from the visual appearance of the business when viewed</p>	

	<p>from the public domain. The pylon and entry style signage is deemed to be ancillary and incidental to fast food type offerings which service motorists.</p>	
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**4.4 Likely impacts of that development and Suitability of the site**

In this instance the any impacts are internalised and not to the extent that would require further consideration of the proposal.

**4.5 Any submissions made in accordance with this act or the regulations**

Council is responsible for the referral of the application to relevant Government bodies and to adjoining owners if necessary. Any submissions will be reviewed during the assessment process, and duly considered.

**4.6 The Public Interest**

The relevant issues have been addressed with regard to the public interest as reflected in the relevant planning policies and codes. The development is unlikely to result in any adverse impact to the public interest in the circumstance of the case, particularly noting that the application is for minor works only that will not impact on the surrounding area.

**5.0 CONCLUSION**

The proposed development as described in Section 3.0 of this Statement satisfies the objectives of the PLEP 2010 and the general provisions of the PDCP 2014.

The existing KFC is a longstanding business in Penrith which continues to serve both local residents and visitors to the area. The upgrade of the premises consists of minor building works and updating KFC corporate signage. There is no change to the overall operational characteristics of the business on the site.

As such the proposal is considered to be acceptable and impacts are internalised within the site.

Given the relevant planning policies, codes and requirements of the *EP&A Act 1979* have been duly satisfied the proposed development is on balance worthy of approval.



Andrew Martin *MPIA*  
**Principal**