

**PENRITH CITY COUNCIL**

**STATEMENT OF ENVIRONMENTAL EFFECTS**

**DEVELOPMENT APPLICATION FOR FIT-OUT AND USE AS A LICENSED  
RESTAURANT AND ASSOCIATED SIGNAGE**

**LONE STAR JAMISONTOWN  
TENANCY T1, 78-88 TENCH AVENUE, JAMISONTOWN, NSW, 2750**

**Prepared by Platinum Planning Solutions**

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#### SITE DETAILS

<b>Address</b>	Tenancy T1, 78-88 Tench Avenue, Jamisontown, NSW, 2750
<b>Lot on Plan</b>	Lot 3 DP30354
<b>Local Authority</b>	Penrith City Council
<b>Local Environmental Plan</b>	Penrith Local Environmental Plan 2010
<b>Development Control Plan</b>	Penrith Development Control Plan 2014
<b>Zone</b>	SP3 Tourist
<b>Overlays</b>	N/A

#### DEVELOPMENT PROPOSAL DETAILS

<b>Level of Assessment</b>	Permitted with consent
<b>Proposal Summary</b>	Fit-out and use as a licensed restaurant and associated signage
<b>Assessment Controls</b>	Penrith Local Environmental Plan 2010, Penrith Development Control Plan 2014
<b>Applicant</b>	Lone Star C/- Platinum Planning Solutions

#### REVISION DETAILS

<b>Version</b>	1.0
<b>Prepared by</b>	James Connolly (BUrbanEnvPlan, GCHM, MPIA)
<b>Signed</b>	
<b>Date</b>	6/02/2019

## **1.0 INTRODUCTION**

This Statement of Environmental Effects (SEE) has been prepared by Platinum Planning Solutions on behalf of Lone Star (the applicant) to accompany a development application to Penrith City Council over land located at 78-88 Tench Avenue, Jamisontown (the subject site).

The development application seeks development consent for the fit-out and use of Tenancy T1 on the subject site as a licensed restaurant in addition to associated signage.

This SEE provides the following:

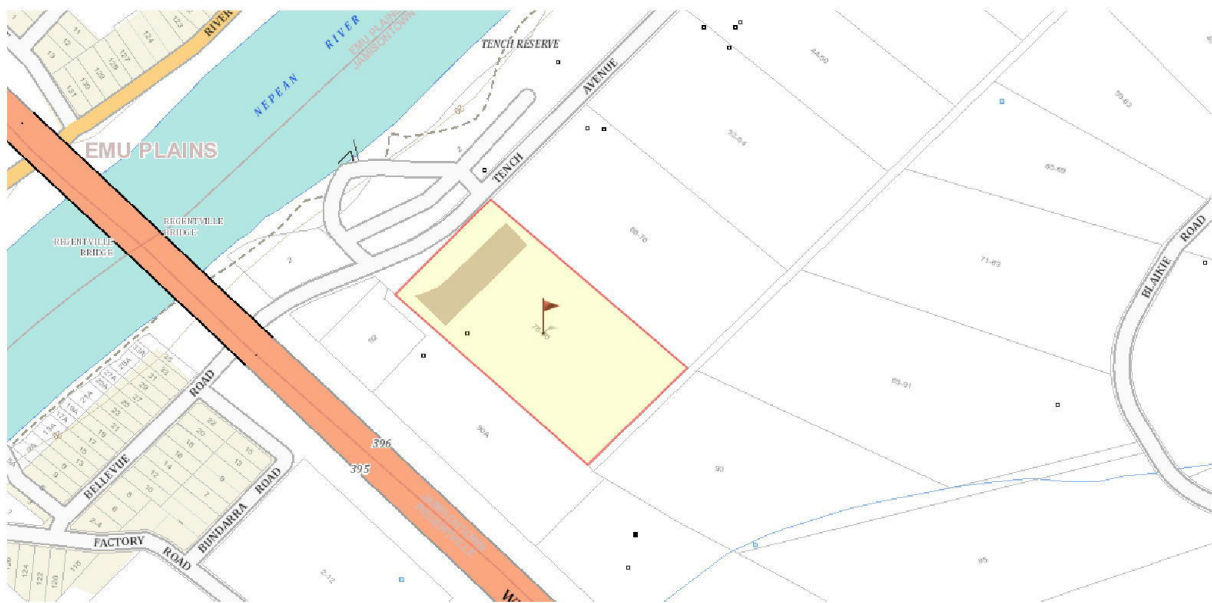
- A description of the subject site and surrounding development;
- Detailed description of the proposed development;
- Assessment of the proposed development in accordance with Section 4.15 of the Environmental Planning and Assessment Act 1979;
- Assessment of planning considerations related to the proposed development.

The proposed works are seen to be consistent with the envisioned use of the tenancy as a commercial premises and is seen to be a positive addition to the building and area as a whole. This Statement of Environmental Effects is to be read in conjunction with the attached plans, elevations, and supporting documents.

## **2.0 SITE DESCRIPTION AND CONTEXT**

### **2.1 Subject 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 3.34<sup>ha</sup> 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: Subject Site (Source: SIX Maps NSW)**

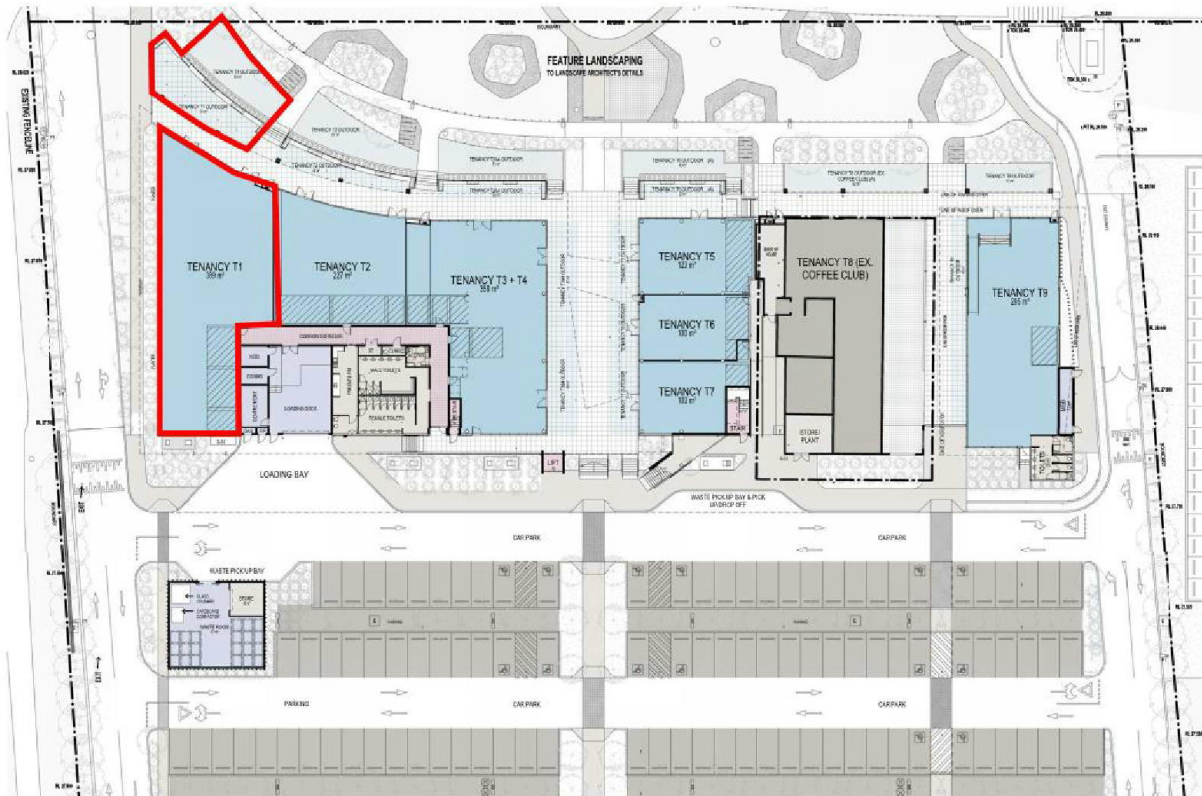


**Figure 2: Subject Site (Source: SIX Maps NSW)**



## **2.2 Subject Tenancy**

The subject tenancy (Tenancy T1) is located on the ground floor as indicated below in Figure 3.



**Figure 3: Tenancy Location**

## **2.3 Context and Background**

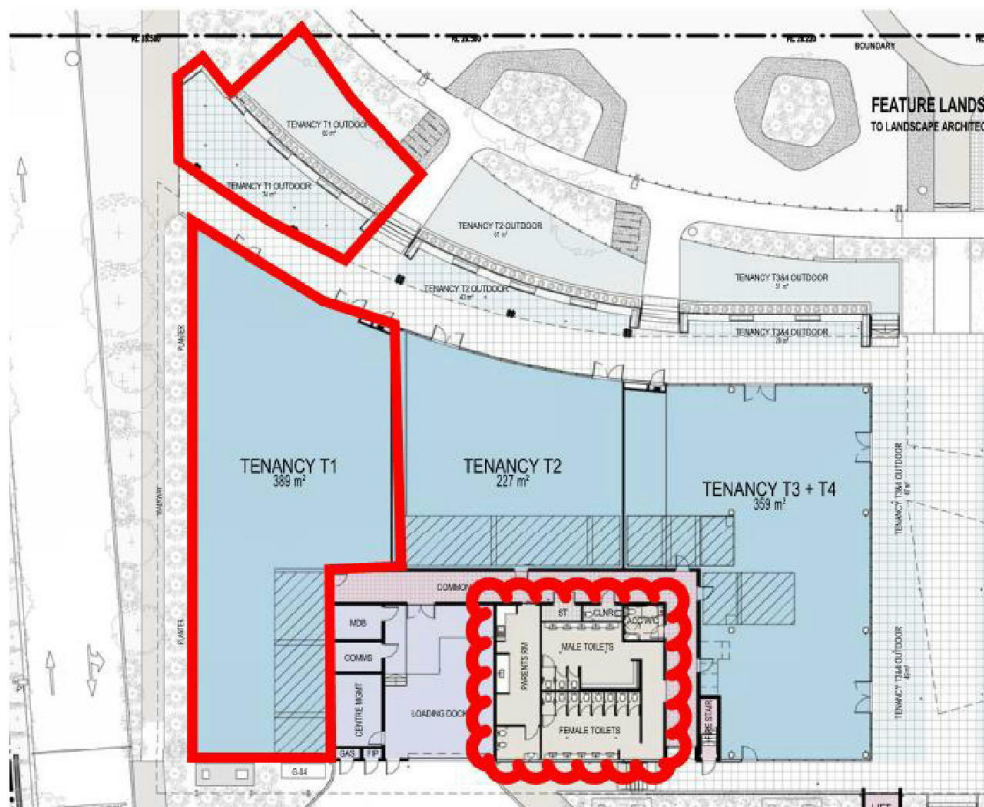
As way of background, Penrith City Council approved DA15/0335 (which has had a number of amendments) for “Construction of Three (3) Buildings Straddling Existing Coffee Club Building including Eleven (11) Tenancies for future Restaurant & Cafe Uses & Associated Outdoor Seating”. As the DA did not stipulate 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 is not permissible. Therefore development consent from Council as the relevant consent authority is required.

### 3.0 PROPOSED DEVELOPMENT

The aspects of the proposed development are as follows, as per the attached proposed plans and elevations:

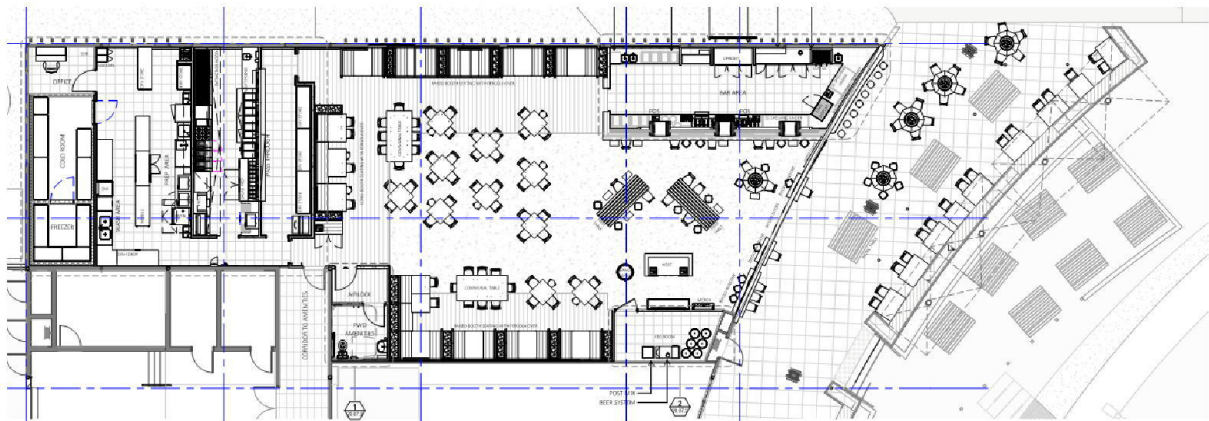
Aspect	Details
Use	<ul style="list-style-type: none"> <li>Use as a licensed Lone Star restaurant with the following operational details: <ul style="list-style-type: none"> <li><b>Operating hours:</b> 7AM – 12AM 7 days a week.</li> <li><b>Patrons:</b> 197 seats (100 external, 97 external).</li> <li><b>Staff:</b> Maximum of 30-40 on site during peak trading periods.</li> <li><b>Liquor:</b> Liquor to be served to dine-in patrons only.</li> </ul> </li> </ul>
Fit-out	<ul style="list-style-type: none"> <li>Fit-out of restaurant tenancy as per attached plans and elevations package, with kitchen fit-out, back of house, and dining areas.</li> </ul>
External alterations	<ul style="list-style-type: none"> <li>Timber cladding and associated shopfront alterations.</li> <li>External seating area as per attached development drawings.</li> </ul>
Business Identification Signage	<ul style="list-style-type: none"> <li>2000mm diameter Lone Star illuminated shopfront sign to side external wall.</li> <li>1388mm diameter Lone Star illuminated shopfront sign to façade.</li> </ul>

The proposed use and fit-out of the tenancy will be capable of complying with the BCA which will be part of a detailed assessment prior to the issue of a Construction Certificate. For further details on the proposed development please refer to the attached plans and supporting documents. It is to be noted that the tenancy will include 1 x DDA sanitary facility, and will make use of the existing centre amenities indicated below in Figure 4.

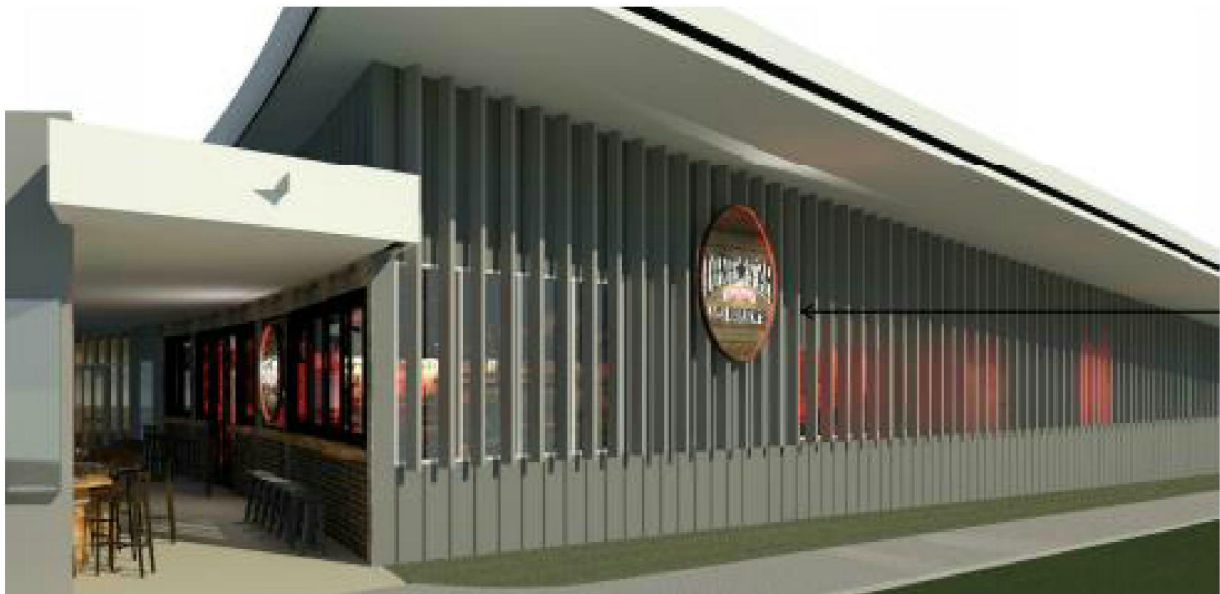


**Figure 4: Shared Centre Facilities**





**Figure 5:** Proposed seating layout



**Figure 6:** Proposed external elevation



**Figure 7:** Proposed external elevation

## **4.0 TOWN PLANNING ASSESSMENT**

### **4.1 Environmental Planning and Assessment Act 1979**

The Environmental Planning and Assessment Act 1979 (the Act) is the statutory planning instrument in New South Wales in which Council must use to assess development applications. In determining a development application, Council must take into consideration the following matters under Section 4.15 of the Act:

- a. *the provisions of:*
  - i. *any environmental planning instrument, and*
  - ii. *any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - iii. *any development control plan, and*
  - iv. *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*
  - v. *the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
  - vi. *any coastal zone management plan (within the meaning of the Coastal Protection Act 1979), 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.*

This Statement of Environmental Effects addresses the relevant provisions of the following planning instruments:

- Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River;
- Penrith Local Environmental Plan 2010;
- Penrith Development Control Plan 2014;
- State Environmental Planning Policy No 64 – Advertising and Signage.

A detailed Section 4.15 assessment is provided as part of this overall Statement of Environmental Effects and in Section 4.6 of this report.

### **4.2 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.

#### **4.3 Penrith Local Environmental Plan 2010**

The Penrith Local Environmental Plan 2010 (LEP) is the principle local planning instrument that applies to the site.

##### **4.3.1 Zoning & Permissibility**

The subject site is zoned as SP3 Tourist under the LEP. The objectives of the zone are as follows:

- *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 proposed land use is best defined as restaurant as indicated below:

*restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.*

The proposed use as a licensed restaurant is permissible with consent in the zoning as part of being a "food and drinks premises". Additionally business identification signage is permitted with consent. The proposed use and fit-out meets the objectives of the zone as the development contributes to the retail mix within the area and is compatible with the surrounding land uses. The tenancy will provide a use that services the day to day needs of local residents in the area and encourages additional employment opportunities. The proposal encourages on-going investment in the area and is seen as a desirable outcome.

##### **4.3.2 Height of buildings (Clause 4.3)**

The proposed use and fit-out of the tenancy will not alter the height of the approved building, therefore Clause 4.3 of the LEP is not applicable.

##### **4.3.3 Floor Space Ratio (Clause 4.4)**

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.

##### **4.3.4 Heritage Conservation (Clause 5.10)**

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

##### **4.3.5 Flood Planning (Clause 7.2)**

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 (DA15/0335).

#### **4.4 Penrith Development Control Plan 2014**

The Penrith Development Control Plan 2014 (DCP) is the planning instrument that provides comprehensive development controls for the local area. The relevant matters to be considered under the DCP for the proposal are below.

Provision	Compliance	Comments
DCP Principles	Yes	
C1 Site Planning and Design Principles	N/A	Site planned and designed as part of the base-build 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 (DA15/0335).
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 Domain	Yes	Proposal will respond appropriately to the public domain.
C9 Advertising and Signage	Yes	Only two business identification signs are proposed and are minor in nature.
C10 Transport, Access and Parking	Yes	Transport, access, and parking were assessed as part of the base-build DA (DA15/0335).
C11 Subdivision	N/A	No subdivision proposed.
C12 Noise and Vibration	Yes	Acoustic impacts were assessed as part of the base-build DA (DA15/0335).
C13 Infrastructure and Services	Yes	New development will be provided with associated infrastructure and services from the base-build DA (DA15/0335).

#### **4.5 State Environmental Planning Policy No 64 – Advertising and Signage**

State Environmental Planning Policy No. 64 (SEPP 64) aims to ensure that signage is compatible with the desired amenity and visual character of an area and regulates specific signage outcomes. Part 2, Section 8 of SEPP 64 states that a consent authority must not grant development consent for signage unless the consent authority is satisfied that the signage satisfies the assessment criteria specified in Schedule 1. An assessment against Schedule 1 – Assessment Criteria of SEPP 64 is included below:

Control	Assessment
<b>1. Character of the area</b>	
<ul style="list-style-type: none"> <li>Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?</li> <li>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</li> </ul>	<ul style="list-style-type: none"> <li>The proposed signage is compatible with the existing area which will contain a number of commercial uses and advertising signage of a similar nature across large buildings.</li> </ul>
<b>2. Special areas</b>	
<ul style="list-style-type: none"> <li>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or</li> </ul>	<ul style="list-style-type: none"> <li>The proposed signage is considered to be consistent with the likely future surrounding signage and does not detract from any</li> </ul>

Control	Assessment
other conservation areas, open space areas, waterways, rural landscapes or residential areas?	environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas.
<b>3. Views and vistas</b>	
<ul style="list-style-type: none"> <li>Does the proposal obscure or compromise important views?</li> <li>Does the proposal dominate the skyline and reduce the quality of vistas?</li> <li>Does the proposal respect the viewing rights of other advertisers?</li> </ul>	<ul style="list-style-type: none"> <li>The proposed signage does not obscure or compromise any important views. The proposed signage will not dominate the skyline or reduce the quality of vistas, and respects the viewing rights of other advertisers.</li> </ul>
<b>4. Streetscape, setting or landscape</b>	
<ul style="list-style-type: none"> <li>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</li> <li>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</li> <li>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</li> <li>Does the proposal screen unsightliness?</li> <li>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</li> <li>Does the proposal require ongoing vegetation management?</li> </ul>	<ul style="list-style-type: none"> <li>The proposed signage will be consistent with the scale, proportion and form of the area and surrounding future signage. The proposed signage will contribute to visual interest of the tenancy. The proposed signage will be minimal, in order to prevent visual clutter, and to keep signage simple and conducive to the requirements of SEPP 64. The proposed signage is not located near any existing trees and does not require ongoing vegetation management.</li> </ul>
<b>5. Site and building</b>	
<ul style="list-style-type: none"> <li>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?</li> <li>Does the proposal respect important features of the site or building, or both?</li> <li>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</li> </ul>	<ul style="list-style-type: none"> <li>The proposed signage has been designed to be compatible with the future signage on surrounding sites. The proposed signage does not detract from important features of the site or building. The proposed signage is consistent with the client's branding and modern store design and the placement of signage has been considered appropriate given the site and characteristics of the business centre.</li> </ul>
<b>6. Associated devices and logos with advertisements and advertising structures</b>	
<ul style="list-style-type: none"> <li>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?</li> </ul>	<ul style="list-style-type: none"> <li>The proposed signage has designed as an integral part of the tenancy.</li> </ul>
<b>7. Illumination</b>	
<ul style="list-style-type: none"> <li>Would illumination result in unacceptable glare?</li> <li>Would illumination affect safety for pedestrians, vehicles or aircraft?</li> </ul>	<ul style="list-style-type: none"> <li>Illuminated signage will not result in unacceptable glare. The illuminated signage will not provide a safety concern. The proposed signage would not be visible from</li> </ul>



Control	Assessment
<ul style="list-style-type: none"> <li>Would illumination detract from the amenity of any residence or other form of accommodation?</li> <li>Is the illumination subject to a curfew?</li> </ul>	any residences or other forms of accommodation. The signs would only be illuminated at night during operational hours and will have no impact on residential amenity.
<b>8. Safety</b>	
<ul style="list-style-type: none"> <li>Would the proposal reduce the safety for any public road?</li> <li>Would the proposal reduce the safety for pedestrians or cyclists?</li> <li>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</li> </ul>	<ul style="list-style-type: none"> <li>The proposed signage will not reduce safety as sightlines will not be affected and there will be no cause of distraction for drivers. The proposed signage will not reduce existing safety for pedestrians and cyclists. The proposed signage does not obscure sightlines from public areas.</li> </ul>

#### **4.6 Section 4.15 Assessment**

In determining a development application, the assessing consent authority must take into consideration a number of matters under Section 4.15 of the Environmental Planning and Assessment Act 1979. This assessment is shown in the below table:

Evaluation	Assessment
<p>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:</p> <p>a) the provisions of:</p> <ul style="list-style-type: none"> <li>(i) any environmental planning instrument, and</li> <li>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</li> <li>(iii) any development control plan, and</li> <li>(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</li> <li>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and</li> <li>(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),</li> </ul>	<p>a) The proposed works align with the relative matters of the relevant planning instruments as per the compliance assessment in this Statement of Environmental Effects. The proposed works are seen to meet all the relative controls and are seen as a good outcome for the subject site.</p>

Evaluation	Assessment
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,	b) The proposed development will not have any negative impacts on the surrounding land uses considering the future commercial setting of the site and envisioned use of the tenancy as a commercial premises.
c) the suitability of the site for the development,	c) The tenancy is part of a building which is envisioned for a commercial use of this nature. The proposed development to an existing commercial premises is considered appropriate.
d) any submissions made in accordance with this Act or the regulations,	d) As per the DCP requirements, the development application may be placed on public exhibition to invite submissions, and if applicable Council will assess these accordingly.
e) the public interest.	e) The proposed works are to an established commercial site and are seen to be in the public's interest through the provision of an envisioned use.

#### **4.7 Other Considerations**

##### **4.7.1 Amenity**

The proposed use and fit-out is not anticipated to have a negative impact on surrounding land uses given the tenancy is envisioned for such a use. Given the scale of the proposed use and operating hours, the development is not considered to impact on the amenity of the surrounding locality and the proposed works and on-going use will not introduce any negative impacts. It is considered that the proposed works introduce a positive design outcome and is seen to be a beneficial addition to the site and the area as a whole.

##### **4.7.2 Amenities**

Existing amenities are provided as part of the base build development, with toilet facilities accessed in the common area. The proposed development is required to comply with the BCA which includes calculation for patron numbers and toilet facilities and will be addressed prior to the issue of a Construction Certificate.

##### **4.7.3 Acoustic Impacts**

Acoustic concerns and impacts were assessed as part of the base build DA (DA15/0335).

##### **4.7.4 Landscaping**

The proposed development does not include any changes to landscaping.

#### **4.7.5 Social and Environmental Impact**

Lone Star will contribute positively to the local community as there is a need for the services offered by the company. The proposed works are seen to be a beneficial addition to the existing site and are seen as a good outcome. While the proposal is for a licensed premises, noting the future established commercial setting of the site and the fact that liquor is only to be served to dine-in patrons as an ancillary aspect to the provision of food, there is not expected to be any associated social impacts.

#### **4.7.6 Waste Management**

Waste management was assessed as part of the base build DA (DA15/0335).

#### **4.7.7 BCA Compliance**

The proposed fit-out and use is capable of complying with the BCA which will be subject to a detailed assessment prior to the issue of a Construction Certificate and can be conditioned accordingly.

#### **4.7.8 Parking and Loading**

Parking and loading facilities were assessed as part of the base build DA (DA15/0335).



## **5.0 CONCLUSION**

This Statement of Environmental Effects has reviewed the proposed use and fit-out of Tenancy T1 as a licensed restaurant and associated signage. It is considered that the proposed development, which is permissible with consent, is appropriate for the subject site and will not impact on the amenity of the surrounding area. Ultimately the proposal complies with the intent and design objectives of local planning controls and represents ongoing investment in the area. For these reasons it is seen that the proposed development should receive full development consent subject to reasonable and relevant conditions.