

Statement of Environmental Effects

Penrith Homemaker Centre – Tenancy T250 at 13-23 Pattys Place, JAMISONTOWN NSW

Lot 10 DP 1046110

20 January 2021

Under instruction from

Harvey Norman (Calardu Penrith Pty Limited ACN 71 622 609)

For the purpose of

Change of use to Take Away Food Premises

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KFTP Reference: 18-023-3

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This report is current at the date of the development application only.

This report is to be read in its entirety and in association with other documentation submitted as part of the Development Application.

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Job Number	18-023-3		
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1. Executive Summary

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) to Penrith City Council for the fit-out and use of a take away food and drink premises within the Penrith Homemaker Centre. The proposed development will be within tenancy T250 located at 13-23 Pattys Place, Jamisontown ("the site").

Specifically, the proposed development comprises the fitout and use for a take away food and drink premises at tenancy T250.

This SEE and accompanying specialist documentation describes the proposed development at the site and provides an environmental assessment against the relevantly applicable Environmental Planning Instruments and Policies, pursuant to Section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979 (EP&A Act).

The proposed works will be undertaken in accordance with the relevant Building Code of Australia requirements and the Australian Standards for the fit out of food premises.

The assessments carried out in this SEE demonstrates that the proposed development:

- ◆ would remain consistent with the relevantly applicable Environmental Planning Instruments and Policies;
- ◆ would remain in the public interest by improving the range of offerings within the Penrith Homemaker Centre;
- ◆ would contribute to the further economic development of Penrith City Council Local Government Area, both during the construction and operational phases supporting the operation of the Penrith Homemaker Centre;
- ◆ will retain the economic strength of centres within Penrith;
- ◆ is permitted with development consent and consistent with the objectives of the B5 Business Development zone; and
- ◆ is therefore worthy of Council's approval.

2. Introduction

2.1 Background

This Statement of Environmental Effects (SEE) accompanies a Development Application (DA) to Penrith City Council on behalf of Harvey Norman (Calardu Penrith Pty Limited ACN 71 622 609) for the fit-out and use of a take away food and drink premises within the Penrith Homemaker Centre. The proposed development will be within tenancy T250 located at 13-23 Pattys Place, Jamisontown ("the site"). The site has a legal description of Lot 10 DP1046110.

Specifically, the proposed development comprises the fitout and use for a take away food and drink premises at T250. The operator of the premises is to be confirmed.

This SEE and accompanying specialist documentation describes the proposed development at the site and provides an environmental assessment against the relevantly applicable Environmental Planning Instruments and Policies, pursuant to Section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979 (EP&A Act).

Approval History

The following is the approval history for tenancy T250. Included within the list are other relevant approvals for the broader Penrith Homemaker Centre.

- DA08/1293: Council approved a 'shop fitout – rug store';
- DA11/0207: Council approved the 'use of tenancy T250 as a Bulky Goods Premises for the sale of pools and spas' on 1 April 2011;
- DA18/0964: Council approved the 'Construction of Inter-Tenancy Wall & Fit-Out & Use as Take Away Food & Drink Premises (Tenancy T260)';
- DA19/0657: on 15/11/2019 Council approved a 'Change of Use to Recreation Facility (Indoor) including Cafe in Tenancy 310'.
- Council recently approved an expansion to the Domayne Building, DA 18/0339, described as 'Alterations & Additions to Penrith Homemaker Centre (Domayne Building), Realignment of Wolseley Street & Roundabout & Associated Car Parking & Site Works'.

3. Subject Site

3.1 Site Location and Description

The Penrith Homemaker Centre (the Centre) is a specialised retail premises facility located west of Mulgoa Road, Jamisontown and north of the M4 Western Motorway. The Centre comprises 40 retailers of furniture, white goods, home hardware, furnishings, manchester, etc. More recently cafés and take away food premises were approved to operate within the Centre to support its viability and expand its offerings. Access to the site is via Wolseley Street / Mulgoa Road with secondary access via Pattys Place.

Table 1 Summary of Gross Floor Area and Car Parking for the Centre

Item	Existing	Proposed (Approved DA 18/0339)
GFA (Entire Centre)	66,577 m ²	69,137 m ²
Parcel Size	72,929m ²	72,929m ²
Car Parking Spaces	1,629 Spaces	1,659 Spaces
Car Parking Ratio (Min. Requirement 1 space per 50 m ² GFA bulky goods)	1 space per 40 m ² GFA	1 space per 41.6 m ² GFA

3.2 Aerial Photograph



Figure 1 - Aerial Photo
Source: SixMaps

3.3 Current Tenants



Figure 2 - Tenancy Plan

Source: Penrith Homemaker Centre

Figure 2 contains a map of the current tenants within the Penrith Homemaker Centre. Note that this tenant map is approximate only.

4. The Proposal

4.1 Proposed Development

The Penrith Homemaker Centre (the Centre) is a collective of *specialised retail premises* located adjoining both Mulgoa Road and the M4 Western Motorway. The Centre contains a large range of *specialised retail premises* comprising 40 retailers in total, retailing such items as furniture, white goods, home hardware, furnishings and Manchester, also containing a café and take away food premises.

The proposal comprises the fitout and change of use of tenancy 250 to a *take away food and drink premises*. Construction works comprise the installation of partitions to facilitate the internal layout. A kitchen exhaust will be installed dependent on the operator requirements. Proposed signage zones are shown on the submitted plans.

The most recent use of the subject tenancy was for the purpose of a flooring supplier (Prestige Floors).

For a facility of its size the Penrith Homemaker Centre is underrepresented by food and drink related offerings with similar centres in the region providing a far greater and diverse range. By way of example the Hills Super Centre in Castle Hill, with approximately 52,00sqm of floor space, contains 11 food premises and Marsden Park Home, with approximately 19,000sqm of floorspace, contains 5 food premises. In comparison the Penrith Homemaker Centre, with 66,577sqm of floorspace, currently has only 4 take away food premises in operation.

The proposed take away food premises will contribute towards the range of offerings at the Centre and is quite clearly needed to satisfy the customer demand for a facility of this scale.

Architectural drawings prepared by Leffler Simes Architects that are appended to this report, provide further details of the proposed development, see **Figure 3**.

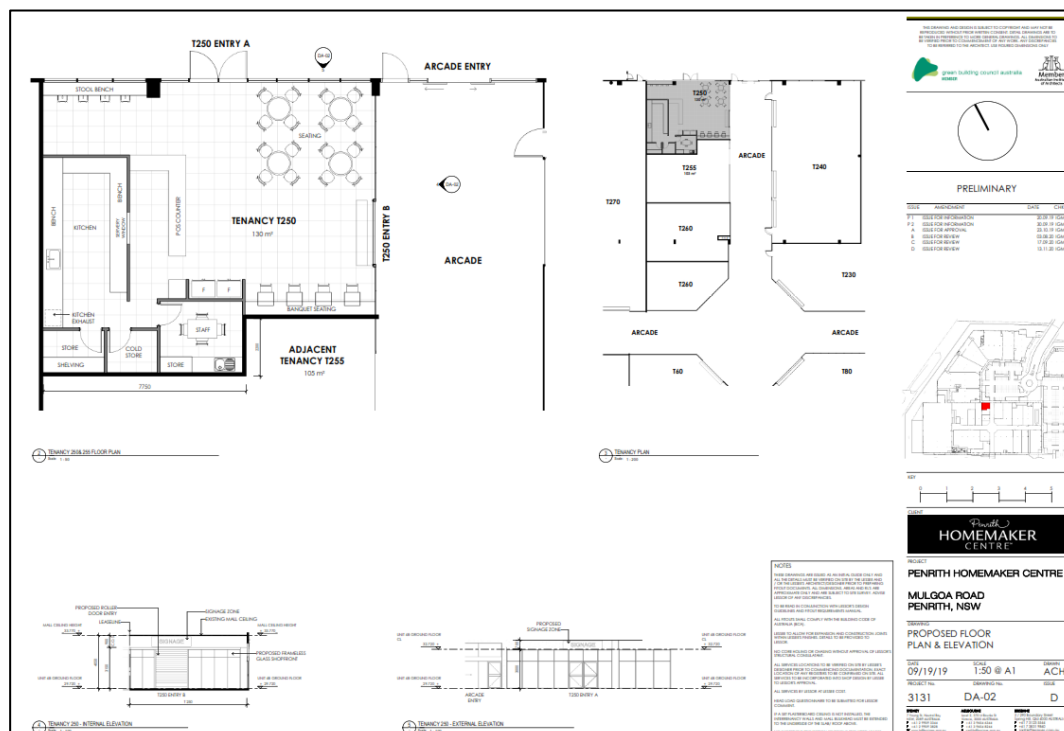


Figure 3 - Proposed Floor Plan & Elevation

Source: Leffler Simes

Tenancy T250 - Take Away Food and Drink Premises - 13-23 Pattys Place, Jamisontown

The proposal will operate within the general trading hours for the Penrith Homemaker Centre as detailed within **Table 2**.

Table 2 General Trading Hours for Centre

Day	Hours
Monday	9.00am – 5.30pm
Tuesday	9.00am – 5.30pm
Wednesday	9.00am – 5.30pm
Thursday	9.00am – 9.00pm
Friday	9.00am – 5.30pm
Saturday	9.00am – 5.00pm
Sunday	10.00am – 4.00pm

5. Environmental Assessment

Knight Frank Town Planning has undertaken an assessment of the proposal against the relevant environmental planning legislation and guidelines to identify potential environmental impacts and mitigation measures. These are discussed below.

5.1 Assessment of Planning Controls

This SEE includes an assessment of the proposal in terms of the matters for consideration as listed under Section 4.15 Evaluation of the EP&A Act and should be read in conjunction with information annexed to this report as outlined on the contents page of this report.

5.1.1 State Environmental Planning Policies

Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River

Sydney Regional Environmental Plan No. 20 – Hawkesbury Nepean River (SREP 20) is a deemed State Environmental Planning Policy. The provisions of SREP 20 apply to the site as it falls within the Hawkesbury-Nepean River Catchment. Clause 3 Aims of SREP 20 states that:

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.

Clause 6 of SREP 20 relevantly contains *Specific Planning Policies and Recommended Strategies*. The development, which comprises a change of use to an existing tenancy within an existing building, is consistent with the Strategies.

The site is located within the city centre and is not within a scenic corridor of the Nepean River. It is also considered that the proposal would not adversely impact the water or scenic qualities of the Nepean River environment and is therefore consistent with the planning strategies and aims of SREP 20.

5.1.2 Penrith Local Environmental Plan 2010

The Penrith Local Environmental Plan 2010 (LEP) is the relevant Environmental Planning Instrument that applies to development within the Penrith Local Government Area.

The site is zoned B5 Business Development under the Penrith LEP 2010, which makes the following provisions for the zone:

1 Objectives of zone

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.
- To maintain the economic strength of centres in Penrith by limiting the retailing of food, groceries and clothing.

2 Permitted without consent

Nil

3 Permitted with consent

Car parks; Centre-based child care facilities; Environmental protection works; Flood mitigation works; Food and drink premises; Function centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Industrial retail outlets; Landscaping material supplies; Light industries; Neighbourhood shops; Oyster aquaculture; Passenger transport facilities; Recreation areas; Recreation facilities (indoor);

Respite day care centres; Roads; Self-storage units; Signage; Specialised retail premises; Tank-based aquaculture; Timber yards; Vehicle sales or hire premises; Warehouse or distribution centres

4 Prohibited

Pond-based aquaculture; Restaurants or cafes; Any other development not specified in item 2 or 3

It is proposed to change the use of tenancy T250 to a *take away food and drink premises* which is permitted with development consent within the zone, being a subset of *food and drink premises*.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note—

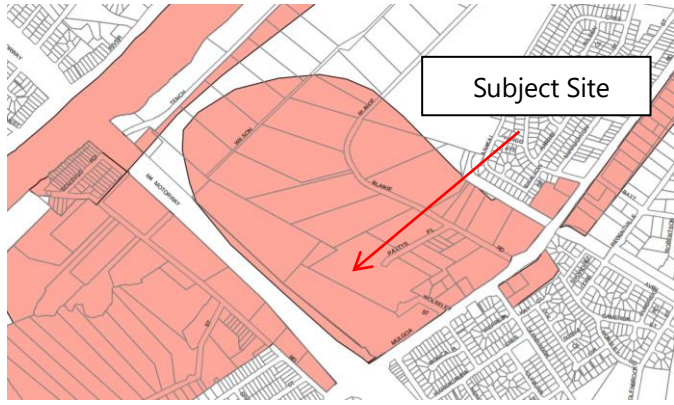
*Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.*

The proposed development will provide expanded offerings within the Penrith Homemaker Centre particularly for customers and staff. The proposal is minor in nature and will support the viability of the Penrith Homemaker Centre.

The proposed development is assessed in detail against the relevant provisions of the LEP within **Table 3**.

Table 3 - Penrith Local Environmental Plan 2010

LEP 2010 CLAUSE	PROVISION	RESPONSE
7.5 Protection of Scenic Character and Landscape Values	<p>(1) <i>The objectives of this clause are as follows:</i></p> <p>(a) <i>to identify and protect areas that have scenic value either from major roads, identified heritage items or other public places,</i></p> <p>(b) <i>to ensure development in these areas is located and designed to minimise its visual impact.</i></p> <p>(2) <i>This clause applies to land identified as "Land with scenic and landscape values" on the Scenic and Landscape Values Map.</i></p> <p>(3) <i>Development consent must not be granted for any development on land to which this clause applies unless the consent authority is satisfied that measures will be taken, including in relation to the location and design of the development, to minimise the visual impact of the development from major roads and other public places.</i></p>	<p>The site has been identified on the 'Scenic and Landscape Values Map Sheet SLV_006' (extract below) as containing scenic and landscape values. The proposal is wholly contained within the existing Centre and will have no impact upon the scenic and landscape values of the site.</p>

LEP 2010 CLAUSE	PROVISION	RESPONSE
		

5.1.3 Penrith City Council Development Control Plan

The Parts of the Penrith Development Control Plan 2014 that are relevant to the proposed development and have been addressed within **Table 4** below, include:

- ◆ Chapter C5 Waste Management;
- ◆ Chapter C10 Transport, Access and Parking; and
- ◆ Chapter D3 Commercial and Retail Development.

Table 4 Penrith Development Control Plan 2014

DCP 2014 Chapter C5 Waste Management	PROVISION	RESPONSE
C5 Waste Management	<p><i>General Objectives</i></p> <p><i>a) To facilitate sustainable waste management within the City of Penrith in accordance with the principles of Ecologically Sustainable Development.</i></p> <p><i>b) To manage waste in accordance with the 'Waste Hierarchy' to: i) Avoid producing waste in the first place; ii) Minimise the amount of waste produced; iii) Re-use items as many times as possible to minimise waste; iv) Recycle once re-use options have been exhausted; and v) Dispose of what is left, as a last resort, in a responsible way to appropriate waste disposal facilities;</i></p> <p><i>c) To assist in achieving Federal and State Government waste minimisation targets as set out in the Waste Avoidance and Resource Recovery Act 2001 and NSW Waste Avoidance and Resource Recovery Strategy 2007;</i></p> <p><i>d) To minimise the overall environmental impacts of waste by: i) Encouraging development that facilitates ongoing waste avoidance and complements waste services offered by both Council and/or private contractors; ii) Requiring on-site source separation and</i></p>	<p>With regard to ongoing waste management practices the appropriate sorting of waste will occur. Existing waste storage locations and practices will be utilised for the management of waste.</p> <p>The proposal will not otherwise impact upon the existing waste management requirements and practices of the Centre.</p>

DCP 2014 Chapter C5 Waste Management	PROVISION	RESPONSE
	<i>other design and siting standards which assist waste collection and management services offered by Council and/or the private sector; iii) Encouraging building designs and construction techniques that minimise waste generation; iv) Maximising opportunities to reuse and recycle building and construction materials as well as other wastes in the ongoing use of a premise; and v) Reducing the demand for waste disposal</i>	
DCP 2014 Chapter C10 Transport, Access and Parking	PROVISION	RESPONSE
A. General Objectives	<i>a) To integrate transport planning and land use to promote sustainable development and greater use of public transport systems;</i> <i>b) To minimise the impacts of traffic generating developments and manage road safety issues;</i> <i>c) To ensure that access paths and driveways are integrated in the design of developments and minimise impacts on road systems;</i> <i>d) To provide appropriate parking for all development whilst promoting more sustainable transport use;</i> <i>e) To facilitate connections and accessibility for those using non vehicle transport by providing appropriate facilities to improve amenity and safety;</i> <i>f) To facilitate bicycle connections and provide appropriate bicycle facilities to improve amenity and safety; and</i> <i>g) To ensure that access is provided for all people with diverse abilities.</i>	<p>The Centre provides 1 space per 40 m² GFA. A recent approved development for the site (DA18/0339) would result in the provision of 1 space per 41.6 m² GFA, which remains consistent with the minimum requirements for Specialised Retail Premises.</p> <p>The proposed development will have no material impact upon car parking requirements. The proposed use will not generate destination trips and is intended only to complement and support the collective specialised retail premises.</p>
B. Controls		
1) Traffic Studies	<i>Traffic studies may be required for some developments.</i>	
2) Road Safety	<i>ii) Minimise the potential for vehicular/pedestrian conflicts, providing protection for pedestrians where necessary;</i>	
Table C10.2 Car Parking Rates	<i>Bulky Goods Premises</i> <i>1 space per 50 m² of gross floor area.</i>	

DCP 2014 Chapter D3 Commercial and Retail Development	PROVISION	RESPONSE
3.1 Bulky Goods Retailing	<p><i>A. Controls</i></p> <p><i>1) General</i></p> <p><i>a) The built form is to provide consistent landscaped front setbacks and an active street address.</i></p> <p><i>b) Where bulky goods developments also comprise ancillary café or service uses, locate these uses within the primary street frontage to generate activity and interest at street level.</i></p> <p><i>c) Provide pedestrian footpaths on all streets.</i></p> <p><i>d) Entrances to bulky goods premises must be on the primary street frontage.</i></p> <p><i>e) Awnings are to be provided at entry points.</i></p> <p><i>f) Bulky goods developments are to be located on or close to the main street alignment.</i></p> <p><i>g) Provide consistent street planting and footpaths are to be provided along Blaikie Road to establish the public domain.</i></p> <p><i>h) Setback areas are to be landscaped, but may incorporate an off-street parking area if it can be demonstrated that the location of the car parking area as illustrated in Figures D3.1-D3.3:</i></p> <p><i>i) Is within a setback which is at least 13m wide and set behind a landscaped area which is at least 4m wide;</i></p> <p><i>ii) Promotes the function and operation of the development.</i></p>	<p>The proposed development will provide a greater offering for customers and staff of the Penrith Homemaker Centre.</p> <p>It will provide services that benefit the Penrith Homemaker Centre offering, clearly aligning with control b) which envisages ancillary "café or service uses". The premises is located internal to the site as there is no real opportunity to locate within the primary street frontage nor would this be a desirable outcome.</p>

6. Section 4.15 Considerations

The following *Matters for Consideration* are to be taken into consideration by a consent authority when determining a development application, pursuant to Section 4.15 *Evaluation* of the *Environmental Planning and Assessment Act 1979*.

6.1 Section 4.15 (1)(a)(i) The Provisions of any Environmental Planning Instrument,

The relevantly applicable provisions of Penrith LEP 2010 have been examined above in this SEE and the proposal is considered to be consistent with those provisions. The proposal will support the established Penrith Homemaker Centre by expanding the offerings available to customers and staff. The proposal is consistent with the objectives of the Penrith LEP 2010 and will not detract from established centres within the Penrith City Council LGA.

6.2 Section 4.15 (1)(a)(ii) The provisions of any Draft Environmental Planning Instrument

There is no Draft EPI of relevance to the proposed development.

6.3 Section 4.15 (1)(a)(iii) Any Development Control Plan

The relevantly applicable provisions of Penrith DCP 2014 have been examined above in this SEE and the proposal is considered to be consistent with those provisions.

6.4 Section 4.15 (1)(a)(iiia) Any Planning Agreement that has been entered into or any Draft Agreement

There is no relevant Planning Agreement that has been entered into nor any Draft Agreement.

6.5 Section 4.15 (1)(a)(iv) The Regulations

Not applicable to the proposed development.

6.7 Section 4.15 (1)(b) The likely impacts of that development,

Context and Setting

The proposal will not detract from the existing character of the locality and streetscape and will not result in adverse impacts upon the surrounding development or public domain as examined in this report. The provision of a take away food and drink premises will support the existing specialised retail premises and is consistent with the objectives of the zone. It is an appropriate use of a smaller tenancy within the Penrith Homemaker Centre that will provide greater amenity and convenience for customers and staff.

Access, transport and traffic

The tenancy is minor in scale and will have no material impact on the traffic generation or car parking requirements for the Penrith Homemaker Centre. The development will support the existing specialised retail premises rather than being a destination land use. The existing access and car parking arrangement remains suitable for the development.

Waste Management

The proposed development will result in minor ongoing waste, which will be managed through existing waste collection practices.

Economic impact

The proposed use will support the existing specialised retail premises and provide for additional employment opportunities. With a commitment to continuous improvement and investment at the Penrith Homemaker Centre, the existing customer base would be retained and continue to grow.

6.8 Section 4.15 (1)(c) The Suitability of the Site for the Development

The proposed development is consistent with the objectives of the B5 Business Development zone. The provision of take away food and drink premises will complement the existing uses within the Centre.

6.9 Section 4.15 (1)(d) Any submissions made

Any submissions made to Council during the notification and advertising period would be evaluated during the DA assessment phase. Knight Frank Town Planning would welcome the opportunity to be able to respond to any issues that may be raised.

6.10 Section 4.15 (1)(e) The Public Interest

The proposal will not give rise to any adverse environmental, amenity or streetscape impacts. The proposal will support the collective specialised retail premises within the Penrith Homemaker Centre. The proposed development is considered to be in the public interest by contributing to the local economy and supporting the existing uses and role of the Centre.

7. Conclusion

The relevant matters for consideration under Section 4.15 Evaluation of the Environmental Planning and Assessment Act 1979 have been addressed in this Statement of Environmental Effects and the proposed development has been found to be consistent with the objectives and requirements of the relevant planning provisions.

The proposed development, comprising the change of use to a *take away food and drink premises*, will expand upon the offerings for customers and staff of the Penrith Homemaker Centre and contribute to its continued growth. The proposal is permitted with development consent within the B5 Business Development zone and is consistent with the zone objectives.

The site is suitable for the proposed development which will positively contribute to the area. For reasons outlined in this statement of environmental effects the proposed development is considered worthy of being granted development consent.

APPENDICES

APPENDIX 1

Architectural Drawings

APPENDIX 2

Waste Management Plan