

# **STATEMENT of ENVIRONMENTAL EFFECTS**

For

**PROPOSED CAFÉ & HOOKAH LOUNGE**

At

**SHOP 10,  
11 Dunheved Road, WERRINGTON COUNTY NSW 2747**

For

**Mr. A. Dirani**

# PROJECT PARTICULARS

<b>Project No.:</b>	21-109
<b>Project Address:</b>	Shop 10, No. 11 Dunheved Road, WERRINGTON COUNTY NSW 2747
<b>Local Government Area:</b>	PENRITH COUNCIL
<b>Client:</b>	Mr. A. Dirani
<b>Prepared By:</b>	Wayne Wilson
<b>Date:</b>	June 2021

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Figure 1: Site Map

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# 1 INTRODUCTION

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This Statement of Environmental Effects, prepared by Wayne Wilson, is to accompany the Development Application (DA) for the tenancy known as Shop 10, 11 Dunheved Road Werrington County NSW 2747. (The site).

The application seeks development consent for:

- fit-out of the existing shop, to be used as a café,
- The construction of a free standing covered area for use as a hookah lounge.
- Associated business identification signage.

A **hookah lounge** is an establishment where patrons share shisha (flavored tobacco) from a communal hookah or from one placed at each table.

The hookah lounge will be separated from the café by way of a walkway and have windows that will be kept open at all times of operation.

The site is zoned **B2 Local Centre**, subject to the provisions of the **Penrith LEP 2010 and Penrith DCP 2014**. In accordance with the provisions of the LEP and DCP, and the site's land-use zoning, the proposed development is permissible with development consent.

The site was granted consent for a shopping centre development under DA 188/84 on 07 January 1985.

The purpose of this application is therefore to seek consent for use of the tenancy, associated fit out works, to ensure the on-going viability of the particular tenancy, which has been vacant for some years.

This Report is set out as follows:

- **Section 2** provides a description of the site and the surrounding locality;
- **Section 3** details the proposed development;
- **Section 4** provides an assessment of the proposed development in accordance with **Section 79C(1)** of the *Environmental Planning and Assessment Act 1979* (the Act); and
- **Section 5** concludes this report.

Overall, the proposal satisfies the intentions of the statutory planning controls which apply to the site and is therefore suitable in environmental terms.

In that respect, the conclusions of this Report are that this application may be approved by the Council, subject to appropriate conditions.

## 2 THE SITE & ITS LOCALITY

### 2.1 SITE DETAILS

The site details are set out in Table 1, below.

Table 1: Description of the Site

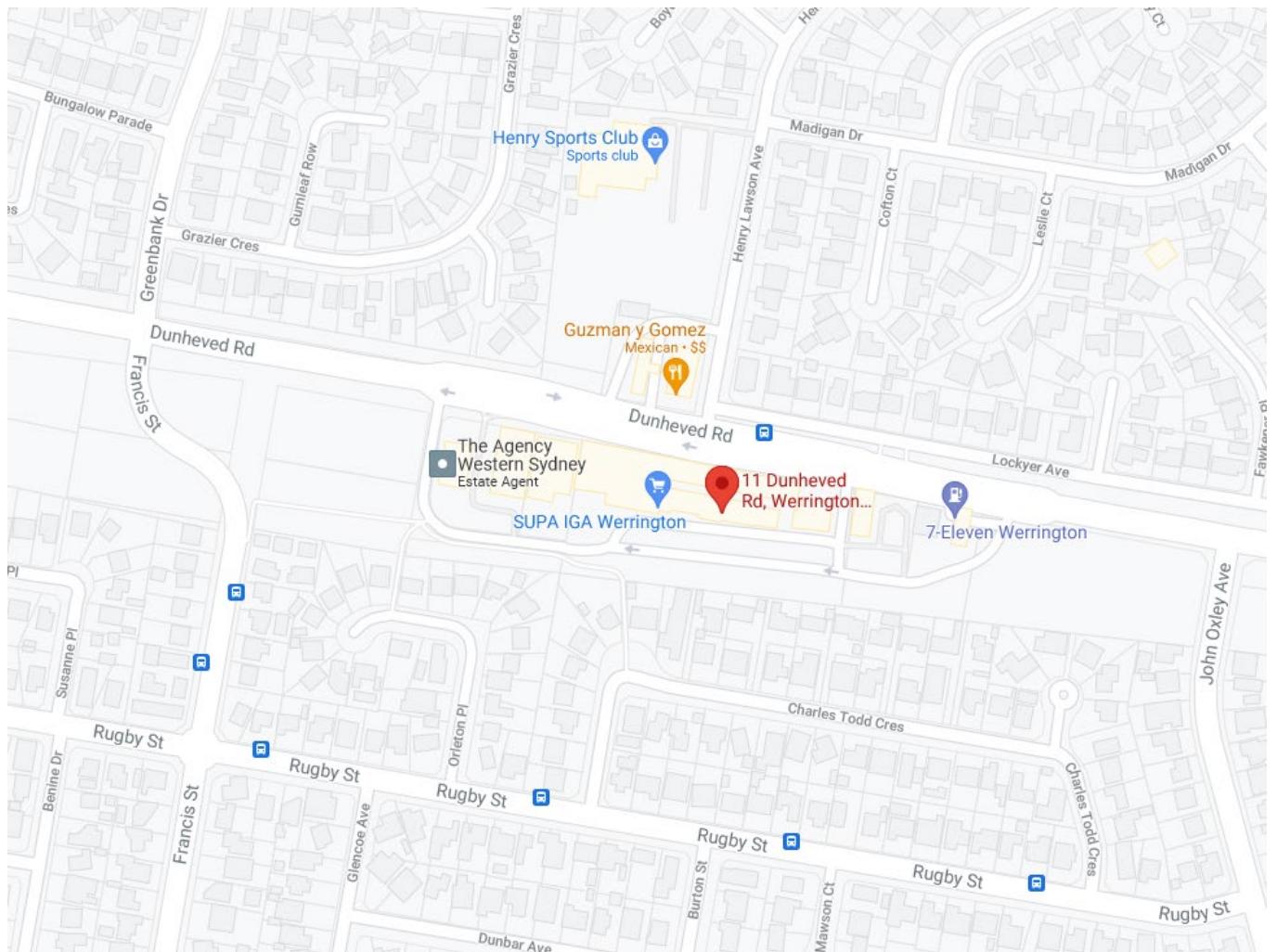
Site Details		
Site Address	Shop 10, 11 Dunheved Road Werrington County NSW 2747	
Site Area	1.436 ha	
Property Owners		
Legal Description	Lot 11, Deposited Plan 733094	
Existing Use	Shopping Centre Complex and associated car park.	
Site Boundary Dimensions	North (Dunheved Road) East South West (Lavin Crescent)	177.900 metres 73.970 metres 182.130 metres 85.73 metres
Allotment Shape	Irregular rectangle	
Vehicular Access	Directly from either Dunheved Road or Levin Crescent	
Relevant Environmental Planning Instruments	Penrith Local Environmental Plan 2010 State Environmental Planning Policy No.64 – Advertising and Signage Penrith Development Control Plan 2014	



View of existing shop prior to development proposal

**Figure 1: Site Map**

[www.google.com.au/maps](http://www.google.com.au/maps)



## 2.2 TITLE ENCUMBRANCES

Table 2: Title Encumbrances

Restriction	Description	Burdened Lot(s)	Benefited Lot(s)/Authority
Part 1. 1	Right of Way	11	12

## 2.3 PHYSICAL CONSTRAINTS

A Section 10.7(2) Certificate (No.21/02852) for the site, dated 21<sup>st</sup> May 2021, has been obtained from the Council. The relevant details have been included in Table 3, below.

Table 3: Section 10.7(2) Certificate Details

Item	Is The Land Affected?
Coastal Protection	No
Mine Subsidence	No
Road Widening or Realignment	No
Flooding	No
Land Reserved for Acquisition	No
Contributions Plans	No
Biodiversity Certified Land.	No
Biodiversity Stewardship Sites	No
Native Vegetation Clearing Set Asides	No
Bushfire Prone Land	No
Property Vegetation Plans	No
Tree Preservation Orders	No
Directions Under Part 3A	No
Site Compatibility Certificates – Seniors Housing	No
Site Compatibility Certificates – Infrastructure	No
Site Compatibility Certificates – Affordable Rental Housing	No
Paper Subdivision	No
Site Verification Certificate	No
Loose-Fill Asbestos	No
Affected Building Notices & Rectification Orders	No
State Environmental Planning Policy – Western Sydney Aerotropolis 2020	No

### 3 THE PROPOSED DEVELOPMENT

The proposal is for the approval of the fit out of an existing shop, to be used as a café, and the construction of a free standing covered area for use as a hookah lounge.

#### 3.1 THE PROPOSED LAYOUT

Table 4, provides the proposed layout.

Layout & Details	Unit 2
Gross Floor Area	168.00 m <sup>2</sup>
Preparation Area	1
Uni-sex Disabled Toilet	1
Uni-sex Toilet	1
Managers Office	1
Café	1
Hookah Lounge Area	1

#### 3.2 THE PROPOSAL

##### GENERALLY

The site is situated on the southern side of Dunheved Road, opposite the intersection of Henry Lawson Avenue. Shop 10 forms part of an existing community shopping centre that has ample off-street parking to the south and is accessed from both Dunheved Road and Levin Crescent that runs through the car park. There is approximately 154 existing parking sites, which will be well able to cater for this proposal.

Shop 10, fronts Dunheved Road, is to the eastern end of the complex and is joined by two other shops. One to the west is an Australia Post Shop, and the other to the south is a Chinese Take Away Restaurant. Neither of these shops share the Dunheved Road frontage.

##### PROPOSED USE

The intended use of the tenancy is for a Café and Hookah Lounge. The Café will be contained with-in the existing Shop 10, with the Hookah Lounge operating in the free standing awning.

The Café will provide:

- Hot and Cold Beverages, i.e. Coffee, Tea, Fresh Fruit Juices, Fruit Cocktails (non-alcoholic)
- Desserts, Cakes, Café style Finger Food, Ice Creams and Gelatos.
- Shisha – strictly outside in the Hookah Lounge only

It is intended that there will be a maximum of seven (7) staff at any one time.

The Hours of Operation will be:

- Monday to Wednesday 8:30am to 10:00pm
- Thursdays 8:30am to 11:00pm
- Fridays & Saturdays 8:30am to 12:00am (Midnight)
- Sundays 8:30am to 9:30pm

The nature of the use, as defined in the LEP is for a 'food and drink premises' which is 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) takeaway food and drink premises,

## **THE PROPOSAL**

### **INTERNAL ALTERATIONS**

The existing shop will be fitted out with display counters, fridges, food distribution and washing areas. All food will be prepared and cooked off-site and brought to the Café.

The total extent of food preparation will be the making of beverages, warming of foods if required and serving as required.

There will be some be some minor works within the shop involving the installation of a new uni-sex disable toilet facility, managers office and privacy wall.

### **EXTERNAL ALTERATIONS**

An awning measuring 11.26m x 6.5m with a maximum height of approximately 3.0m, will be constructed to the north of the existing Café. This structure will have bi-fold windows and doors, only for security reasons during non-operating hours.

The construction will be a proprietary item, with Colorbond metal roof, dwarf walls and aluminium bi-fold windows and doors all in accordance with the requirements of the BCA. The structure will sit on a reinforced concrete floor slab to the engineer's future details.

This structure will operate as a Hookah Lounge. The structure will have a minimum setback from Dunheved Road of approximately 3.6m, which is well in excess of the current setback of 1.8m of the development.

### **GENERALLY**

- A new business identification sign is to be placed on the existing north facing façade on Dunheved Road, and the eastern side facing the entry driveway.
- Business identification signs will be placed on the shopfront gazing of the café.
- Installation of security features and CCTV systems to monitor the premises at all times.

All work will be in accordance with the BCA, Penrith City Council, and current Australian Standards.

All appliances, fittings and workmanship will comply with AS 4672-2004 Food Premises.

## 4 ENVIRONMENTAL IMPACT ASSESSMENT

The proposal is subject to the following requirements:

- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 55)
- Sydney Regional Environmental Plan No.20 – Hawkesbury-Nepean(SREP No. 20)
- Penrith City Council LEP 2010
- Penrith City Council DCP 2014

The proposal is considered below having regard to these requirements.

### 4.1 SEPP 55

Clause 7 of the SEPP, requires an applicant to demonstrate whether or not a parcel of land is contaminated. Given the long term and consistent use of the property for commercial purposes, it is unlikely that the land would be contaminated. Given the small nature of any earthworks required, and its location, it is highly unlikely any such issue would arise.

### 4.2 SEPP 64

For the purpose of assessment, the table below indicates signage compliance in accordance with Clause 8b.

SEPP Clause	Schedule 1. – Assessment Criteria	Compliance	Comment
<b>8 Granting of consent to signage.</b>  (b) that the signage the subject of the application satisfies the assessment criteria specified in Schedule 1.	<b>1 Character of the area</b>	Yes	Business identification sign attached to the existing façade of the building, above the awning. The sign will be amongst other approved signs along the Dunheved Road frontage. Business identification sign on the shopfront glazing - The new signage covers the window area on the façade. This type of signage is a typical feature of the building.
	<b>2 Special areas</b>	Yes	The subject site is located within the Werrington Shopping Centre. The signage only aims to identify the business and is similar to the adjoining tenancies within the complex and does not detract from the amenity, nor visual quality, of the site.
	<b>3 Views and vistas</b>	Yes	The location and design of the signage will not impact upon any significant views nor vistas.
	<b>4 Streetscape, setting or landscape</b>	Yes	The proposed location and size of the sign is acceptable, in the local commercial context.

	<b>5 Site and building</b>	Yes	The location of the signage does not detract from the existing built form, nor features, of the site.
	<b>6 Associated devices and logos with advertisements and advertising structures</b>	Yes	No lighting devices are proposed as part of the proposal. The materials, dimensions and locations of the signage on the facade is appropriate and will not detract from the character of the area.
	<b>7 Illumination</b>	Yes	No sign is proposed to be illuminated.
	<b>8 Safety</b>	Yes	The proposed signage would not detract from the attention of pedestrians, cyclists or motorists, and is not considered to be a safety risk

The proposed signage is defined as “business identification signage”, and is not defined as “advertisements”; the remaining provisions of SEPP 64 are not applicable to the subject application.

The proposal has been assessed as satisfactory with regards to the provisions of SEPP 64. This matter is also discussed in the assessment under the Penrith Development Control Plan 2014: Advertising and Signage within this report.

## **4.3 SREP 20**

This plan applies to the whole of the Penrith LGA; however, given that the proposed development includes only minor works most of which are internal to an existing structure, the proposal will not have any impact on the Hawkesbury-Nepean River catchment.

## **4.4 PENRITH LEP 2010**

LEP Clause	Control	Compliance	Comment
<b>1.2 Aims of the Plan</b>	(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,	Yes	n/a
<b>2.1 Land Use Zones</b>	<b>Zone B2 Local Centre</b>	Yes	<b>3 Permitted with consent</b> Commercial premises; <i>commercial premises</i> means any of the following— (c) retail premises <i>retail premises</i> means a building or place used for the purpose of selling items by retail, or hiring or displaying

			items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following; (c) food and drink premises,
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## **4.5 PENRITH DCP 2014**

As the proposal involves only minor works to the existing building/centre, there are only a limited number of provisions which apply to this proposal. The relevant controls applicable to the proposal are below.

<b>DCP Clause</b>	<b>Control</b>	<b>Compliance</b>	<b>Comment</b>
<b>Part C Section C1.2.5</b>	Safety and Security (Principles of crime prevention through environmental design)	Yes	The entire tenancy shall be well lit internally, and all external entrances will be under CCTV surveillance. Security lighting maybe be provided in key locations and will be sufficient for good visibility at night. The proposal adheres to the principles of <i>Crime Prevention Through Environmental Design</i> .
<b>Part C Section C1.2.6</b>	Maximising access and adaptability	Yes	The proposal incorporates disabled toilet amenities. All equipment will be arranged such that a wide access path is available, to allow for safe egress during an emergency
<b>Part C5.2 Development Specific Controls and C5.3 General Controls</b>		Yes	As the proposal is part of an existing shopping centre, waste management has been addressed in the original development consent. Waste generated by this proposal, will be collected by the existing scheme already in place.
<b>Section C8.1. Pedestrian Amenity  C. Controls 1) Active Street Frontage and Address</b>	a) Active street frontages are to be located on the ground/street level of all buildings, being one or a combination of the following: ii) A café or restaurant, if accompanied by an entry from the street;	Yes	The proposal offers opportunities to establish an active street frontage, with the café and hookah lounge fronting Dunheved Road. The café will promote pedestrian activity, safety and increases opportunities for natural surveillance in the public domain. The café shall be accessible from the street, as well as from within the shopping village. The entrances shall be well illuminated.

<b>Section C9.1. General Requirements for Signs and 9.4. Commercial, Mixed Use and Industrial Zones</b>		Yes	<p>The purpose of the proposed signage is for business identification purposes. The signage will illustrate the name of the business. The proposed signage locations as discussed earlier, are compatible with the scale and proportion of the site and will accord with the character of the locality. The signage is therefore compliant with this section of the DCP.</p>
<b>Section C10 Transport, Access and Parking</b>	<p>A. General Objectives</p> <ul style="list-style-type: none"> <li>a) To integrate transport planning and land use to promote sustainable development and greater use of public transport systems;</li> <li>b) To minimise the impacts of traffic generating developments and manage road safety issues;</li> <li>c) To ensure that access paths and driveways are integrated in the design of developments and minimise impacts on road systems;</li> <li>d) To provide appropriate parking for all development whilst promoting more sustainable transport use;</li> <li>e) To facilitate connections and accessibility for those using non vehicle transport by providing appropriate facilities to improve amenity and safety;</li> <li>f) To facilitate bicycle connections and provide appropriate bicycle facilities to improve amenity and safety; and</li> <li>g) To ensure that access is provided for all people with diverse abilities.</li> </ul>	Yes	<p>The proposal is currently serviced by the existing car park, addressed in the original DA approval. The existing carpark is accessed from both Dunheved Road and Lavin Crescent. Public transport is also available, with a regular bus services to both Penrith and St. Marys business centres and train stations.</p>

## 4.6 THE LIKELY IMPACTS OF THE DEVELOPMENT

Having regard to the above assessment, it is considered that the proposal will not result in any adverse impacts as a result of its implementation. It is consistent with the zone objectives and is permissible in the zone. The proposal does not include a change in the built form and therefore does not have any impacts with regards to bulk and scale.

The proposed nature of the use is consistent with the locality and it will provide additional active uses on the street frontage.

This being the case, it is not considered that there will be any adverse impacts as a result of the proposed use and minor works proposed at this site.

## 4.7 THE PUBLIC INTEREST

The proposal is within the public interest, providing a recreational facility in the Werrington County Shopping Village.

The proposed café provides a food and drink premises in an appropriate location. Therefore, no impacts are anticipated as a result of the proposal.

## **5 CONCLUSIONS & RECOMMENDATIONS**

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This Report has assessed the proposal, for this proposed café and hookah lounge at Shop 10, 11 Dunheved Road Werrington County.

This development application seeks development consent for minor alterations and additions to the existing building and construction of an out-door awning to operate as a café, and business identification signage.

The site is in the B2 Local Centre use zone pursuant to the LEP and the proposed use of the site is permissible with development consent from the Council (Clause 1.6).

The proposal is consistent with the zone objectives and will not compromise the desired outcomes under the various planning instruments.

This being the case, it is recommended that the development application be approved in accordance with the accompanying plans, and the Council's standard conditions of development consent.