

# cityscapeplanning+projects

## STATEMENT OF ENVIRONMENTAL EFFECTS

### PROPOSED FOOD AND DRINK PREMISES

**388 HIGH ST, PENRITH**

MAY 2015

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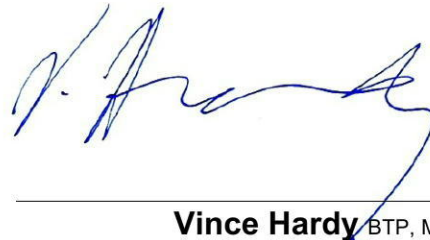
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This report is provided to accompany a Development Application to be lodged on the subject land and is to be used for that purpose solely and for the client exclusively. No liability is extended for any other use or to any other party. Whilst the report is derived in part from our knowledge and expertise, it is based on the conditions prevailing at the time of the Report and upon the information provided by the client.

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## 1.0 INTRODUCTION

*Cityscape Planning + Projects* has been engaged to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) to be submitted on the subject site. Detailed plans and a completed DA form have been provided separately.

The SEE describes the proposed development and subject site and undertakes an assessment of the proposal against the *EP&A Act* 1979, as well as the aims, objectives and development provisions of Penrith LEP 2010 and its DCP.

It has been compiled, through on ground investigations, research, analysis and discussion with officers of Penrith City Council.

## **2.0 THE SUBJECT SITE**

### **2.1 LOCATION + DESCRIPTION**

The subject site is a narrow rectangular shaped parcel of land located on the south side of High St, approximately 25m from its intersection with Woodriff St.

The site is known as 388 High St but has the following real property description:

**Lot:** 1

**DP:** 656875

A plan showing the locality of the site is provided at Figure 1.

### **2.2 SITE DIMENSIONS**

The site has a total area of approximately 205m<sup>2</sup>. It has a frontage to High St of 6m and a depth of 34m.

Figure 2 provides an image that demonstrates the site configuration.

FIGURE 1: LOCATION OF SITE

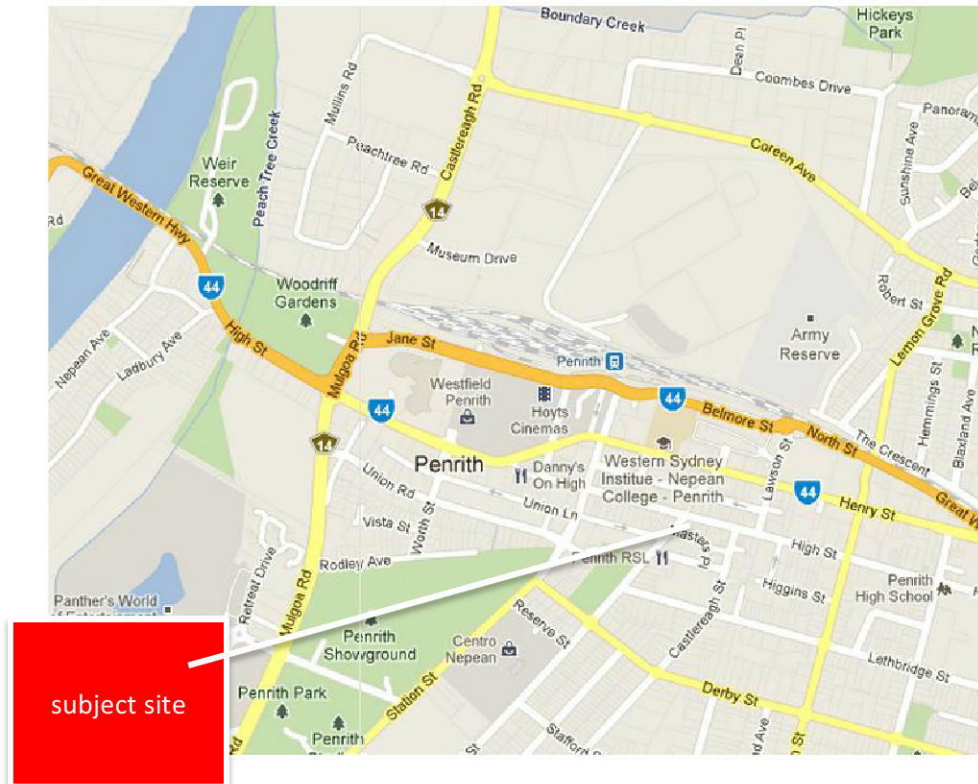
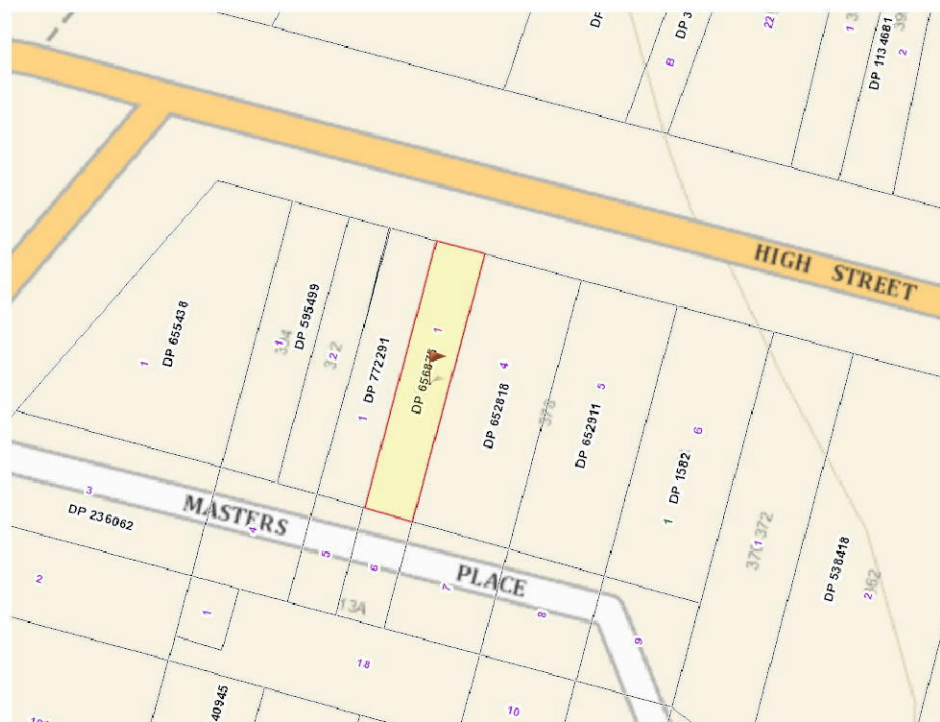


FIGURE 2: SITE BOUNDARIES



## **2.3 NATURAL ENVIRONMENT**

The site and its immediate environs experience limited topographic relief. Also, the site has been cleared of all of its vegetation as part of previous development. Images of the site that confirm its cleared status and show this tree are provided at the aerial photo at Figure 3.

## **2.5 EXISTING DEVELOPMENT**

The site currently accommodates a single-storey, masonry building that extend over the full extent of the site.

The location and spatial arrangement of this built forms is demonstrated in the aerial photo provided at Figure 3, whilst photos of the built forms are provided at Figures 5-6.

## **2.6 ADJACENT DEVELOPMENT**

Being located only 420m south-east of the Penrith Rail Station, the site sits within an established CBD environment. As such lands immediately adjacent to the site, in all directions, accommodate other commercial and retail uses and activities. The urban context of the site is demonstrated at the aerial photo provided at Figure 4.

FIGURE 3: AERIAL PHOTO OF SITE



FIG 4: AERIAL + ADJACENT LAND USES

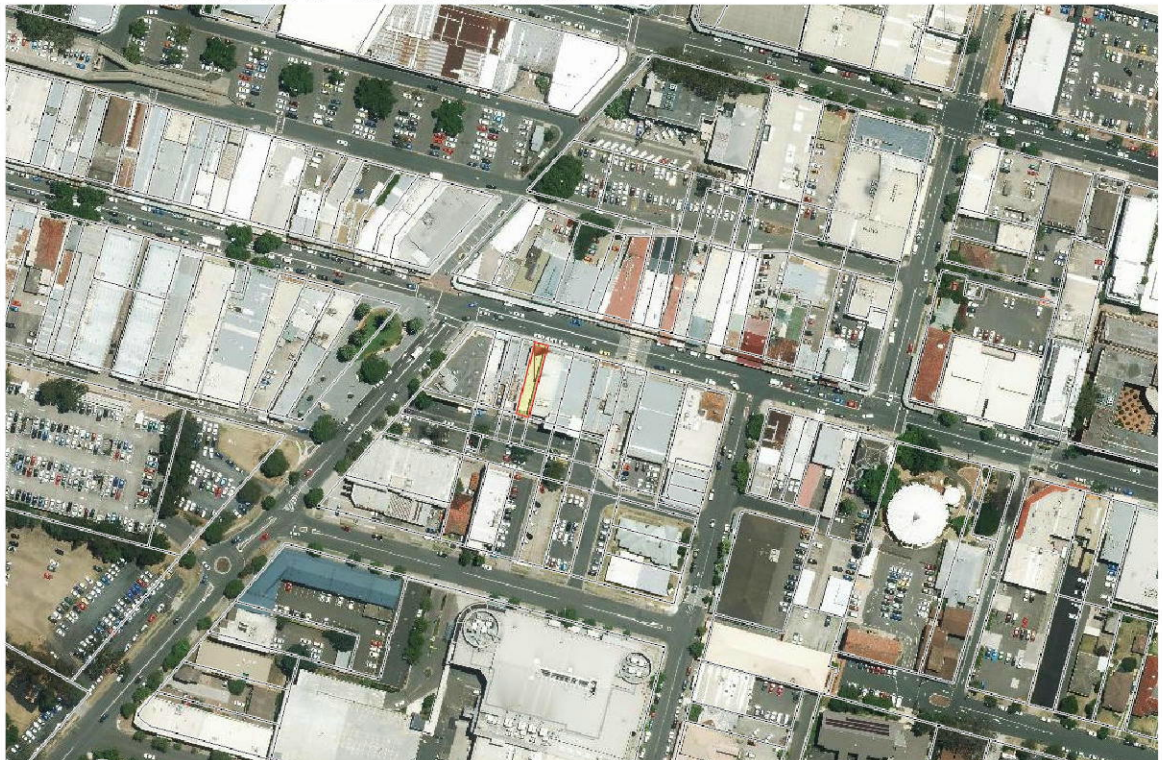


FIGURE 5: SITE VIEWED FROM HIGH ST



FIGURE 6: SITE VIEWED FROM REAR



## 3.0 DEVELOPMENT PROPOSAL

The development seeks council consent to the internal fit out of the subject site for the purpose of providing a restaurant that involves the use of charcoal grills as part of the preparation and cooking of food. The fit-out will involve the following:

- New kitchen area
- New reception area
- New bar area
- Reconfigured seating area
- Reconfigured bathrooms
- Accessible entry and toilet
- Replace existing shop front window with bi-fold doors
- Refurbished kitchen area
- Installation of a ventilation system

The development does not seek to provide any new gross floor area or introduce any change to parking, or vehicle access and egress arrangements.

The development seeks approval for the following operating hours:

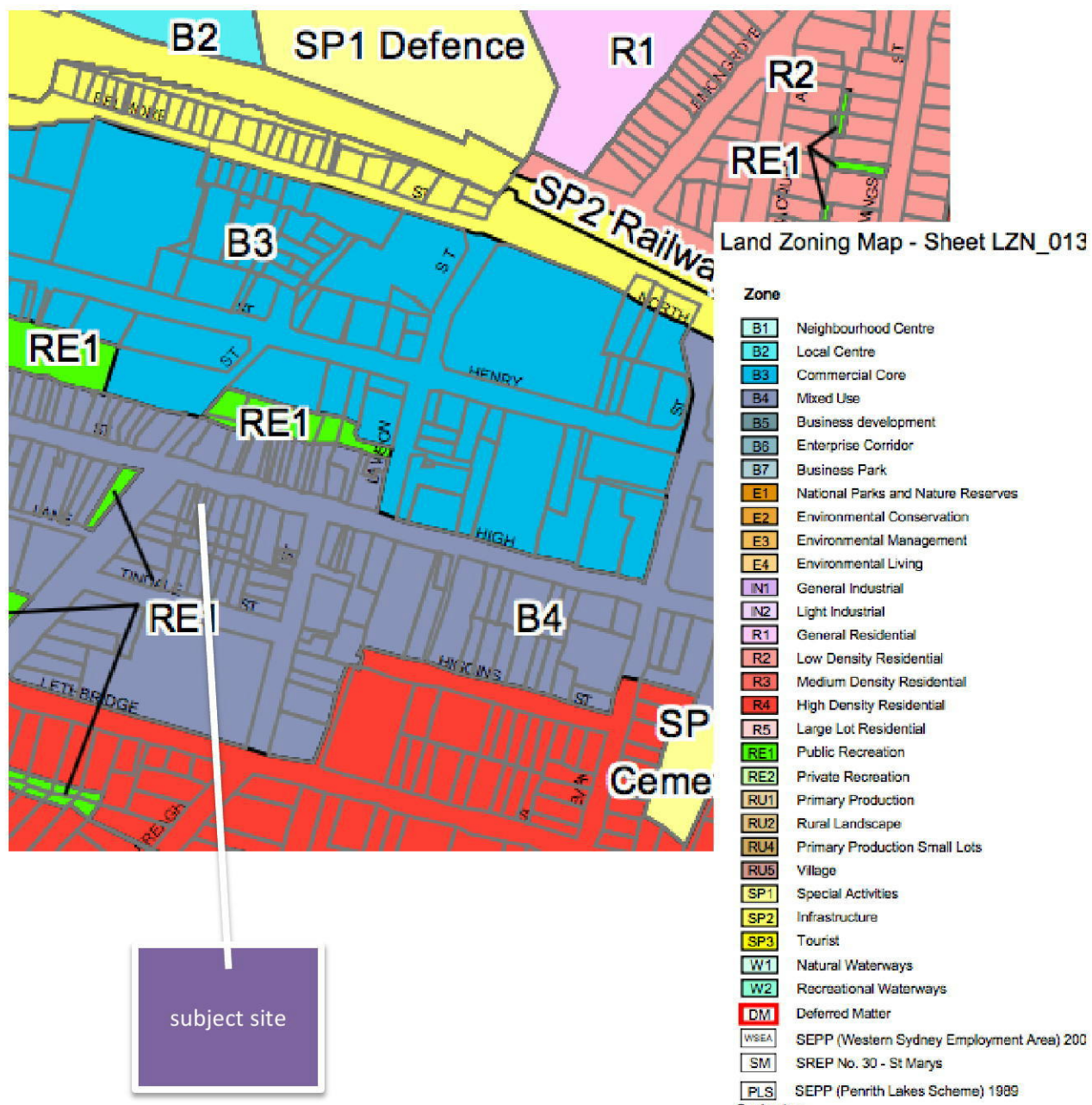
**Proposed Operating Hours:** 10AM-12AM, 7 days a week

The development would also require a maximum of 8 staff.

## 4.0 STATUTORY SITUATION

The subject site is zoned **B4 Mixed Use** pursuant to Penrith LEP Local Environmental Plan 2010. An extract of the relevant zoning plan is provided at figure 7.

**FIG 7: EXTRACT OF ZONING PLAN**



The land use table to this zone identifies a 'commercial premises' as a permissible use in the zone.

The following relevant definitions from the dictionary to the LEP are relevant and provided below:

***commercial premises** means any of the following:*

- (a) business premises,*
- (b) office premises,*
- (c) retail premises.*

***retail premises** 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;*

- (a) bulky goods premises,*
- (b) cellar door premises,*
- (c) food and drink premises.*
- (d) garden centres,*
- (e) hardware and building supplies,*
- (f) kiosks,*
- (g) landscaping material supplies,*
- (h) markets,*
- (i) plant nurseries,*
- (j) roadside stalls,*
- (k) rural supplies,*
- (l) shops,*
- (m) timber yards,*
- (n) vehicle sales or hire premises,*

*but does not include highway service centres, service stations, industrial retail outlets or restricted premises.*

*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.*

*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.*

Accordingly, it can be determined that a restaurant, is a permissible land uses in the zone.

## **5.0 PLANNING ASSESSMENT**

### **5.1 THE PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT**

#### **5.1.1 SREP NO 20 - HAWKESBURY NEPEAN**

*Sydney Regional Environmental Plan No 20* (SREP 20) is in place 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 seeks to achieve this by providing a series of strategies and planning controls that all development must be considered against.

The proposed development provides does not seek to alter the stormwater regime in any conceivable manner. As such the development is not in conflict with the objectives of the SEPP.

#### **5.1.2 SEPP 55 - REMEDIATION OF LAND**

The object of this Policy is to provide for a State wide planning approach to the remediation of contaminated land. In particular, this Policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- (a) by specifying when consent is required, and when it is not required, for a remediation work, and
- (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and

development applications for consent to carry out a remediation work in particular, and

(c) by requiring that a remediation work meet certain standards and notification requirements

The site has been operated as a retail premises form many decades. This previous use does not raise the potential for contamination.

In any event the development proposes no physical works that could disturb or create a hazard form any site contamination.

### 5.1.3 PENRITH LEP 2010

#### ***PART 2 PERMITTED OR PROHIBITED DEVELOPMENT***

#### ***2.3 ZONE OBJECTIVES AND LAND USE TABLE***

##### ***Zone B4 Mixed Use***

##### ***1 Objectives of zone***

- ***To provide a mixture of compatible land uses.***
- ***To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.***
- ***To minimise conflict between land uses within the zone and land uses within adjoining zones.***
- ***To create opportunities to improve public amenity.***
- ***To provide a wide range of retail, business, office, residential, community and other suitable land uses.***

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**Comment:**

The development seeks only to fit out the existing retail space for a food and drink premises.

It will therefore provide a new retail activity that will complement the adjacent retail strip and CBD environs.

Accordingly, the development causes no inconsistency with the zone objectives.

## **PART 4 PRINCIPAL DEVELOPMENT STANDARDS**

### **4.4 Floor space ratio**

- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.***

An extract of the LEP map is provided at Figure 8 and demonstrates that the LEP provides a maximum FSR of 3:1.

The development does not seek to provide any new floorspace and in any event the current FSR is well below the 3:1 standard.

## **PART 7 ADDITIONAL LOCAL PROVISIONS**

### **7.8 Active street frontages**

- (1) The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B3 Commercial Core and Zone B4 Mixed Use.***
- (2) This clause applies to land identified as “Active Street Frontage” on the Active Street Frontages Map.***
- (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which***

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***this clause applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.***

***(4) Despite subclause (3), an active street frontage is not required for any part of a building that is used for any of the following:***

***(a) entrances and lobbies (including as part of mixed use development),***

***(b) access for fire services,***

***(c) vehicular access.***

***(5) In this clause, a building has an active street frontage if all premises on the ground floor of the building facing the street are used for the purposes of business premises or retail premises.***

An extract of the relevant LEP map is provided at Figure 9 and demonstrates that the subject sites is required to provide an active street frontage.

The development seeks to provide bi-fold, full glass doors at the High St frontage, which will allow the restaurant to provide a near seamless interface with the adjacent footpath area. As such the development clearly provides an active street frontage.

FIG 8: EXTRACT OF FSR MAP

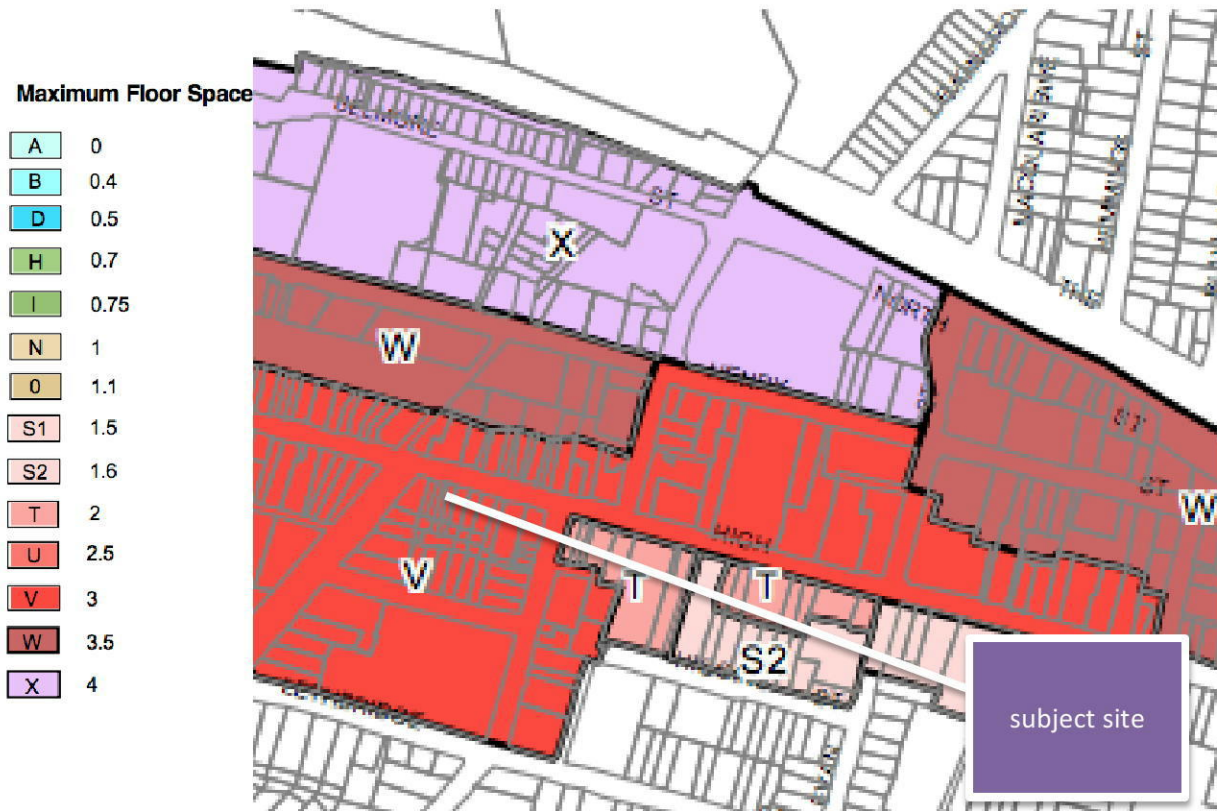


FIG 9: EXTRACT OF ACTIVE STREET FRONTAGE MAP



## **5.2 THE PROVISIONS OF ANY DRAFT PLANNING INSTRUMENT**

There are no known Draft Planning Instruments relevant to the site.

## **5.3 THE PROVISION OF ANY DEVELOPMENT CONTROL PLAN**

### **PENRITH DCP 2014**

#### **PART C – CITY-WIDE CONTROLS**

#### **C 9 ADVERTISING AND SIGNAGE**

##### ***9.4 Commercial mixed use and industrial zones***

##### ***Objectives***

- a) To promote an integrated design approach to all signage in character with the locality and its architectural and landscape features;***
- b) To prevent the proliferation of advertising signs.***
- c) To permit the adequate display of information concerning the identification of the premises, the name of the occupier and the activity conducted on the land.***
- d) To encourage a coordinated approach to advertising signs where multiple occupancy of buildings or sites occurs.***
- e) To prevent distraction to motorists and road users, and minimise the potential for traffic conflicts.***
- f) To ensure signage does not create conflicts or safety problems for pedestrians.***

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No signage is proposed as part of this development application, however the shop front and awning provides suitable opportunity for an integrated and appropriate signage response given the main street context of the site.

## **C 10 TRANSPORT ACCESS AND PARKING**

Table C10.2 of the DCP identifies the parking rates for various land uses in the City.

This table identifies a demand for a restaurant to provide 1 space per 6m<sup>2</sup> of seating area, plus 1 space per employee.

The development provides 70m<sup>2</sup> of dining area will have a maximum of 8 staff and therefore generates a parking demand for 20 spaces.

However, the development has provided a retail use for many years that has fully relied upon the availability of public car parking within CBD. The development does not generate any new Gross Floor Area (GFA) and therefore should not be required to provide additional parking supply.

Further, the subject site also located in close proximity to a large public car park that provides hundreds of parking spaces.

Peak patronage of the proposed restaurant will occur in early to late evening periods when these adjacent car parking areas are significantly underutilised and therefore provide ample parking opportunity for the proposed development.

Accordingly, it is considered that suitable and sufficient parking is readily available for the proposed development.

## **PART E – KEY PRECINCTS**

### **E 11 PENRITH – CITY CENTRE**

#### **11.2. BUILDING FORM**

##### **11.2.2. BUILDING TO STREET ALIGNMENT AND STREET SETBACKS**

###### **Controls**

- 1. Street building alignment and street setbacks are specified in Figure E11.3**
- 2. Balconies may project up to 600 mm into front building setbacks, provided the cumulative width of all balconies at that particular level totals no more than 50% of the horizontal width of the building façade, measured at that level.**
- 3. Minor projections into front building lines and setbacks for sun shading devices, entry awnings and cornices are permissible**
- 4. Notwithstanding the setback controls, where development must be built to the street alignment (as identified in figure E11.3) must also be built to the side boundaries (0m setback) where fronting the street. The minimum height of development built to the side boundary must comply with the minimum street frontage height requirement.**
- 5. Buildings along High Street must demonstrate that views to the Blue Mountains escarpment are maintained through the provision of perspectives and 3D modelling.**

Figure 11.3 of the DCP seeks all development to build to the street boundary.

The development seeks to maintain the existing 0m setback and therefore is consistent with this section of the DCP.

##### **11.2.3 STREET FRONTAGE HEIGHTS**

The development does not propose any new built forms so this section of the DCP is not relevant to the subject development.

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#### **11.2.4 BUILDING DEPTH AND BULK**

#### **11.2.5 BOUNDARY SETBACKS AND BUILDING SEPARATION**

Not relevant to the subject development as no changes to building footprint proposed.

#### **11.2.6 MIXED USE BUILDINGS**

The development seeks to maintain the prevailing land use mix on site.

#### **11.2.7 SITE COVER AND DEEP SOIL ZONES**

#### **11.2.8 LANDSCAPE DESIGN**

#### **11.2.9 PLANTING ON STRUCTURES**

Not relevant to the subject development as no changes to building footprint proposed.

### **11.3 PEDESTRIAN AMENITY**

#### **11.3.1 PERMEABILITY**

##### **Controls**

**1. Through site links are to be provided as shown in Figure E11.18.**

The site is not identified on the relevant DCP plan as being required to provide through site links. An extract of that plan is provided at Figure 11.18

#### **11.3.2 ACTIVE STREET FRONTAGES AND ADDRESS**

##### **Active Street Frontages**

**1. Active street frontage uses are defined as one or a combination of the following at street level:**

- a) entrance to retail;**
- b) shop front;**

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*c) glazed entries to commercial and residential lobbies occupying less than 50% of the street frontage, to a maximum of 12m frontage;*

*d) café or restaurant if accompanied by an entry from the street;*

*e) active office uses, such as reception, if visible from the street;*

*f) public building if accompanied by an entry.*

*2. Active street fronts are to be located at the ground level of all buildings located in those areas as shown in the Active Street Frontages map of Penrith LEP 2010.*

*3. Ground floor active street frontage uses are to be at the same level as the adjoining footpath and must be directly accessible from the street.*

*4. Restaurants, cafes and the like are to consider providing openable shop fronts.*

*5. Only open grill or transparent security shutters are permitted to retail frontages.*

#### **Street Address**

*1. Street address is defined as entries, lobbies, and habitable rooms with clear glazing to the street not more than 1.2m above street level, and does not include car parking areas.*

*2. Street address is required on the ground level of buildings specifically located in areas shown in the Active Street Frontage Map of Penrith LEP 2010.*

An extract of the relevant map is provided at Figure 10. However, this matter has been addressed previously in this report in response to the relevant LEP provision and demonstrates that a suitable active street frontage is provided.

### **11.3.3 AWNINGS**

#### **Controls**

- 1) Continuous street frontage awnings are to be provided for all new developments as indicated in Figure E11.19.**
- 2) Awnings dimensions should generally be:**
  - a) minimum 2.8m deep where street trees are not required, otherwise minimum 2.4m deep;**
  - b) minimum soffit height of 3.2m and maximum of 4m;**
  - c) steps for design articulation or to accommodate sloping streets are to be integral with the building design and should not exceed 700mm;**
  - d) low profile, with slim vertical fascias or eaves (generally not to exceed 300mm height); and**
  - e) set back from kerb to allow for clearance of street furniture**
- 3) Awning design must match building facades and be complementary to those of adjoining buildings.**
- 4) Wrap awnings around corners for a minimum 6m from where a building is sited on a street corner.**
- 5) Vertical canvas drop blinds may be used along the outer edge of awnings along north- south streets. These blinds must not carry advertising or signage.**
- 6) Provide under awning lighting recessed into the soffit of the awning or wall mounted onto the building to facilitate night use and to improve public safety.**
- 7) One under-awning sign may be attached to the awning, at intervals of 6m of the awning frontage.**

An extract of the relevant awning plan is provided at Figure 11 and shows the DCP requires an awning to be provided. However, the site already provides continuous awning cover as identified at Figure 5 and therefore achieves the DCP requirements.

FIG 10: DCP PED LINKS PLAN

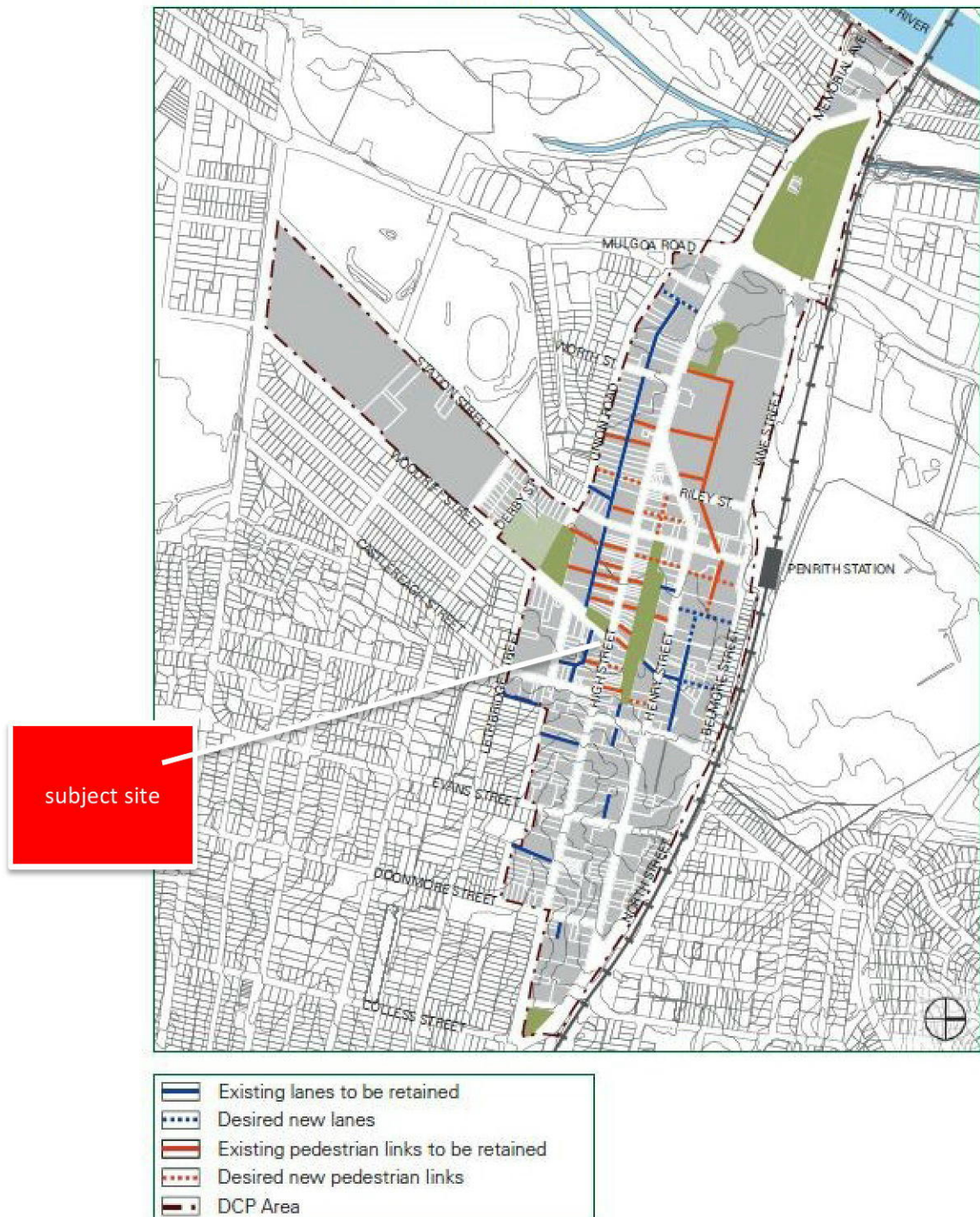
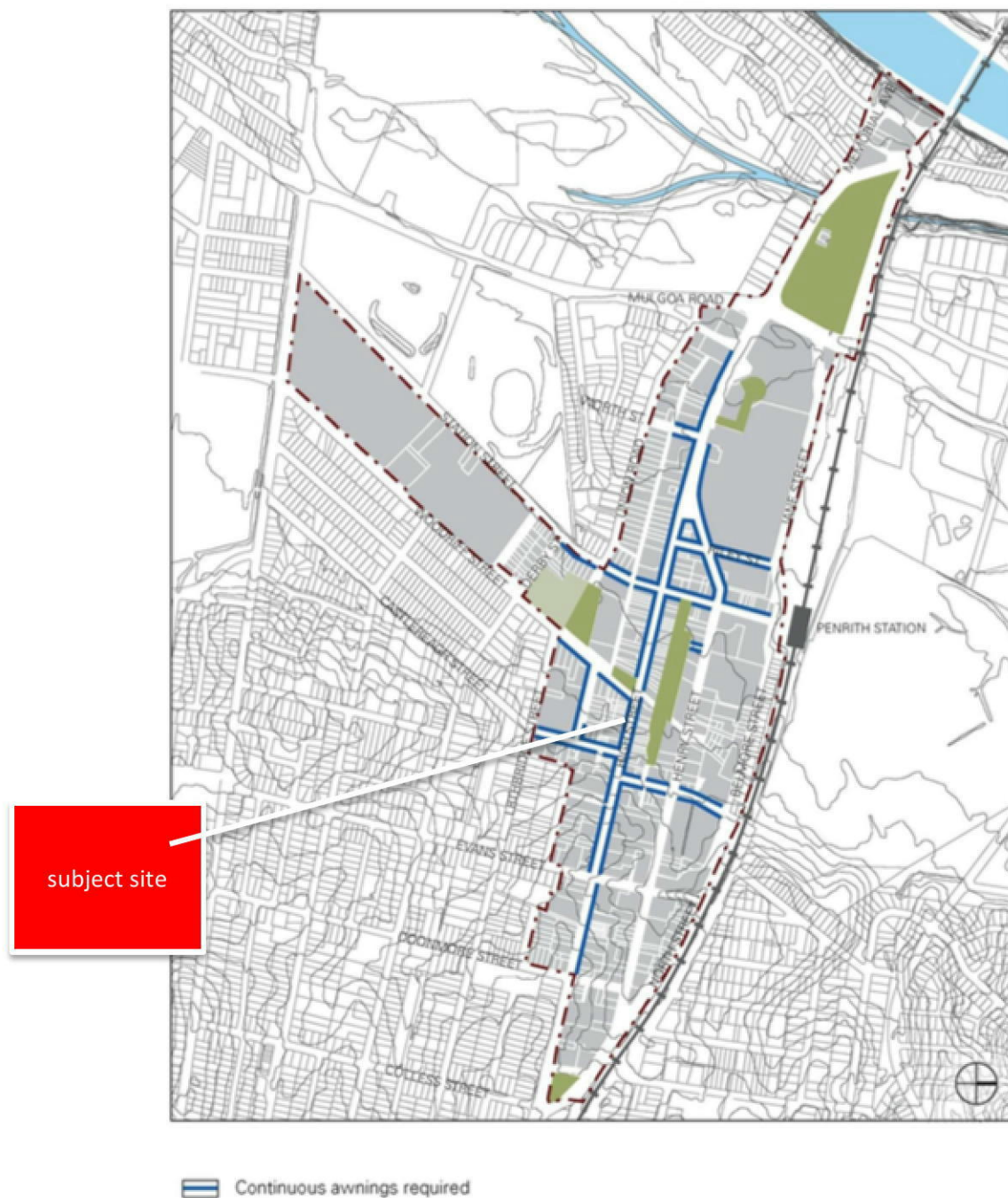


FIG 11: DCP AWNINGS PLAN



#### **11.3.4 VEHICLE FOOTPATH CROSSINGS**

Not relevant to the subject development as no new vehicle access proposed.

#### **11.3.5 PEDESTRIAN OVERPASSES AND UNDERPASSES**

Not relevant to the subject development

#### **11.3.6 BUILDING EXTERIORS**

Not relevant to the subject development as no change to building exterior is proposed.

### **11.4 ACCESS, PARKING AND SERVICING**

#### **11.4.1 PEDESTRIAN ACCESS AND MOBILITY**

##### ***Objectives***

- ***To provide safe and easy access to buildings to enable better use and enjoyment by people regardless of age and physical condition, whilst also contributing to the vitality and vibrancy of the public domain.***
- ***To ensure buildings and places are accessible to people with a disability.***
- ***To provide a safe and accessible public domain.***

The development does not seek to provide any altered pedestrian access arrangements to the building.

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#### **11.4.2 ON-SITE PARKING OPTIONS**

*1) In addition to the parking requirements outlined in the Transport, Access and Parking Section of this DCP, Figures E11.22 and E11.23 contains additional options for car parking at Penrith City Centre.*

*2) On-site parking is to be accommodated in basement parking except in the blocks between Belmore and Henry Streets where above ground car parking may be permissible in the form illustrated in Figure 11.24 below.*

On site parking has been previously addressed as part of this report.

#### **11.4.3 SITE FACILITIES AND SERVICES**

##### **Objectives**

- To ensure that the design and location of site facilities (such as clothes drying areas, mail boxes, recycling and garbage disposal units/ areas, screens, lighting, storage areas, air conditioning units, rainwater tanks/ hot water systems, solar panels and other such devices and communication systems) are integrated within the development and are unobtrusive.*
- To ensure that site services and facilities are adequate for the nature and quantum of development.*
- To establish appropriate access and location requirements for servicing.*
- To ensure service requirements do not have adverse amenity impacts.*

The development will generate limited waste, however all glass bottles used as part of the bar will be collected for recycling. Waste recycling bins can be stored behind the premises for collection by commercial waste services.

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The proposed development does not generate any new demands for site services or facilities.

### ***11.5 SUSTAINABLE DEVELOPMENT***

The development is of a relatively modest scale and does not generate any additional floor space. As such there is limited opportunity to incorporate ESD initiatives as part of the development design.

Nevertheless, sustainable resource usage will be implemented as part of the operations of the development, inclusive of recycling of glass bottles etc. Therefore, in this limited context the development does achieve the relevant objectives of the LEP.

## **5.4 LIKELY IMPACTS OF THE DEVELOPMENT**

### **5.4.1 IMPACT ON NATURAL ENVIRONMENT**

The site is located within the Penrith CBD and as such does not possess any items of identified environmental significance, having been removed as part of decades of previous development.

The charcoal grills will generate smoke, however this will be collected and vented as part of commercial exhaust system. Details of this system are provided at Annexure A.

Once vented from the building the smoke will quickly dissipate within the broader airshed and as such will cause no adverse impact.

Accordingly, the development can be considered to cause no adverse impact upon the natural environment.

### **5.4.2 IMPACT ON BUILT ENVIRONMENT**

The development does not propose any new external building works.

However, the development will activate an important street frontage area within the CBD and therefore will provide significant positive impact to the built environment.

No new floor space is proposed and as such no additional parking demand is generated. Nevertheless, sufficient parking supply for customers and staff is provided within adjacent car parking areas.

The development will attract limited deliveries of products and materials including waste management vehicles.

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The volume and type of vehicle deliveries will not place unreasonable demands on the CBD's road network.

The site does not adjoin any noise sensitive land uses and in any event there is no change to the nature of the on site operations proposed. Therefore the development will not cause any adverse amenity impact to the adjacent uses.

#### **5.4.3 ECONOMIC IMPACT**

The proposal is considered to have only positive impacts on the local economy through the creation of several new employment opportunities and potential to further enhance the CBD's high time economy.

#### **5.4.4 SOCIAL IMPACT**

The development will improve and enhance public safety in the CBD through increase activity and passive surveillance.

The proposed development therefore presents positive social impacts.

### **5.5 THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT**

The subject site is located within an existing CBD that is well serviced by infrastructure necessary to support the use.

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Further, the site is not located near any residential or sensitive land uses and will therefore not cause disturbance to residents in those areas.

The development presents demands that are well within the servicing capacities of that infrastructure.

It is therefore considered that the subject site will cause no adverse impact to the built environment.

## **5.6 THE PUBLIC INTEREST**

The development provides several positive outcomes that clearly indicate that it serves the Public interest. These outcomes include:

- New employment and economic opportunities for local area
- No adverse environmental impact.
- Efficient utilisation of existing built forms and infrastructure
- Compatibility with adjacent uses

## 6.0 CONCLUSION

The development seeks council consent to the internal alterations to the existing building for the purposes of a restaurant.

An assessment has been made against the relevant aims provisions of the relevant LEP and DCP and demonstrates no inconsistency.

The development, will cause no adverse environmental impact, provides a positive impact upon the built environment and makes an efficient and economic use of existing land and infrastructure.

There is considered to be no reason why Council should not approve the development application.

## **ANNEXURE A: VENTILATION CERTIFICATION**



ABN 88088794003

7/11 ELIZABETH STREET  
CAMPSIE NSW 2194  
TEL: 9787 2533  
FAX: 9787 2588

**SCHEDULE A  
CERTIFICATE OF DESIGN  
OF  
MECHANICAL VENTILATION SYSTEMS  
FOR**

(a) Ventilation	)	
(b) Acoustics	)	AS1668
(c) Vibration	)	

The Director,  
Health and Community Services Department,

Penrith City Council

I hereby certify that ductwork, transitions and spigots including exhaust fan installed on premises situated at:-

388 High Street Penrith.

Meets the requirements of Building Code of Australia in respect of Ventilation over commercial cooking equipment.

The basis on which the above certification is given and the extent to which I have relied on regarding the relevant specification rules, codes of practice or publications in respect of the Installation is\are detailed hereunder:

Mechanical Ventilation and Air Condition Code

AS/NZS 1668.1- 2012

Signature.....  
Stephen Whiting  
Director / Licence No: 107599C

Dated.....15/05/2015.....