

Statement of Environmental Effects

Development Application

13-23 Patty's Place, Jamisontown NSW 2750

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PROJECT PARTICULARS

Project No.	2019015
Client	Calardu Penrith Pty Ltd
Site Address	Tenancy 90 & 100, 13-23 Pattys Place, Jamisontown NSW 2750 301-335 Mulgoa Road, Jamisontown NSW 2750
Document Name	Statement of Environmental Effects

Document Preparation:

Date	Document Name	Authorisation	
		Name/Position	Signature
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In the event that this document is not signed, this is not representative of a final version of the document, suitable for assessment purposes.

RELIANCE ON CONSULTANT INFORMATION

As part of undertaking this project, Hamptons has relied on the professional advice provided by third party consultants. No responsibility is taken for the accuracy of the information relied upon by these consultants assisting the project. It is assumed that each of the consultants has made their own enquiries in relation to technical matters forming part of their expertise.

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1. INTRODUCTION

Hamptons Property Services (Hamptons) has been retained by Calardu Penrith Pty Ltd (the Applicant), in relation to existing tenancies within the Penrith Homemaker Centre, being Tenancy 90 and 100, on the land located at 13-23 Pattys Place and 301-335 Mulgoa Road, Jamisontown.

The purpose of the application is to change the use to a *specialised retail premises*, which is defined as:

... a building or place the principal purpose of which is the sale, hire or display of goods that are of a size, weight or quantity, that requires:

(a) a large area for handling, display or storage, or

(b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale, hire or display of other goods referred to in this definition.

Note. Examples of goods that may be sold at specialised retail premises include automotive parts and accessories, household appliances and fittings, furniture, homewares, office equipment, outdoor and recreation equipment, pet supplies and party supplies.

The proposed tenant is Kitchen Warehouse, the purpose of which is to sell household appliances and homewares and requires a large area for handling storage and display. The use is permissible within the **B5 Business Development** zone, pursuant to the Penrith Local Environmental Plan 2010 (the LEP), as set out above.

The application also involves reconfiguration of the existing tenancy layouts, to improve their visibility to the pedestrian thoroughfare through the centre. As such, necessary works are required to reconfigure the existing layouts as shown in Figure 1 and Figure 2.

Figure 1: Tenancy 90, current layout of 922m²

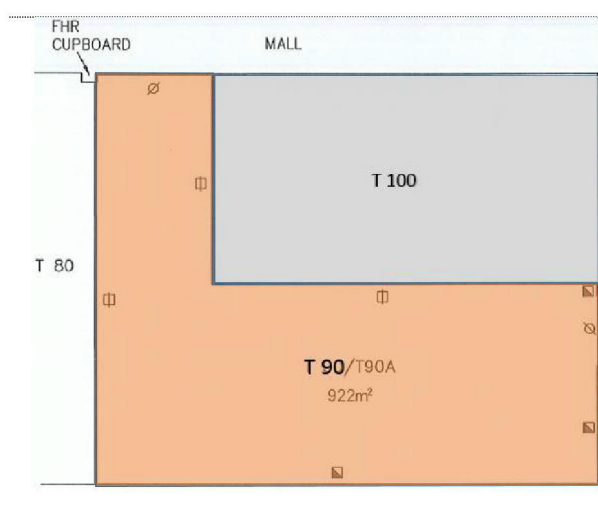
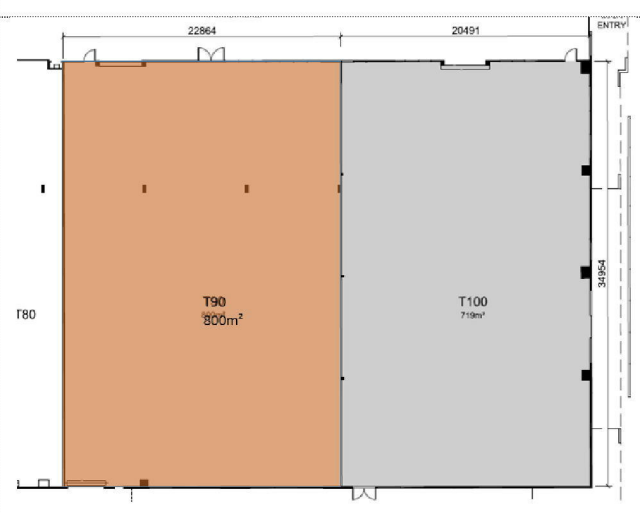


Figure 2: Tenancy 90 at proposed layout of 800m²



The proposed works will be undertaken in accordance with the relevant Building Code of Australia requirements and Australian standards.

This report, for the purpose of Council's assessment, is set out as follows:

- Chapter 2 provides a description of the site and the locality
- Chapter 3 describes the proposed development
- Chapter 4 provides an assessment of the proposed development, having regard to the relevant environmental planning instruments, including clause 4.15 of the Environmental Planning & Assessment Act 1979 (EP & A Act)
- Chapter 5 provides conclusions and recommendations.

The proposed development is consistent with the relevant environmental planning requirements; as such this application should be approved in accordance with standard conditions of consent, by Penrith City Council.

2. SITE DETAILS

The following table provides the relevant site details and advice as contained in the section 10.7 certificate.

Property Address	13-23 Pattys Place, Jamisontown 301-335 Mulgoa Road, Jamisontown
Legal Description	Lot 10, Deposited Plan 1046110 (13-23 Pattys Place) Strata Plan SP 72448 (301-335 Mulgoa Road)
Site Area	13.86ha
Tenancy No.	Tenancy 90 & 100
Tenancy Area	Tenancy 90 = 922m ² and tenancy 100 = 597m ²
Slope Direction	Generally flat
Existing Use	Vacant, but forms part of the approved bulky goods centre
Critical Habitat	No
Conservation Area	No
Heritage Item	No
Coastal Protection	No
Mine Subsidence	No
Road Widening or Realignment	No - 13-23 Pattys Place is not affected by road widening plans. Yes – 301-335 Mulgoa Road – RMS has informed Council of an intention to acquire a portion of the land for future road widening purposes. Please note that the affected land is not yet zoned for future road widening purposes.
Hazard Risk Restriction	No Note. The land is affected by the Asbestos policy adopted by Council.
Flood Planning	Yes – land is subject to flood related development controls.
Acquisition	No
Biodiversity Certified Land	No
Bushfire Prone Land	Yes – 13-23 Pattys Place is bushfire prone land. No – 301-335 Mulgoa Road is not bushfire prone land.
Property Vegetation Plan	No
Contamination	No
Scenic and landscape Values	Yes – land is identified as land with Scenic and Landscape Values

Note: the information above was taken from Planning Certificate 10.7(2) and (5), certificate number 18/04899 issued 14 September 2018 and from Planning Certificate 10.7(2) and (5), certificate number 18/04900 issued 14 September 2018.

Figure 1: Site Location of 13-23 Pattys Place and 301-335 Mulgoa Road Jamisontown.



Source: <https://maps.six.nsw.gov.au/>

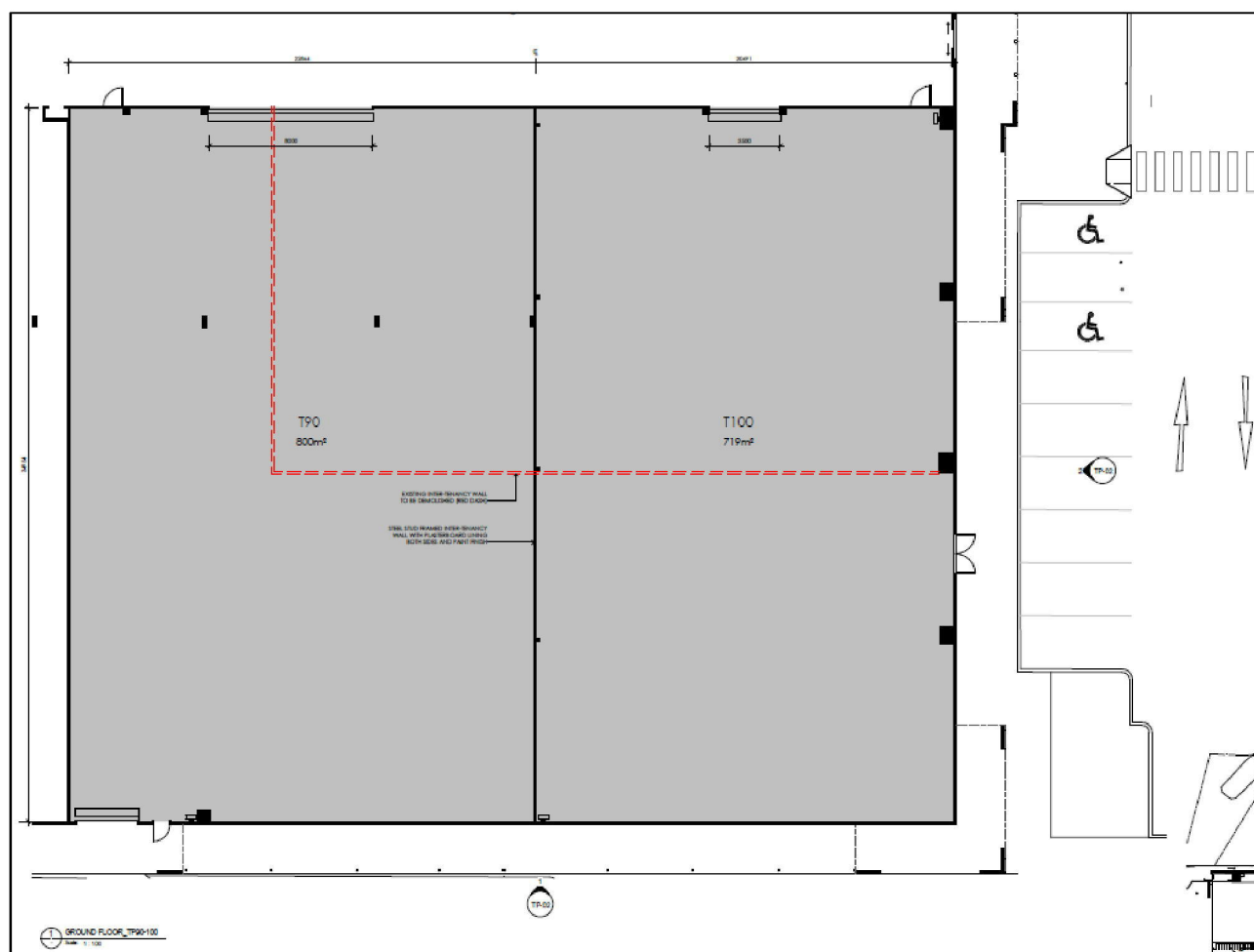
Statement of Environmental Effects – Tenancy 90, 13-23 | Pattys Place | Jamisontown



Statement of Environmental Effects – Tenancy 90, 13-23 | Pattys Place | Jamisontown



Figure 4: Key plan



Source: Leffler Simes Architects

3. THE PROPOSED DEVELOPMENT

As stated previously, it is proposed to use the tenancy for the purpose of a *specialised retail premises*. The tenancy was previously occupied by Bing Lee, and the tenancy has subsequently remained vacant. At present, the owners are unable to lease this tenancy due to its unusual L-shaped layout and minimal shopfront exposure.

The sale of goods will consist of kitchen appliances and homewares and the nature of these is such that they require a large area for handling, storage and display.

The proposed alterations will therefore ensure that the two existing tenancies are reconfigured to improve their exposure with ample shop frontage to the pedestrian mall area. The works will involve realignment of the party wall, to create two rectangular-shaped tenancies. A code-compliant inter-tenancy wall will therefore be provided to separate these.

Internally, the premises will be fitted out with racking for the storage of goods within the premises, as well as a counter and demonstration area in the centre of the tenancy. To the rear will be ancillary storage area, staff kitchen and an office. These areas will be portioned off from the main part of the tenancy. It is relevant to note that these are on the southern side of the tenancy; however, the existing openings along this façade of the building do not overlook the public domain area and this will remain the same.

Externally, the new tenancy will be enclosed with shopfront glazing as shown on the architectural drawings and open out to the internal tenancy area. The tenancy will be secured with a roller door, consistent with those already contained within the centre. This will ensure maximum opportunities for passive surveillance over the mall area, as well as increasing the exposure of the tenancy to customers of the centre.

All works will comply with the relevant requirements of the Building Code of Australia.

The Annual Fire Safety Certificate for the premises accompanies this application. The works to be undertaken are demonstrated on the architectural plans accompanying the application.

4. SECTION 4.15 ASSESSMENT

Section 4.15 of the Environmental Planning & Assessment Act 1979 (EP & A Act) sets out the matters for consideration when a consent authority is assessing a development application. These matters are addressed below.

Clause No.	Title/Clause	Comment
4.15	Evaluation	
(1)	Matters for consideration—general	
	In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
	(a) the provisions of:	
	(i) any environmental planning instrument, and	State Environmental Planning Policy No. 55 – Remediation of land (SEPP 55) Penrith Local Environmental Plan 2010
	(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	Not applicable
	(iii) any development control plan, and	
	(iia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and	Penrith Development Control Plan 2010
	(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	Not applicable
	(v) any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),	Not applicable
	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,	The likely impacts of the development are extremely limited. The <i>specialised retail premises</i> is located within an existing bulky goods centre, is limited in

		area and confined within the area of an existing tenancy, which is being reconfigured to maximise its frontage to the pedestrian mall. The tenancy has no external openings proposed to the, outside of the building. Therefore, it will not alter the car parking arrangements for the site, nor demand on traffic generation, as such aspects have been accounted for as part of the principal development consent.
	(c) the suitability of the site for the development,	<p>The proposed use is contained within an existing tenancy configuration that is suited for its purpose.</p> <p>It also accords with the objectives of the zone and will assist to service customers attending the site.</p> <p>It does not change the dominant use of the site, which is for bulky goods purposes, and is permissible with development consent.</p> <p>The site is therefore suitable for the proposed use as a <i>specialised retail premises</i>.</p>
	(d) any submissions made in accordance with this Act or the regulations,	The Applicant is willing to respond to any submissions made during the course of any exhibition of the application, if that is deemed necessary by the consent authority.
	(e) the public interest.	<p>The public interest is best served through the reconfiguration and use of this tenancy. It is currently vacant and its use will generate increased passage within, and utilisation of, the centre to uphold the overall intentions of the premises.</p> <p>It will also complement the shopping experience of patrons as there are limited shops within the centre that provide this type of product.</p> <p>The application is therefore in the public interest.</p>

SEPP 55

Matters pertaining to SEPP 55 are addressed below.

Clause No.	Title/Clause	Comment
7	(1) A consent authority must not consent to the carrying out of any development on land unless:	
	(a) it has considered whether the land is contaminated, and	The subject land is not contaminated. Such matters were contemplated with the original approval for the bulky goods centres on the site. As such, no further consideration is required.
	(b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and	Not applicable
	(c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.	Not applicable
	(2) Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subclause (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.	Not applicable The land is not subject to subclause (4).
	(3) The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.	Not applicable
	(4) The land concerned is:	

	(a) land that is within an investigation area,	Not applicable
	(b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,	Not applicable
	(c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:	Not applicable
	(i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and	
	(ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).	

The LEP

The relevant matters contained in the LEP are addressed below.

Development Standard	Controls	Comment	Compliance
Part 1 - Preliminary			
Clause 1.2 – Aims	(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,	The proposed use of the tenancy within the existing, approved bulky goods centre, will contribute to the vision of growth for Penrith.	✓
	(d) to foster viable employment, transport, education, agricultural production and future investment opportunities and	The proposed development fosters employment growth by filling a vacant tenancy within the site, therefore protecting the investment opportunity	✓

	recreational activities that are suitable for the needs and skills of residents, the workforce and visitors, allowing Penrith to fulfil its role as a regional city in the Sydney Metropolitan Region,	associated with the Penrith Homemaker Centre. High trade within the centre will be further reinforced with the introduction of this tenancy, recognising the important role of the Homemaker Centre, both now and in the future, particularly with the introduction of the airport at Badgerys Creek and increased residential and commercial growth around this, all of which are highly accessible to this site.	
	(g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,	The proposed development will have no adverse consequence on the sensitive character of the site as noted at Clause 7.8.	✓
Clause 1.4 – Definitions (Dictionary)	<i>Specialised retail premises</i>	The proposed development is for the said purpose.	✓
Clause 1.6 – Consent Authority	Penrith City Council		✓
Part 2 Permitted or prohibited development			
2.1 Land use zones	B5 Business Development		✓
	To enable a mix of business and warehouse uses, and specialized retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.	The proposed development will complement the existing businesses within the Penrith Homemaker Centre, providing a <i>specialised retail premises</i> that is dedicated to the sale of kitchen appliances and homewares. This is complementary to existing tenancies within the centre, while requiring a large area for the display of these.	✓
	To maintain the economic strength of centres in Penrith by limiting the retailing of food, groceries and clothing.	The nominated products are not sold within the tenancy.	✓
	RU4 Primary Production Small Lots	The portion of the site on which development is to occur does not fall within this zone.	Not applicable
Part 4 Principal development standards			

4.1 Height of Buildings	The maximum building height permitted is 12 metres.	All works are contained within the existing, approved building.	Not Applicable
4.4 Floor Space Ratio	There is no FSR standard for the subject site.	The proposed use of an existing tenancy forms part of approved floor space. As such there is no change in this regard proposed.	Not Applicable

Part 7 – Additional Local Provisions

Clause 7.8 – Protection of scenic character and landscape values	Objectives (a) to identify and protect areas that have particular scenic value either from major roads, identified heritage items or other public places	All works are contained within the existing building form.	Not applicable
	(b) to ensure development in these areas is located and designed to minimise its visual impact.	As above.	Not applicable

Penrith DCP

Given the small scale nature of this application, there are a limited number of relevant provisions.

Advertising and signage:- the proposed development seeks to provide business identification signage on the tenancy only, in accordance with the plans accompanying this application.

Transport, access and parking:- the proposed use will take place within an existing tenancy, the car parking rates of which have previously been accounted for. The small-scale nature of the use, as part of the bulky goods centre, will have no adverse impact on traffic generation associated with the site.

Noise & vibration:- given the proposed use is contained within the existing building, it will have no adverse effect within the building itself, nor on neighbouring landholdings. Deliveries to and from the tenancy will occur through existing loading docks on the site, in accordance with the principal development consent, including approved hours for such purpose.

Hours of operation of the tenancy will be consistent with the approved hours for the Homemaker Centre.

Part D3 of the DCP addressed **Commercial and Retail Development**, with Part 3.1 specifically addressing Bulky Goods Retailing.

The existing tenancy is generally internalised within the centre which, while the preference is for these to be to the street frontage, from a retailing perspective, there is limited opportunity for a double loaded tenancy. In addition, the need for service and storage areas are better accommodated to the southern side of the tenancy, so as to best utilise the internal spaces. The location of the tenancy is within a vibrant section of the

centre, aided by good lighting to promote a degree of activation within this space. As such, the proposed layout, from a successful retailing perspective is considered the most appropriate outcome.

The works proposed to the shopfront are predominately of glazing, with a roller shutter door, consistent with those already contained within the centre, which will be closed outside of the trading hours of the premises. The use of glazing will ensure that the tenancy has a high level of exposure over the pedestrian mall and allows for passive surveillance.

The proposal is therefore consistent with the requirements of the DCP.

5. CONCLUSIONS & RECOMMENDATIONS

Hamptons has been retained by Calardu Penrith Pty Ltd in relation to the land known as 13-23 Pattys Place and 301-335 Mulgoa Road, Jamisontown, known as the Penrith Homemakers Centre. This development application seeks development consent for use of reconfiguration of the existing tenancy T90 and T100, for the purpose of a specialised retail premises to occupy the newly configured T90 tenancy.

The site is located in the B5 Business Development zone pursuant to the LEP and the proposed use 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.