

STATEMENT OF ENVIRONMENTAL EFFECTS

ALTERATIONS, ADDITIONS AND FITOUT TO AN EXISTING TENANCY

1/148 STATION STREET, PENRITH



STATEMENT OF ENVIRONMENTAL EFFECTS

Prepared by

Name: Warwick Stimson
Qualification: Bachelor of Arts (Geography and Planning) (UNE)
Address: Stimson Urban & Regional Planning
Suite 5
488 High Street
Penrith NSW 2750

Client and Land Details

Client: Jake Farragher
Subject Site: Lot 80 DP709313, 1/148 Station Street, Penrith
Proposal: Alterations, Additions and Fitout to an Existing Tenancy



Warwick Stimson RPIA
Director



This report dated April 2021 is provided to '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.

© Stimson Urban & Regional Planning 2021

Version	Date	Comment
1.0	080321	Initial Draft for client review
2.0	220421	Final for DA lodgement

TABLE OF CONTENTS

1	INTRODUCTION	1
	1.1 Project Overview	
	1.2 Report Structure	
	1.3 History of Related Approvals	
	1.4 Supporting Documentation	
	1.5 Legislation, Environmental Planning Instruments and Policies to be considered	
	1.6 Consent Authority	
2	THE SITE AND SURROUNDS	3
	2.1 Surrounding Context	
3	PROJECT DESCRIPTION	5
	3.1 Overview	
	3.2 Proposed Works to Heritage Building	
	3.3 Proposed Hours of Operation	
	3.4 Other Aspects to the Proposal	
	3.5 Signage	
	3.6 Stormwater Drainage	
4	STATUTORY CONSIDERATIONS	8
	4.1 Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River	
	4.2 Penrith Local Environmental Plan 2010	
	4.3 Penrith Development Control Plan 2014	
5	KEY PLANNING ISSUES	13
	5.1 Noise Impacts	
	5.2 Heritage Issues	
	5.3 Social and Economic	
6	SECTION 4.15 ASSESSMENT	14
	6.1 Section 4.15(1)(a)(i) – Any Environmental Planning Instruments	
	6.2 Section 4.15(1)(a)(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	
	6.3 Section 4.15(1)(a)(iii) – Any Development Control Plan	
	6.4 Section 4.15(1)(a)(iiia) – Any Planning Agreement or Draft Planning Agreement entered into under Section 7.4	
	6.5 Section 4.15(1)(a)(iv) – The Regulations	
	6.6 Section 4.15(1)(a)(v) – Any coastal zone management plan	
	6.7 Section 4.15(1)(b) – The likely impacts of that development	
	6.8 Section 4.15(1)(c) – The suitability of the site for the development	
	6.9 Section 4.15(1)(d) – Any submission made	
	6.10 Section 4.15(1)(e) – The public interest	
7	CONCLUSION AND RECOMMENDATION	16

LIST OF FIGURES

Figure 1 Subject Site - Aerial	3
Figure 2 Subject Site - Cadastre	4
Figure 3 Extent of works proposed	5
Figure 4 Gellafrenda fitout	7
Figure 5 Land use zoning map	9

1 INTRODUCTION

1.1 PROJECT OVERVIEW

Stimson Urban & Regional Planning has been engaged by Jake Farragher to prepare a Statement of Environmental Effects in relation to proposed alterations and additions to the existing tenancy known as 1/148 Station Street, Penrith

The proposed development includes fit out works to be able to utilise the building as an extension to a recently approved food premises (DA19/0763), adjacent to the heritage item on its eastern side. DA19/0763, through condition No. 14, requires separate development approval for works involving the subject heritage building, noting that its use as a food and drinks premises is included in that consent.

To remove any confusion of potentially two consents relating to one tenancy, this application is intended to update the previous approval obtained under DA19/0763. This application seeks to vary the hours approved under DA19/0763 and includes the fitout works to alter some aspects of the tenancy to better suit the operator.

The site is zoned *B4 Mixed Use* under *Penrith Local Environmental Plan 2010* with the proposal being permissible with consent.

The proposal is defined as *development* in Section 4 of the Act. The Act stipulates that the development must not be carried out on the subject site until consent has been obtained. Furthermore, the application does not trigger any of the 'integrated development' provisions of the Act and so no third-party approvals are required.

This report describes the proposed development and subject site in detail and undertakes an assessment of the proposal against the relevant aims, objectives and development provisions of Council's LEP and DCP, and Section 4.15 of the Act.

1.2 REPORT STRUCTURE

This Statement of Environmental Effects is structured as follows:

- Section 1: Introduction – provides an overview of the proposal, planning history for the site and background to the application.
- Section 2: The Site and Surrounds – provides an analysis of the subject site, development within the locality and a consideration of the local and regional context.
- Section 3: Project Description – provides a detailed description of the proposed development and its characteristics.
- Section 4: Statutory Considerations – provides for an assessment of the proposal against the specific planning instruments and policies that are applicable.
- Section 5: Key Planning Issues – provides an assessment of the key issues identified in the preparation of the application.
- Section 6: Section 4.15 Assessment – provides an assessment against section 4.15 of the EPA Act.

- Section 7: Conclusion and Recommendation – summarises the report and presents a recommendation.

1.3 HISTORY OF RELATED APPROVALS

As previously mentioned DA19/0763 was approved by Council on 4 February 2020. That DA applied to a wider area beyond the subject heritage house. Indeed, condition 14 of that consent specifically requires separate development consent to be obtained in relation to works to the heritage item. Our client is looking to add the heritage item to the ground floor tenancy approved under DA19/0763 to offer private dining rooms for that food offering.

1.4 SUPPORTING DOCUMENTATION

The proposed is accompanied by the following documentation:

Documentation	Prepared by
Architectural Drawings	Killing Matt Woods
Heritage Impact Assessment	Modern Heritage Matters
Waste Management Plan	Stimson Urban & Regional Planning

1.5 LEGISLATION, ENVIRONMENTAL PLANNING INSTRUMENTS AND POLICIES TO BE CONSIDERED

- *Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River*
- *Penrith Local Environmental Plan 2010*
- *Penrith Development Control Plan 2014*

1.6 CONSENT AUTHORITY

The consent authority for this application is Penrith City Council.

2 THE SITE AND SURROUNDS

The subject site and its surrounds have the following characteristics.

Site Address	1/148 Station Street Penrith
Lot/DP	Lot 80 DP 709313
Local Government Area	Penrith City Council
Zoning	B4 Mixed Use
Current Land Use	Recently approved for food and drink premises.
Proposed Land Use	Food and drink premises as an extension to the approved uses within the adjoining building.
Surrounding Land Uses	North and east is recreational and high density residential, East mixed use and south medium density residential.
Topography	Generally flat
Terrestrial Biodiversity	N/A
Heritage	The subject building is listed in the LEP as an item of environmental heritage. A Heritage Impact Statement accompanies this submission supporting the proposed works.
Flooding/Overland Flow	N/A
Bushfire	N/A



Figure 1 Subject Site - Aerial

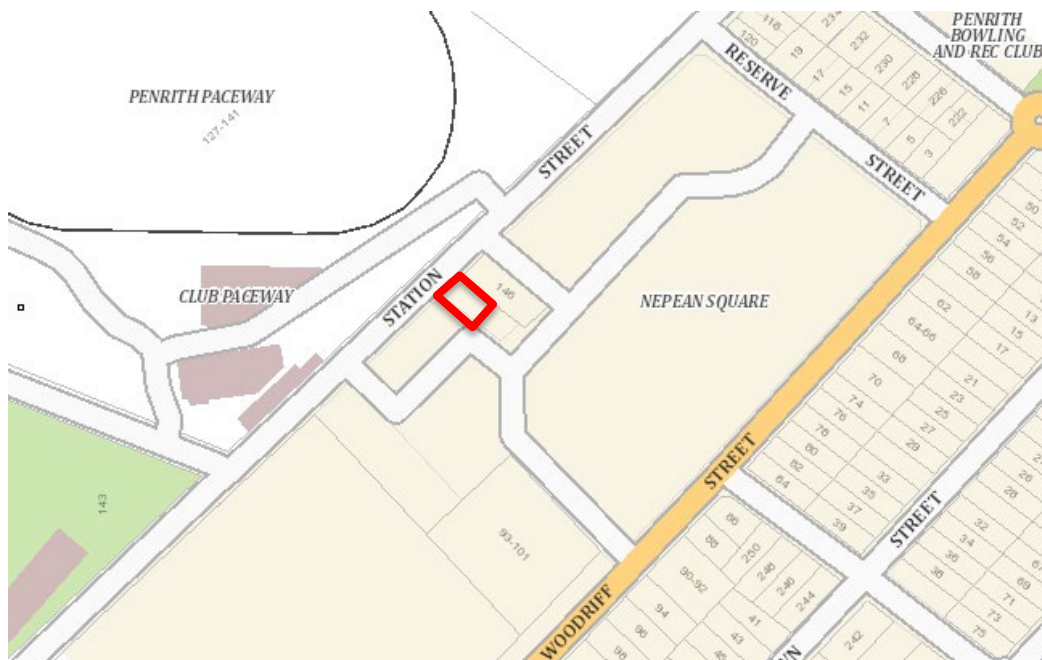


Figure 2 Subject Site - Cadastre

2.1 SURROUNDING CONTEXT

The surrounding locality is characterised by business and recreational uses. To the north, east and south of the subject building is the Nepean Village shopping centre and surrounding car parks. The Penrith Paceway is situated to the west across Station Street. The nearest residential dwelling is location over 200m to the north.

3 PROJECT DESCRIPTION

3.1 OVERVIEW

Our client has established a lease over the subject building, and the tenancy as indicated in the accompanying plans and the Figure below. This application relates to that area.

Consent was recently granted by Council on the lot for Alterations & Additions to Nepean Village Outdoor Dining Precinct & Use of “Victorian House” as Food & Drink Premises (DA19/0763). That consent will enable food and drink premises to be established, consistent with the established Percy Plunkett and Gloria Jeans cafes adjoining to the north. That consent excluded any details relating to the use of the subject heritage building and how it would be integrated into the food and drink offering.

Our client, the lessor of the food premises established under DA19/0763, proposes to use the subject heritage item as an extension of the dining area for that premise. In that context, no food preparation is proposed within the building, rather the consumption of food and serving of guests.

The application also seeks to establish amended hours of operation for that tenancy, and approval for the installation of a storeroom and a pizza oven.

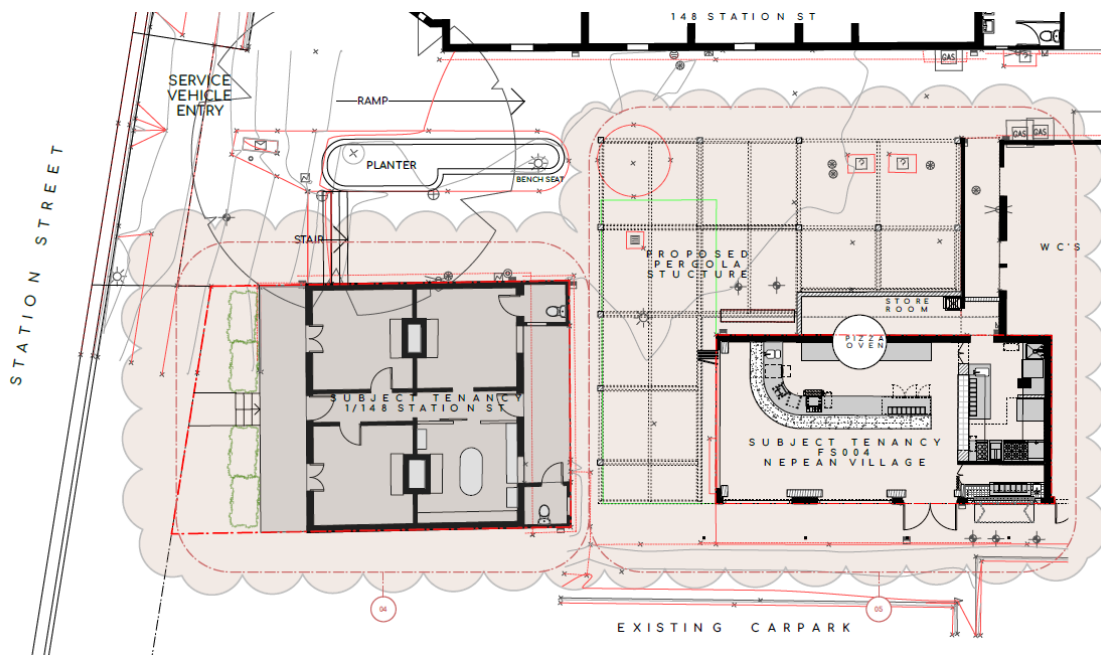


Figure 3 Extent of works proposed

3.2 PROPOSED WORKS TO HERITAGE BUILDING

The scope of work proposed to the heritage building includes:

Interior

- New joinery in southern corner room which is to operate as a wine cellar.
- Plumbing to allow for access to water in the wine cellar
- Glazed partition screen to allow this room to be closed off.
- Removal of the non-original door between the two eastern rooms, with retention of the opening with architrave.
- Addition of portable furniture items in all rooms.
- New paint finish for internal walls
- Original floorboards are to be retained and oiled

Exterior

- New signage post to be located near to existing front fence.
- Construction of low planter box
- Construction of bench table with seating.

3.3 PROPOSED HOURS OF OPERATION

This application seeks to establish the following hours of operation:

Monday to Sunday 6.00am to 2.00am.

3.4 OTHER ASPECTS TO THE PROPOSAL

The following works are also proposed as part of this application.

- Fitout of the 'Gellafrenda' bar and kitchen area.
- Installation of a storage room along the northern elevation, with dimensions of 5.87m x 1.52m, totalling some 8.9sqm.
- Installation of a pizza oven along the northern wall, resulting in it being located half within the tenancy and half within the proposed storage room.

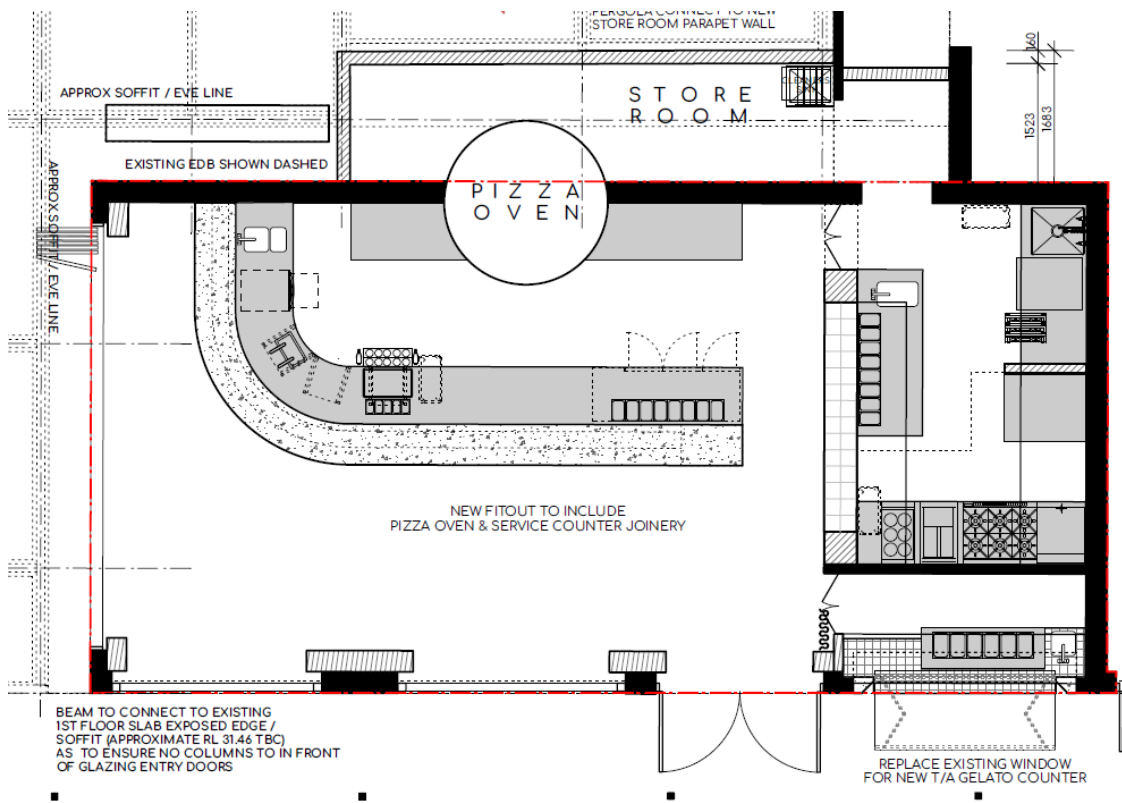


Figure 4 Gellafrenda fitout

3.5 SIGNAGE

A modest sign at the front of the site is shown in the plans, consistent with what has been approved at the adjoining 'Percy Plunkett' venue.

3.6 STORMWATER DRAINAGE

No significant external construction is proposed and so there are no changes to the existing stormwater arrangements as a result of this application. No further consideration is required.

4 STATUTORY CONSIDERATIONS

The applicable statutory planning instruments and relevant guidelines have been considered below.

4.1 SYDNEY REGIONAL ENVIRONMENTAL PLAN NO 20 – HAWKESBURY NEPEAN RIVER

The aim of SREP 20 is to protect the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

Appropriate conditions of consent would normally be applied to any approval to ensure the health of the river system is not compromised by way of sediment or erosion from the works or use.

4.2 PENRITH LOCAL ENVIRONMENTAL PLAN 2010

The Penrith LEP is the main environmental planning instrument applicable to the subject site. The objectives of the LEP are as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (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,
- (d) to foster viable employment, transport, education, agricultural production and future investment opportunities and 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,
- (e) to reinforce Penrith's urban growth limits by allowing rural living opportunities where they will promote the intrinsic rural values and functions of Penrith's rural lands and the social well-being of its rural communities,
- (f) to protect and enhance the environmental values and heritage of Penrith, including places of historical, aesthetic, architectural, natural, cultural, visual and Aboriginal significance,
- (g) to minimise the risk to the community in areas subject to environmental hazards, particularly flooding and bushfire, by managing development in sensitive areas,
- (h) to ensure that development incorporates the principles of sustainable development through the delivery of balanced social, economic and environmental outcomes, and that development is designed in a way that assists in reducing and adapting to the likely impacts of climate change.

It is submitted that the proposed development is not inconsistent with these objectives.

Zoning and Permissibility

The subject site is zoned *B4 Mixed Use* with the following zone objectives applying to that 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.

The proposed development is consistent with the objectives of the zone in that:

- The proposed development will reinforce the site as a food destination, contributing to the mix of businesses within the locality.
- The proposed works are minor in the context of the precinct and will only improve on what has already been approved.
- The proposed works will enhance the amenity that will be enjoyed by diners and visitors to the premises.
- The proposed works and use will ensure the heritage aspects of the building will be maintained.

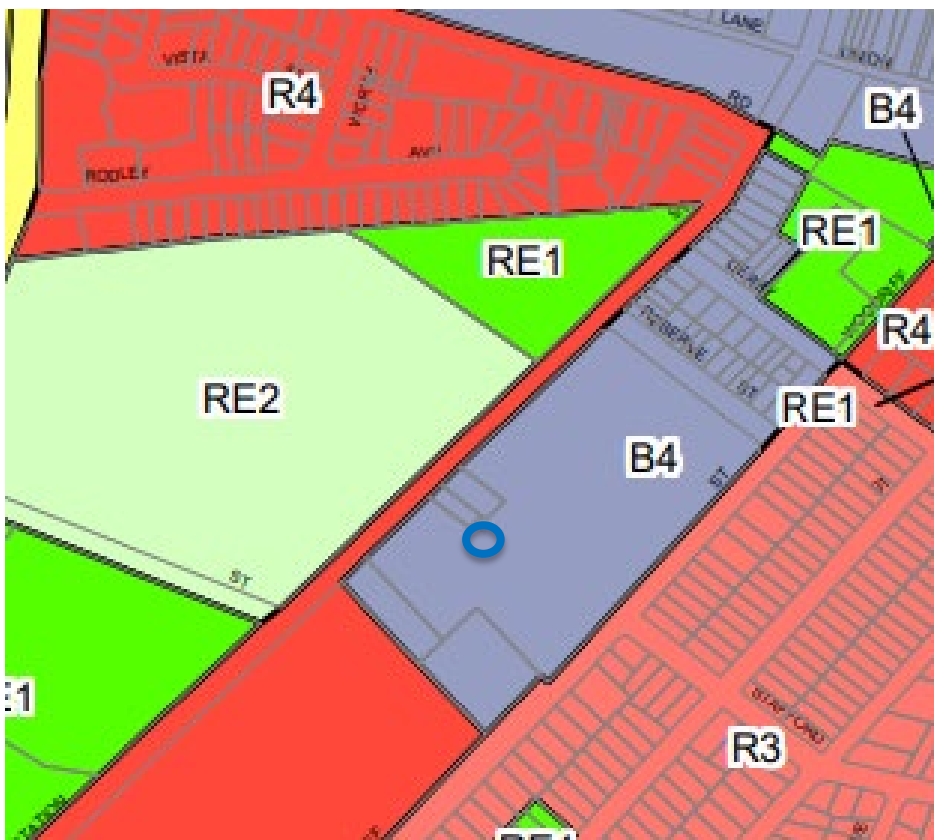


Figure 5 Land use zoning map

DA19/0763 has already established land use permissibility on the subject site. Accordingly, it is considered the proposed development within this application is permissible with consent.

Heritage Conservation

Clause 5.10 of the LEP relates to heritage conservation with the objectives including:

- (a) to conserve the environmental heritage of Penrith,
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

The proposed development is not in conflict with these objectives. The use will not be to the detriment of the item or its fabric, setting or surrounding views. Key features of the building’s façade are to be retained as part of the tenancy and no major structural changes are proposed.

No major works are proposed to the interior or exterior of the building as part of this application.

However, Council is still required to consider the potential impacts of the use under subclause 4. In this regard we note that the tenancy has previously been used for food and beverage purposes, and that DA19/0763 confirmed this use. We also refer to the accompanying Heritage Impact Statement that provides detailed consideration of the proposed works. The report concludes as follows:

This report concludes that the proposed works to 148 Station Street Penrith are relatively minor in nature and provide a positive response to the need to further adapt and update the dwelling, enabling it to operate effectively with its newly approved use as a food and beverage venue. The proposed works will update the building and create new spaces for entertaining while respecting the building’s heritage significance. The works will have negligible impact on its heritage listed neighbour at 146 Station Street.

Summary

There are no other provisions of the LEP that are specifically relevant to this proposal.

4.3 PENRITH DEVELOPMENT CONTROL PLAN 2014

The following assessment has been made in respect of the industrial development controls within the DCP.

Penrith Development Control Plan	
Section	Comment
C5 Waste Management	

Existing waste management procedures managed by the landlord will apply to this tenancy.

C7 Cultural and Heritage	
--------------------------	--

Matters relating to the potential heritage impacts of this proposal have been considered earlier in this report and in the accompanying Heritage Impact Assessment. The report concluded that the proposed development was acceptable as follows:

This report concludes that the proposed works to 148 Station Street Penrith are relatively minor in nature and provide a positive response to the need to further adapt and update the dwelling, enabling it to operate effectively with its newly approved use as a food and beverage venue. The proposed works will update the building and create new spaces for entertaining while respecting the building's heritage significance. The works will have negligible impact on its heritage listed neighbour at 146 Station Street.

...

The internal alterations are minor in nature and are designed to renovate the interiors to create the appropriate aesthetic; allow for multi-purpose areas and to improve its overall flow.

The External works include new signage, and other permanent landscape elements and a new storeroom addition to the rear building, will be of a high-quality design and will arguably have a positive impact on the heritage significance of the site.

It is submitted the proposal is acceptable on heritage grounds.

C12 Noise and Vibration

We recently submitted a modification to Council relating to extended hours of operation of the adjoining 'Percy Plunkett' venue. The hours sought are similar to those which are sought in this application and it is considered the position pressed in that application is similarly relevant in this application.

In this regard we undertook a GIPA search on the referral comments that were made in response to DA19/0763, which was recently approved by Council. We note the following comments that were provided by Councils Environmental Section at the time.

Noise impact

As advised during the pre-lodgement process, given the approved existing uses and the nature of the proposed uses, and proximity to sensitive receivers, formal acoustic assessment is not required.

There may be the potential for noise impacts associated with the plant and equipment, however, given the distance to the nearest sensitive receiver, this aspect can be addressed through conditions of consent.

The proposed outdoor dining spaces and children's play area also have the potential to cause noise impacts, however the dining areas appear to be generally covered in the plans which, together with the distances from receivers, will assist in mitigating noise impacts. No changes to operational hours are proposed, and the new restaurant tenancy will be subject to a new application.

Consideration could be given to restricting amplified live music within the precinct, to give added certainty of minimising potential noise impacts.

In the context of this proposed modification, we submit the same conclusion should be made, noting that:

- The closest sensitive receiver to the site would be some 201m away, which is a substantial distance. Noise generated by a restaurant would not be expected to travel such a distance.



- Amplified live music is not proposed, although a condition would not be opposed.
- Whilst the proposal does involve a change of use, we submit a request for an acoustic report is not warranted and would be unreasonable in the circumstances of the subject site.

We submit the proposed development, including the hours of operation, will not negatively impact on nearby residential receivers.

Summary

In summary, the proposed development satisfies the relevant provisions of the DCP.

5 KEY PLANNING ISSUES

The following impacts have been considered in the preparation of this development proposal.

5.1 NOISE IMPACTS

Potential acoustic impacts have been discussed earlier in this report. We submit the proposed hours of operation will not have any negative impacts on nearby residential receivers.

5.2 HERITAGE ISSUES

Potential heritage impacts have been considered in the accompanying Heritage Impact Statement and the development can be supported in its proposed form.

5.3 SOCIAL AND ECONOMIC

Positive social and economic impacts would arise from this food offering. Moreover, this DA will see the use of the heritage item as part of the tenancy and its activation is also considered to be a positive outcome.

No negative social or economic impacts are expected from this application.

6 SECTION 4.15 ASSESSMENT

An assessment of the proposal has been undertaken in accordance with the statutory requirements of the EPA Act. The following assessment against Section 4.15 of the EPA Act has been undertaken.

6.1 SECTION 4.15(1)(A)(I) – ANY ENVIRONMENTAL PLANNING INSTRUMENTS

The relevant environmental planning instruments have been considered earlier in this report. These include the following:

- Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River
- Penrith Local Environmental Plan 2010

The proposal is permissible with consent and is considered satisfactory when assessed against the relevant controls.

6.2 SECTION 4.15(1)(A)(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

There are no known draft Environmental Planning Instruments applicable to the proposed development.

6.3 SECTION 4.15(1)(A)(III) – ANY DEVELOPMENT CONTROL PLAN

Compliance against the relevant DCP has been considered earlier in this report.

6.4 SECTION 4.15(1)(A)(IIIA) – ANY PLANNING AGREEMENT OR DRAFT PLANNING AGREEMENT ENTERED INTO UNDER SECTION 7.4

There are no known planning agreements that apply to the site or development.

6.5 SECTION 4.15(1)(A)(IV) – THE REGULATIONS

There are no sections of the regulations that are relevant to the proposal at this stage.

6.6 SECTION 4.15(1)(A)(V) – ANY COASTAL ZONE MANAGEMENT PLAN

Not relevant to the proposed development.

6.7 SECTION 4.15(1)(B) – THE LIKELY IMPACTS OF THAT DEVELOPMENT

The key planning issues have been considered in Section 5 of this report. No negative impacts are expected to arise as a result of this application.

6.8 SECTION 4.15(1)(C) – THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring the proposal would not result in any unacceptable impact on any adjoining landowners or buildings.

The site is considered to be suitable for the development for the reasons outlined below:

- The proposal is permissible with consent in the B4 zone.
- The proposal represents an appropriate land use and built form located on an appropriately serviced site that is in an accessible location.
- The proposal is compatible with surrounding land uses and the previous approved Development Application on the site.
- The application will result in the activation of a heritage item which is considered to be a positive outcome.

6.9 SECTION 4.15(1)(D) – ANY SUBMISSION MADE

Council may undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response to any submissions that may be received.

6.10 SECTION 4.15(1)(E) – THE PUBLIC INTEREST

Given the type of development, its general compliance with the planning controls, how the objectives are satisfied and the suitability of the site it is considered that the public interest would not be jeopardised as a result of this development.

7 CONCLUSION AND RECOMMENDATION

The proposed development has been assessed against the requirements of the Penrith LEP and DCP and is considered to represent a form of development that is acceptable.

The proposed works, and hours of operation would not result in any unacceptable impact on the locality.

The site is considered quite suitable for a use of this nature and is consistent with nearby and adjoining development.

An assessment against Section 4.15 of the EPA Act has not resulted in any significant issues arising.

Accordingly, it is recommended that the proposed development be approved.