

STATEMENT OF ENVIRONMENTAL EFFECTS

PROPOSED CHANGE OF USE – CAFÉ AND WINE BAR

100 OLD CASTLEREAGH ROAD, CASTLEREAGH



STIMSON
URBAN & REGIONAL PLANNING

Statement of Environmental Effects

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Client and Land Details

Client Sydney Helicopters Group
Subject Site Lot 2 DP 1013504
100 Old Castlereagh Rd, Castlereagh
Proposal Proposed Change of Use – Café and Wine Bar



Warwick Stimson RPIA
Director



This report dated June 2023 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.

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Terms and Abbreviations

BCA	Building Code of Australia
Client	Sydney Helicopters Group
Council	Penrith City Council
DA	Development Application
DCP	Penrith Lakes Development Control Plan
DPE	NSW Department of Planning & Environment
EP&A Act, the Act	Environmental Planning and Assessment Act 1979
Regulation	Environmental Planning & Assessment Regulation 2000
SEPPBC	State Environmental Planning Policy (Biodiversity & Conservation) 2021
SEPPWPC	State Environmental Planning Policy (Precincts - Western Parkland City) 2021

1 Introduction

1.1 Project Overview

Stimson Urban & Regional Planning has been engaged by Sydney Helicopters Group to prepare a Statement of Environmental Effects in relation to using a disused dwelling cottage at 100 Old Castlereagh Road, Castlereagh, for the purposes of a wine bar and cafe.

The proposed development includes no significant construction works, other than the installation of a commercial kitchen.

The site is zoned 'T -Tourism' under *State Environmental Planning Policy (Precincts - Western Parkland City) 2021* 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 the relevant SEPP, 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 Introduction to Client

Sydney Helicopters own the site and operate an existing helicopter base from the area adjoining to the north and west of the subject premises. Being separated from, and surplus to the needs of the helicopter operation, the disused cottage is proposed to be activated through this application, encouraging the general public to the site and in turn ensuring the ongoing maintenance of the cottage. As a key landowner within

the Penrith Lakes Precinct, Sydney Helicopters is keen to create a food and beverage destination that will complement the strategic direction and objectives established by Penrith Lakes Development Corporation.

1.4 Pre-Lodgement Meeting

The proponent attended a pre-lodgement meeting held with the relevant officers at DPE on 18 January 2023 where a range of issues were discussed. This Statement of Environmental Effects and accompanying information addresses the technical and planning compliance issues raised in that meeting and in summary includes:

Table 1 Pre-Lodgement Matters

Key Issue	Requirement for Consideration
Statutory and Strategic Provisions <ul style="list-style-type: none"> provide an assessment against relevant provisions, demonstrate that the site is suitable for the proposed development, detail the nature and extent of any prohibitions that apply to the development, provide details of the proposed use and particulars for development, identify compliance with the development standards and controls applying to the site and provide a detailed justification for any non-compliances. 	<p>Relevant statutory and strategic provisions relating to the site and the development have been considered. The proposal is permissible in the zone with consent. The development also satisfies the recently adopted LEP amendment for the site, and in so doing, is consistent with the strategic planning direction sought for this locality.</p> <p>All details relating to the proposal are provided further in this report as well as the accompanying consultant reports.</p>
Flooding <p>Provide a report prepared by a suitably qualified flood consultant that:</p> <ul style="list-style-type: none"> identifies the 1% Annual Exceedance Probability and Probable Maximum Flood (PMF) levels for the site and considers the evacuation of the land use in conjunction with the broader Penrith Lakes precinct. 	<p>The accompanying Flood Impact Assessment considers this requirement.</p>
Noise and Vibration <p>Prepare a noise and vibration assessment in accordance with the relevant EPA guidelines. This assessment must:</p> <ul style="list-style-type: none"> detail construction and operational noise impacts on nearby sensitive receivers, consider the impacts of surrounding land uses on the operation of the proposed café and wine bar and outline the proposed management and mitigation measures that would be implemented. 	<p>The accompanying the Acoustic Impact Assessment has considered these matters and provides for recommended mitigation measures. These can be incorporated into conditions of consent and the Plan of Management.</p>
Accessibility and Building Code of Australia <p>Provide a report from a suitably qualified person that details the compliance of the building with respect to accessibility and BCA compliance. The report should detail any works required to bring the building into compliance for the intended use.</p>	<p>A BCA report has been provided and accompanies the application. Compliance with the BCA can be achieved.</p>
Utilities <p>Assess the capacity of existing water, sewer and electricity services and utilities and identify any upgrades required to facilitate the development. Given no reticulated sewer is available, a report from a suitably qualified person is required to outline the suitability of the existing On-Site Sewage Management System. If no reticulated potable water is available a suitable potable water source should be identified in accordance with New South Wales Private Water Supply Guidelines.</p>	<p>The site is suitably serviced to accommodate the proposed use.</p> <p>A grease trap already exists and is located adjacent to the eastern elevation where the kitchen is proposed.</p>

Key Issue	Requirement for Consideration
<p>Plan of Management</p> <p>Provide a Plan of Management for the proposed land use that considers the overall operation of the development. The plan should detail:</p> <ul style="list-style-type: none"> waste management procedures including on site storage and collection, the maximum intended capacity of the development, the delivery of goods for the café and small bar including the suitability of their intended storage, implementation of mitigation measures as required and hours of operation. 	<p>A Draft Plan of Management accompanies this submission and is appended to this report. This document can be finalised by way of a condition of consent and prior to the issue of any Occupation Certificate.</p>
<p>Other Issues</p> <p>The DA should also address the following matters:</p> <ul style="list-style-type: none"> details of all traffic associated with the development to address clause 5.31 of the Western Parkland City SEPP, any signage proposed, the structural adequacy of the building for the proposed use, details on the geotechnical stability site to clause 5.31 of the Western Parkland City SEPP and details of the availability of car parking in accordance with the DCP noting the allocation of parking for the various land uses on the lot 	<p>These matters have been considered within this report.</p>

1.5 Supporting Documentation

The proposed is accompanied by the following documentation:

Table 2 Project Team

Documentation	Prepared By
Architectural Drawings	Alpha Catering Equipment
BCA & Accessibility Report	Alpha Code Consulting
Flood Assessment Report	Northrop
Flood Evacuation Management Plan	J Wyndham Prince
Noise Impact Assessment	Acoustic Logic
Plan of Management	Sydney Helicopters

1.6 Legislation, Environmental Planning Instruments and Policies to be considered.

- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Precincts - Western Parkland City) 2021
- Penrith Development Control Plan 2013
- Penrith Lakes Development Control Plan

1.7 Consent Authority

The consent authority for this application is NSW Department of Planning and Environment.

2 The Site and Surrounds

The subject site and its surrounds have the following characteristics.

Site Address	100 Old Castlereagh Road, Castlereagh
Lot/DP	Lot 2 DP1013504
Site Area	12.75 hectares approx., although this application relates to a cottage that is located at the front of the site near the entrance.
Local Government Area	Penrith City Council
Zoning	T-Tourism
Current Land Use	The existing cottage is not currently used.
Proposed Land Use	A café and wine bar is proposed as part of this application. In the context of the Land Use Table, and the Standard LEP Instrument definitions, the proposal is best characterised as a food and drink premises.
Surrounding Land Uses	A helicopter base exists to the north and west of the site. Land to the east is part of the subject site but is not currently used for any purpose. Across Old Castlereagh Road to the south is an industrial development that is currently being developed.
Topography	The site is generally flat where the development is proposed.
Terrestrial Biodiversity	Not applicable to this application.
Heritage	The site is not mapped as an item of environmental heritage.
Flooding/Overland Flow	The broader area is impacted by flooding however the area on which the development is proposed is not. Evacuation routes, however, have been considered in the accompanying reports.
Bushfire	Whilst the subject site is marginally impacted by bushfire mapping, the area that is the subject of this application is not affected.

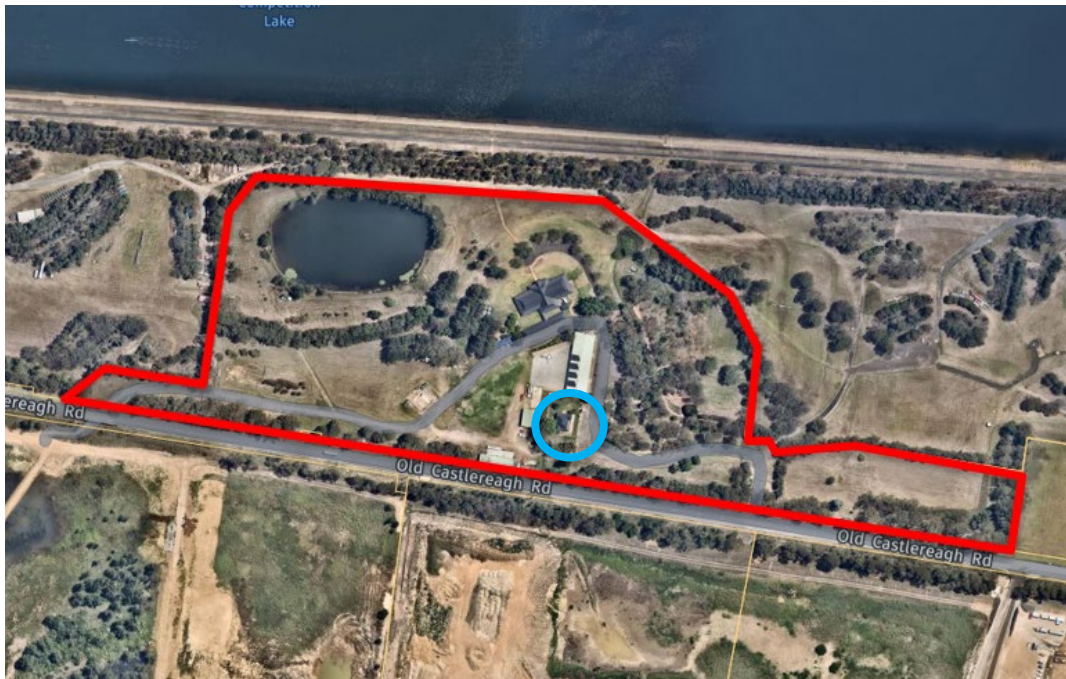


Figure 1 Subject Site – Aerial (area of development in blue)



Figure 2 Subject Site – Cadastre (area of development in blue)



Figure 3 Existing cottage and associated curtilage



Figure 4 Front view



Figure 5 Front view



Figure 6 Rear view



Figure 7 Rear view



Figure 8 Internal room

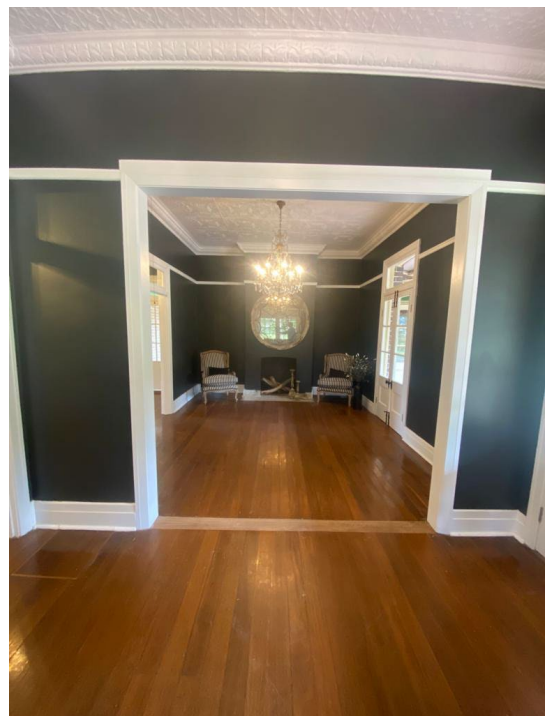


Figure 9 Internal room



Figure 10 Existing bathroom



Figure 11 Existing bathroom



Figure 12 Internal hallway

2.1 Surrounding Context

Owned by Sydney Helicopters, the site is located within the Penrith Lakes precinct. Penrith Lakes is a large, rehabilitated quarry, that is currently used as a recreational and open space precinct owned and managed by the Penrith Lakes Development Corporation.

The Sydney Helicopters helicopter base exists to the north and west of the cottage. Land to the east is part of the subject site but is not currently used for any purpose. Across Old Castlereagh Road to the south is an industrial development that is currently being developed.

2.2 Transport Network

As no public transport options currently exist near the subject site, access is only available by private vehicles.

3 Project Description

3.1 Overview

This application seeks consent to use the existing cottage as a café and wine bar. No significant structural works are proposed as part of this application; however, it is noted the proposal includes the installation of a commercial kitchen (a grease trap already exists). A liquor licence will be sought from Liquor & Gaming NSW, that will support the hours of operation sought, and the type of offering proposed.

3.2 Characterisation of the Proposed Use

Operationally, it is proposed the café would open in the morning for breakfast, then remain open all day and into the evening. It is proposed to obtain a liquor licence to support this offering. In the context of the applicable planning instrument, the proposed use is best characterised as a 'food and drink premises', and more specifically, a 'restaurant or café'. This land use definition will allow the flexibility in operation for the proponent, and also allow the most appropriate liquor licence to be obtained.

3.3 Proposed Building Works

No significant construction works are proposed. A commercial kitchen is proposed to be installed, and it is noted that a grease trap already exists.

3.4 Vehicular Elements

There is ample space on the site to allow for car parking. Some 28 spaces are located adjoining the existing cottage.

Deliveries will be made, usually before lunch, with ample space in the car park to allow manoeuvring of small or medium rigid trucks. Deliveries will be directed to the rear of the cottage to utilise an existing pathway that leads to the kitchen and storage areas.

3.5 Hours of Operation and Employee Numbers

It is proposed to have the following hours of operation approved for the site – Monday to Sunday, 7am through to 10pm.

It is expected there would be up to a maximum of 6 staff on the site, depending on customer demand.

3.6 Signage

No signage is proposed as part of this application.

3.7 Stormwater Drainage

No construction is proposed and so the existing stormwater system will be retained and need not be impacted by the proposal.

3.8 Utilities

The site is appropriately serviced to accommodate the development.

3.9 Waste Management Strategy

Waste will be collected by commercial contractor as required. As previously mentioned, the site already contains a grease trap for kitchen liquid waste.

4 Statutory Considerations

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

4.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

The aim of Chapter 9 – Hawkesbury-Nepean River of the Biodiversity and Conservation SEPP is to protect the environment of the Hawkesbury-Nepean River 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 State Environmental Planning Policy (Precincts - Western Parkland City) 2021

The following relevant clauses have also been considered in respect of this development proposal.

Provision	Comment
Chapter 5 Penrith Lakes Scheme	
Part 5.1 Preliminary	
5.1 Aims of Chapter	
The aims of this Chapter are as follows—	
(a) to provide a development control process that ensures that environmental and technical matters are considered in the implementation of the Penrith Lakes Scheme,	Not applicable. The proposed development will not negatively impact on the implementation of the Penrith Lakes Scheme.
(b) to identify and protect items of the environmental heritage,	Not applicable.
(c) to identify certain land that may be rezoned for employment, environmental, parkland, residential, tourism and waterway purposes and land that will be rezoned as unzoned land,	Not applicable.
(d) to permit interim development that will not detrimentally impact on the implementation of the Penrith Lakes Scheme,	Not applicable.
(e) to ensure that the implementation of the Penrith Lakes Scheme does not detrimentally impact on the ongoing operation and use of olympic legacy infrastructure, including the Sydney International Regatta Centre and the Penrith Whitewater Stadium.	The proposal will not impact on the ongoing operation and use of Olympic legacy infrastructure.
5.2 Land to which Chapter applies	
This Chapter applies to the land shown edged heavy black on the structure plan.	The site is on land shown edged heavy black on the structure plan.
5.7 Consent authority	
The consent authority for the purposes of this Chapter is (subject to the Act)—	

Provision	Comment
(a) for unzoned land and land zoned Employment, Environment, Parkland, Tourism or Waterway—the Minister, and	The Minister is the consent authority for this application.
(b) for any other land to which this Chapter applies—the council.	Not applicable.
Part 5.2 Development control	
5.11 Development generally	
A person shall not carry out development on land to which this Chapter applies except development authorised by or under this Chapter.	
5.12 Development for the purposes of implementing the Penrith Lakes Scheme	
(1) Development for the purposes of implementing the Penrith Lakes Scheme may, with development consent, be carried out on land to which this Chapter applies.	The development proposed is not inconsistent with the objectives established for the purposes of implementing the Penrith Lakes Scheme. The Scheme envisages a range of development outcomes on the site, mainly centred on recreation and tourism. The proposed development will complement these uses, providing much needed amenity in the area.
(2) The consent authority shall grant consent to development to which this section applies unless—	
(a) the consent authority is of the opinion that the development the subject of the application—	
(i) does not fully Implement the Penrith Lakes Scheme on the land to which the application for development relates,	The proposed development is consistent with the Scheme.
(ii) will not ensure the satisfactory implementation of the Penrith Lakes Scheme, or	The proposed development is consistent with the Scheme.
(iii) is not generally in accordance with the structure plan, and	The proposed development is consistent with the Scheme.
(b) in the case of an application to carry out development which includes an extractive industry, the consent authority is of the opinion that—	
(i) development should not be carried out until other land to which this Chapter applies is developed for purposes which include an extractive industry,	Not applicable.
(ii) the land, the subject of the application, will not be rehabilitated and reconstructed—	Not applicable.
(A) generally in accordance with the structure plan, or	Not applicable.
(B) to ensure the satisfactory implementation of the Penrith Lakes Scheme, or	Not applicable.

Provision	Comment
(iii) the person (including any person related, connected or otherwise associated to or with that person) proposing to carry out that development has not complied with the conditions of a consent previously granted to carry out development which included an extractive industry in respect of other land to which this Chapter applies.	Not applicable.
(3) The consent authority shall not consent to the carrying out of development for the purposes of implementing the Penrith Lakes Scheme unless the person making the application has submitted a statement of the environmental effects of the proposed development containing the matters specified in section 1 of Schedule 5 and addressing the matters specified in section 2 of that Schedule.	Considered throughout this submission.
(4) In determining an application to carry out development to implement the Penrith Lakes Scheme, the consent authority shall take into consideration the following matters—	
(a) the Penrith Lakes Scheme Regional Environmental Study,	The proposal is not inconsistent with the Regional Study.
(b) the recommendations, if any, of such technical working parties as may be established from time to time by the consent authority,	Not applicable.
(c) the statement of environmental effects accompanying the application,	Noted.
(d) the proposed sequence of extraction and rehabilitation,	The proposal is not inconsistent with the established sequencing.
(e) whether the land is to be dedicated to the Crown and, if not, the proposed control and management of the land,	Not applicable.
(f) the management and control of water resources including—	
(i) the source of water in order to fill any lake (including the quality and quantity of water from that source),	Not applicable.
(ii) water reticulation systems from the Nepean River to any lake, from lake to lake and from any lake to the Nepean River,	Not applicable.
(iii) the water quality of any lake (including the aquatic ecosystem),	Not applicable.
(iv) water treatment facilities,	The site benefits from an existing OSSM system.
(v) water depth of any lake,	Not applicable.
(vi) flood control,	Not applicable.

Provision	Comment
(vii) storm water control,	Not applicable.
(viii) the effect that development would have upon the quantity and quality of the existing groundwater, the level of the existing water table and groundwater movement,	Not applicable.
(ix) lake usage,	Not applicable.
(x) staged development of the lakes and their usage during stage development,	The proposed use will complement other uses, whether existing or proposed, into the future.
(xi) the need to monitor the water quality of the lakes having regard to their intended use, and	Not applicable.
(xii) the effect upon the Hawkesbury/Nepean River system,	There will be no negative effects on the Hawkesbury/Nepean River system.
(g) the rehabilitation and reconstruction of the land including—	
(i) landscape design,	Not applicable.
(ii) the structural stability and soil compaction of landforms (including, where appropriate, the land shown on the structure plan as future urban),	Not applicable.
(iii) the stability and impermeability of the Nepean River embankment,	Not applicable.
(iv) soil conservation, and	Not applicable.
(v) revegetation,	Not applicable.
(h) access to, the supply of water from any existing source to, and the supply of and access to municipal and utility services to, land to which this Chapter applies, other than that part of that land the subject of the application,	The premises benefits from an existing water supply.
(i) any item of the environmental heritage listed in Schedule 6,	There are no environmental heritage items relevant to the proposed development.
(j) the effect upon a locality, place or building not listed in Schedule 6 having aesthetic, anthropological, archaeological, architectural, cultural, historical, scientific or social significance or other special value for present or future generations, and	There are not potential impacts relating to these matters arising from the proposed development.
(k) the need and frequency to monitor the implementation of the subject development.	Not applicable.
(5) This section has effect despite anything to the contrary in the Land Use Table or any other provision of this Chapter.	Noted.

Provision	Comment
5.13 Interim development on unzoned land	Not applicable.
5.14 Development for the purposes of a community facility	Not applicable.
Part 5.3 Permitted or prohibited development on zoned land	
5.17A Additional permitted uses for particular land	
(1) Development on particular land described or referred to in Schedule 4, Part 2 may, in accordance with the conditions, if any, specified in relation to the development, be carried out—	
(a) with development consent, or	Not applicable.
(b) if the schedule so provides—without development consent.	Not applicable.
(2) This section has effect despite anything to the contrary in the Land Use Table or other provisions of this chapter.	Noted.
5.18 Subdivision—consent requirements	
Land to which this Chapter applies may be subdivided, but only with development consent.	Not applicable.
5.19 Demolition requires development consent	
The demolition of a building or work may be carried out only with development consent.	Not applicable.
Land Use Table	
Tourism Zone	
1 Objectives of zone	
<ul style="list-style-type: none"> To provide for a variety of tourist-oriented development and related uses. 	The proposed use is complementary to the tourism objectives sought by the zoning.
<ul style="list-style-type: none"> To provide for diverse tourist and visitor accommodation and activities that are compatible with the promotion of tourism in Penrith that utilises the public assets of the Penrith Lakes Scheme. 	The proposal satisfies this objective in that it supports visitor activities on the site and promotes the use of the precinct.
<ul style="list-style-type: none"> To create an appropriate scale that maintains important views to and from the Nepean River as well as to the Blue Mountains escarpment, while also improving important connections to the Penrith City Centre and the Nepean River. 	The scale of the proposal is acceptable given its utilisation of existing structures.

Provision	Comment
Land Uses and Permissibility	<p>In the context of the proponents operational requirements, and the application of the SEPP and the Standard Instrument LEP, the proposed use is best characterised as:</p> <p>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—</p> <ul style="list-style-type: none"> (a) a restaurant or cafe, (b) take away food and drink premises, (c) a pub, (d) a small bar. <p>...and more specifically as:</p> <p>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, but does not include the preparation and serving of food and drink to people that occurs as part of—</p> <ul style="list-style-type: none"> (a) an artisan food and drink industry, or (b) farm gate premises. <p>'Food and drink premises' is a permissible land use in the zone with consent.</p>

Part 5.5 Additional provisions for zoned land

5.31 Development on land zoned Tourism

Development consent must not be granted for development on land zoned Tourism unless the consent authority has considered the following—

(a) a traffic and transportation plan that includes proposals about the management of traffic impacts caused by the development,	<p>The proposed use of the existing cottage as a café and wine bar is acceptable from a traffic perspective. The site is large with over 28 formalised car parking spaces available immediately adjacent to the cottage itself, with substantial opportunities for overflow parking (if required) elsewhere on the site.</p> <p>The traffic generation of the café and wine bar is not expected to be significant, and therefore will not impact negatively on the street network.</p> <p>A traffic impact assessment is considered to be unnecessary for a development of this scale in the subject locality.</p>
(b) if the development involves or is near a heritage item—	
(i) a heritage conservation management plan prepared in relation to that heritage item and approved by the Planning Secretary, and	Not applicable.
(ii) whether the development is consistent with that plan,	Not applicable.
(c) whether a stable foundation exists or can be developed for the development,	Not applicable. The application is for the use of an existing building.
(d) whether the existing development platform (including subgrade) can be adequately protected from scour by the discharge of a 1:100 ARI (average recurrence interval) flood event,	Not applicable. The site is not impacted by the stated discharge.

Provision	Comment
(e) whether the proposed development appropriately allows for potential differential settlement given the existing geotechnical conditions and the proposed foundation and for the geotechnical conditions present at the site to prevent excessive total and differential settlement.	Not applicable. The application is for the use of an existing building.
Part 5.6 Miscellaneous provisions	
5.38 Flood planning	
Matters relating to flood impacts are considered in the accompanying flood impact assessment. In this context the following is noted in the report:	
<i>It was concluded, based on the above assessment, that the proposed development, which incorporates the change of use of an existing building, meets all flood related requirements of Penrith City Council DCP.</i>	
The proposal is acceptable from a flooding perspective.	
Separately, a flood evacuation plan has been submitted for consideration demonstrating acceptable flood evacuation can be achieved.	
Part 5.7 Urban release areas	
5.40 Public utility infrastructure	
(1) Development consent must not be granted for development on land in an urban release area unless the consent authority is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.	The site is appropriately serviced to accommodate the development.
(2) This section does not apply to development for the purpose of providing, extending, augmenting, maintaining or repairing any public utility infrastructure.	Noted.
(3) In this section— <i>public utility infrastructure</i> , in relation to an urban release area, includes infrastructure for any of the following— <ul style="list-style-type: none"> (a) the supply of water, (b) the supply of electricity, (c) the disposal and management of sewage. 	

The proposal satisfies the provisions of the SEPP and can be supported on that basis.

4.3 Penrith Lakes Development Control Plan

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

Control	Comment
3 Environmental considerations	
3.1 Flood planning and evacuation	Matters relating to flood planning and evacuation have been addressed in the accompanying report.
3.2 Water-sensitive urban design and stormwater management	No construction works are proposed that would alter the existing stormwater management of the site. No further consideration of this clause is required.
3.3 Water conservation and reuse	Appropriate water saving fixtures will be utilised within the development.
3.4 Tree preservation	No clearing or removal of any vegetation is proposed. No further consideration of this clause is required.
3.5 Riparian corridors, lakes and water bodies	No works are proposed near any water bodies, nor would the development negatively impact on any either. No further consideration of this clause is required.
3.6 Bushfire management	The development area does not trigger the need for a bushfire assessment report to be submitted. No further consideration of this clause is required.
3.7 Heritage conservation	Not applicable.
3.8 Aboriginal cultural heritage	The proposal is for the use of an existing structure. No excavation is proposed so it is unlikely the development will negatively impact potential aboriginal cultural heritage in the locality.
3.9 Contamination	The proposal is for the use of an existing structure. No significant structural works or excavation is required. No further consideration of this clause is required.
3.10 Trading/Operating hours of premises	This application seeks consent to operate between 7am and 10pm, seven days per week.
3.11 Waste management	Waste collection will be managed through a private contractor, with collection occurring as agreed with the provider.
3.12 Noise and vibration	An acoustic impact assessment accompanies the application making recommendations to mitigate any potential impacts. These seem reasonable and can be adopted as conditions of consent.
3.13 Air quality	The proposed development will not negatively impact the quality of the air. No further consideration of this clause is required.
4 Urban design and built-form controls	
It is noted the proposal includes the use of an existing structure (the cottage), with no significant construction works proposed. The following clauses are considered relevant to the proposal and have been considered in detail.	
4.2 Building design	No significant works are proposed to the existing building.
4.3 Active frontage	The proposed use will promote pedestrian activity and will complement other uses within the precinct.
4.4 Landscaping and open space	The curtilage of the existing cottage will be utilised for the café. No significant landscaping works are proposed, rather passive use of these areas will be promoted to visitors.
4.8 Access and movement	No changes are proposed to the existing site, or site access arrangements.

4.9 Car Parking

4.9.1 Car parking

Land uses	Parking rate
Restaurants, reception rooms and function rooms	1 space per 6 m ² of seating area, plus 1 space per employee

The site has 28 car spaces which is considered ample for the proposed use to accommodate both visitors and workers.

4.10 Signage

No signage forms part of this application.

4.12 Utility services

The site is appropriately serviced to accommodate the proposed use.

4.14 Lighting

No lighting is proposed as part of this application.

5 Precinct controls

5.2 Tourism South precinct

5.2.1 Land application

Objectives

- | | | |
|----|---|--|
| a) | To provide for high-quality recreation and tourism uses that celebrate the precinct's lakeside setting. | The proposed use will introduce a food and beverage destination to this precinct that will attract visitors throughout the day and evening. |
| b) | To ensure development prioritises views to the lake and retains significant trees. | No views will be impacted by the proposed development. |
| c) | To ensure development creates an attractive arrival to Penrith Lakes, with well-designed buildings that address Old Castlereagh Road. | The activation of the cottage will ensure it provides an attractive sense of arrival when travelling through this part of the precinct. |
| d) | To ensure development integrates with its lakeside setting, with generous landscaping, setbacks and views. | The use is consistent with the objectives of the zone and is a permissible use in the zone. There will be no negative impacts in respect of the lakeside setting, views or setbacks. |
| e) | To provide new connections and streets to improve permeability and access to the Regatta Lake. | Not applicable. |

Desired future character

All development applications are to demonstrate consistency with the following desired character objectives:

- | | | |
|----|--|--|
| a) | low-scale development fronting the Regatta Lake that responds to its landscape and preserves existing trees where possible; | No construction works are proposed that would alter the visual impact on the precinct. |
| b) | a generous landscaped buffer along Old Castlereagh Road that provides a sense of arrival, functions as a Gateway to Penrith Lakes and preserves existing trees or plants advanced replacement trees capable of reaching a substantial height and canopy; | No impacts on any vegetation will arise as a result of this application. |
| c) | preserved north-south views from Old Castlereagh Road to the Regatta Lake through sufficient separation between buildings; and | No views will be negatively impacted as a result of this application. |

- | | | |
|----|---|-----------------|
| d) | improved permeability and pedestrian access to primary roads, nature trails, the Regatta Lake, and current and future recreational features of Penrith Lakes. | Not applicable. |
|----|---|-----------------|

5.2.2 Tourism South precinct master planning		
5.2.3 Subdivision design		Not applicable. No subdivision is proposed.
5.2.4 Building height		Not applicable. No change to the existing building height is proposed.
5.2.5 Floor space ratio		Not applicable. No change to the existing floor area of the cottage is proposed.
5.2.6 Site coverage		Not applicable. No change to the existing site coverage is proposed.
5.2.7 Building setbacks		Not applicable. No changes to existing setbacks are proposed.

The proposed development is not inconsistent with the provisions of the DCP and can be supported. Importantly, the proposed use positively contributes to the desired future character of the precinct.

5 Key Planning Issues

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

5.1 Flora and Fauna

No removal of any vegetation is proposed. No further consideration of this issue is required.

5.2 Stormwater and Flooding

Existing stormwater arrangements will remain as no construction works are proposed.

5.3 Erosion and Sediment Control

It is expected that the consent authority will impose appropriate conditions of consent to ensure that erosion and sediment control measures were installed on the site prior to construction commencing.

5.4 Traffic Generation and Parking

The proposed development will not generate a significant amount of traffic, and the site provides for 28 formalised spaces. There is also substantial space for any overflow car parking if required. No negative impacts are expected to arise as a result of this proposal.

5.5 Noise Impacts

The accompanying acoustic impact assessment supports the development proposal. The recommendations made can be incorporated into conditions of consent if required.

5.6 Services

The site is appropriately serviced to allow for the proposed development.

5.7 Social and Economic

There are no negative social or economic impacts considered relevant to the proposal.

5.8 Crime Prevention Through Environmental Design (CPTED)

The consideration of CPTED issues has been prepared having regard to various published CPTED literature and academic works, and specifically includes the *“Crime Prevention and Assessment of Development Application Guidelines under Section 4.15 of the Environmental Planning and Assessment Act 1979”* published by the former Department of Urban Affairs and Planning.

The advice is structured in accordance with Part B of the above guidelines – *Principles for Minimising Crime Risk*. In this regard, the advice considers the responsiveness of the proposed design to each of the adopted four principles for CPTED (surveillance; access control; territorial reinforcement and space management).

CPTED principles have been adopted by the NSW Police Force, based on recognition that the design of spaces plays a pivotal role in facilitating the safety and security of its users. The NSW Police Force has identified key principles of CPTED being:

- Establish opportunities for **good surveillance**, both casually and technically.
- Provide legible barriers for **access control** for spatial definition.
- Create a sense of ownership over spaces that are also clearly demarcated between public and private ownership for **territorial reinforcement**.
- Establish spaces that are utilised appropriately through **proper space management**, relating to litter and graffiti removal, and ensuring lighting fixtures are working.

When implemented, these measures are likely to reduce opportunities for crime by using design and place management principles.

Surveillance

The proposed development will provide numerous opportunities for surveillance. The following casual surveillance opportunities have been provided through the design of the project:

- Opportunities for visual observance through a high percent of transparent glazing along all frontages allow normal space users to see and be seen by others.
- Entries are located in highly visible locations.
- Areas of entrapment are limited due to multiple exit points from around the development.

Access Control

Access control to public, semi public and private areas of the development will be managed by the operator. Access control to the building can be effectively managed through lockable entry doors. Common areas at all locations and levels should have access control measure in place. With respect to fire escape points and building services rooms, the location of these access points, the use of lockable doors and other environmental cues will make it clear that these are not public entry points.

Overall access to the building will be managed by the on-site manager.

Territorial Reinforcement

Clear separation exists between public and private space in terms of the relationship between the proposal and the public domain. Appropriate signage, landscaping, site furnishings and paving will provide good environmental cues about the transition or movement from public to private domain.

Space Management

For most modern residential developments, space management is increasingly carried out in a professional manner, often by third party specialist building management businesses. Therefore, the effectiveness of management systems such as light globe replacement, removing graffiti, and fixing broken site furnishings will influence the perceived level of care of the project. In this case, the on-site manager will ensure that processes are established to respond to and fix services and structures and under whose responsibilities these services are assigned.

5.9 Waste Management

Appropriate waste management measures would be negotiated with a commercial collection contractor that are consistent with Council's requirements.

6 Section 4.15 Assessment

The following assessment against Section 4.15 of the EPA Act has been undertaken.

Table 3 Section 4.15 Assessment

Clause	Consideration
Section 4.15(1)(a)(i) – Any Environmental Planning Instruments	<p>The relevant environmental planning instruments have been considered earlier in this report. These include the following:</p> <ul style="list-style-type: none"> State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Precincts - Western Parkland City) 2021 Penrith Development Control Plan 2013 Penrith Lakes Development Control Plan <p>The proposal is permissible with consent and is considered satisfactory when assessed against the relevant controls.</p>
Section 4.15(1)(a)(ii) – Any Draft Environmental Planning Instrument	<p>There are no known draft Environmental Planning Instruments applicable to the subject site.</p>
Section 4.15(1)(a)(iii) – Any Development Control Plan	<p>Compliance against the relevant DCP has been considered earlier in this report.</p>
Section 4.15(1)(a)(iiia) – Any Planning Agreement	<p>There are no known planning agreements that apply to the site or development.</p>
Section 4.15(1)(a)(iv) – The Regulations	<p>There are no sections of the regulations that are relevant to the proposal at this stage.</p>
Section 4.15(1)(a)(v) – Any Coastal Zone Management plan	<p>Not relevant to the proposed development.</p>
Section 4.15(1)(b) – The Likely Impacts of the Development	<p>No unacceptable impacts are expected to arise from this development application being supported. Potential impacts have been considered in the accompanying reports with mitigation measures proposed. Appropriate conditions of consent can be imposed to ensure compliance is achieved.</p>
Section 4.15(1)(c) – The Suitability of the Site	<p>The proposal is generally consistent with the planning controls that apply in this zone. Moreover, the objectives of the zone have been satisfied, ensuring that the proposed use would not result in any unacceptable impact on any adjoining landowners or buildings.</p> <p>The site is considered to be suitable for the development for the reasons outlined below:</p> <ul style="list-style-type: none"> The proposal is permissible with consent in the Tourism zone. The proposal represents an appropriate land use located on an appropriately serviced site that is in an accessible location. The proposal is compatible with surrounding land uses and the desired future character that is detailed in the DCP. <p>The proposal represents an increase in destination-based land uses in an area where there is demand for such activities.</p>

Clause	Consideration
Section 4.15(1)(d) – Any Submission Made	The Department may undertake a notification process in accordance with its controls and policies. We welcome the opportunity to provide additional information in response any submissions received.
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.

The proposed development is considered to satisfy the relevant provisions of the Act.

7 Conclusion and Recommendation

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

The proposed use 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.

APPENDIX A

DRAFT PLAN OF MANAGEMENT



STIMSON
URBAN & REGIONAL PLANNING

Plan of Management (TO BE FINALISED AT OCCUPATION CERTIFICATE STAGE)

100 Old Castlereagh Road, Castlereagh

Introduction

The following management plan has been prepared by Sydney Helicopters for the café and wine bar operating on Lot 2 DP 1013504.

The purpose of this management plan is to implement use of the premises in accordance with Councils consent in a manner which minimises impacts on the neighbouring properties and the locality.

The operators and management will comply with the terms of DA ##### to implement all measures designed to minimise amenity impacts together with the additional measures referred to in this Management Plan.

Organisational Overview

The restaurant (Longs Café) is a small business operation that will operate 7 days a week.

A fulltime chef is employed, with the addition of a number of part time and casual staff (4-6 staff are anticipated, dependent upon demand) who are employed as kitchen staff and wait staff.

The premises will operate as a restaurant/café for breakfast, lunch and dinner, and will operate with an on-premises liquor licence, intended to allow service of beverages with meals. The required RSA certification will fall to the owner who works fulltime at the premises. Any staff who will be involved in the sale and/or service of alcohol will be required to obtain this qualification.

Site Building/Description

The subject site known as 100 Old Castlereagh Road, Castlereagh and has a legal description of Lot 2 DP 1013504

The property is located within the Penrith Lakes precinct and the existing cottage on the property has been converted to the café and wine bar.

The subject premises will operate as a café and wine bar as permitted under DA #####

Hours of Operation

This Plan of Management provides hours consistent with the permitted hours under DA #####

Monday to Sunday, 7am through to 10pm.

Venue Capacity (TO BE FINALISED AT OCCUPATION CERTIFICATE STAGE)

The maximum number of persons (including staff, patrons and performers) permitted includes:

- persons in the Restaurant (including a maximum of ## persons in the internal area and ## persons in the remaining area).
- ##persons in the area ##.
- ## for other areas.

Noise Management

In order to minimise any noise arising from the operation of the premises, the following controls will be implemented:

- All efforts to ensure external noise is minimised.
- All staff will ensure noise from persons entering and leaving the premises through the use of signage requesting patrons be considerate of local residents.
- The movement and disposal of empty bottles and cans will be done at appropriate times as to ensure no noise nuisance to adjoining residents is created.
- All recommendations and conditions in relation to noise mitigation from the DA ### consent.

Safety & Security

Safety and security procedures are as follows:

- At all times staff greeting customers will be aware of the maximum number of patrons permitted in the premises.
- Staff greeting or farewelling customers will ensure that customers do not leave premises with open bottles or glasses.
- Staff greeting customers at the door will not permit any intoxicated person to enter the premises and will bring to the notice of the Manager on duty or Licensee. Any persons on premises who may be considered to be intoxicated. and
- Staff will provide a free taxi call service. Staff will make pre-emptive enquiries when apparent that patrons either completing meals, drinks or closing time is approaching.
- Signs will be placed in clearly visible positions within the premises, including immediately adjacent to the entry/exit door, requesting that patrons upon leaving the premises do so quickly and quietly, considering the amenity of neighbouring properties.
- CCTV is to be installed in appropriate locations and maintained in an operational state at all times.

Waste Management

Waste from the restaurant will be collected by a commercial collection contractor that is consistent with Council's requirements.

Liquor Licencing

The operator of the premises will be the licensee of the business and will ensure that all bar staff and wait staff will have completed an approved course in the Responsible Service of Alcohol, and security operatives shall comply with the measures for Responsible Service of Alcohol.

This includes the development and upkeep of an incident register, and a complaint handling and follow up procedure.

In accordance with the Liquor Act 2007 and in order to keep patrons well informed, appropriate signage will be prominently displayed in the premises. A selection of signage may be displayed, including but not limited to the following:

- RSA house policy
- Drug awareness, including zero tolerance to the use of drugs within the premises.
- Drink spiking awareness
- Drunk or disorderly or violence warning
- Sale or supply of alcohol to persons under 18 years of age notices, and
- Sale or supply of liquor to intoxicated persons warning.

CCTV is to be installed in appropriate locations and maintained in an operational state at all times.

Complaints Handling and Resolution

An incident register shall be maintained on-site for the logging of security related incidents and shall be made available for viewing by any member of the NSW Police or Penrith City Council, at any time.

Any instances of removals, police visitations and disorderly behaviour shall be logged in the register.