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MP09_0192

Mr Tim Blythe
Urbis Pty Limited
Level 23, Darling Park Tower 2
201 Sussex Street
Sydney NSW 2000

Dear Mr Blythe

Subject: Amended and consolidated Director-General's Requirements for a Mixed Use Development, 164 Station Street, Penrith – MP09_0192

I refer to the department's letter of 6 June 2012 and the supplementary DGRs issued in respect to the changes to the proposal to provide for stage 1 works involving construction of a Master's home improvement store.

While the description of the project in the supplementary DGRs was amended to accord with these changes, this remained as a concept plan application consistent with the project as described in the original DGRs issued in September 2010. Following your recent submission of the draft environment assessment, I note that the description of the project has been further amended to include a project application for stage 1 works.

Accordingly the DGRS have been amended to refer to a separate project application for stage 1 and consolidate the original and supplementary DGRs issued on 8 September 2010 and 6 June 2012, respectively. No substantive changes have been made to the DGRs.

If you have any enquiries regarding this matter please contact Ray Lawlor, who can be contacted on the details listed above.

Yours sincerely

Heather Warton
Director
Metropolitan & Regional Projects North
6/9/12

Director-General's Requirements

Section 75F of the *Environmental Planning and Assessment Act 1979*

Application number	MP 09_0192 – Concept Plan and Project Application
Project	<p>Concept Plan Application (as amended) for a mixed use development (residential, neighbourhood shops, bulky goods, hardware and building supplies and garden centre, food and drink premises, hotel and tavern); and</p> <p>Project Application for Stage 1 works involving construction of approximately 13,500m² of hardware and building supplies/garden centre/bulky goods retail, and a maximum of 400 parking spaces.</p>
Location	164 Station Street, Penrith
Proponent	Parkview Pty. Ltd.
Date original DGRs issued	8 September 2010
Date supplementary DGRs issued	6 June 2012
Date amended & consolidated	6 September 2012
Expiry date	If the Environmental Assessment (EA) is not exhibited within 2 years after this date, the applicant must consult further with the Director-General in relation to the preparation of the environmental assessment.
Key issues for the Concept Plan	<p>The Environmental Assessment (EA) must address the following key issues:</p> <ol style="list-style-type: none"> 1. Relevant EPI's policies and Guidelines to be Addressed <ul style="list-style-type: none"> Planning provisions applying to the site, including permissibility and the provisions of all plans and policies are contained in Appendix A. 2. Economic Impact Assessment <ul style="list-style-type: none"> The EA shall address the economic impact of the proposal (including the additional retail gross floor areas sought by the proposal in the context of the Council approved Masterplan on the site and the Penrith City LEP 2008) and include an investigation into the proposal's impact upon the existing retail function of the Penrith Town Centre. The EA shall address how the proposal would support the objectives /aims of relevant State and regional strategies for the locality. 3. Residential Densities and Housing Supply <ul style="list-style-type: none"> The EA shall address the residential densities and types of housing

sought by the proposal.

- The EA shall address the adequacy of housing supply on the site having regard to the local planning controls and the objectives/aims of the relevant State and regional strategies for the locality.

4. Built Form and Urban Design

- The EA shall address the height, bulk and scale of the proposed development within the context of the locality. In particular, detailed building envelope / height and contextual studies should be undertaken.
- The EA shall address the design quality with specific consideration of the façade, massing, setbacks, building articulation, landscaping, safety by design (CPTED) and public domain.
- The EA shall also provide the following:
 - Comparison to the existing Council approved masterplan;
 - View analysis to and from the site from key vantage points;
 - Options for the siting and layout of the building envelopes, and
 - Address the design excellence provisions in the PCC LEP.
- The EA shall also address:
 - Active frontages to be provided along retail frontages.
 - All weather protection to be provided on retail streets.
 - Provision of pedestrian access ways throughout the site and linkages to Station and Woodriff Streets, Jamison Road and the adjoining 'Centro' site.
 - Interface with adjoining uses including the 'Centro' site and the adjoining football stadium in terms of noise and lighting impacts.
 - Consideration of the site specific precinct design principles and design outcomes provided in the PCC DCP 2007.

5. Environmental and Residential Amenity

- The EA must address solar access, acoustic privacy, visual privacy, view loss and wind impacts and achieve a high level of environmental and residential amenity. In this regard, the EA should consider appropriate separation distances to any adjacent residential buildings.

6. Noise and Vibration Assessment

- The EA shall address how traffic noise from the adjacent main roads will be managed and ameliorated through the design of the building, in compliance with relevant Australian Standards and the Department's *Development near Rail Corridors and Busy Roads - Interim Guidelines*.

7. Transport & Accessibility Impacts (Construction and Operational)

- The EA shall provide a Traffic and Accessibility Impact Study prepared in accordance with the RTA's Guide to Traffic Generating

Developments and relevant government transport policies, considering:

- traffic generation and any required road / intersection upgrades,
- the adequacy of on-site car parking for the proposal having regard to local planning controls, RTA guidelines and the public transport accessibility of the site,
- access, loading dock(s) and service vehicle movements,
- the potential for implementing a location-specific sustainable travel plan (e.g. 'Travelsmart' or other travel behaviour change initiative), and
- the implications of the proposed development for non-car travel modes (including public transport use, walking and cycling) and the provision of facilities to increase the non-car travel share, including bicycle connections from the site to the surrounding bicycle network and bicycle parking in both residential and commercial / retail portions of the proposed development (including the provision of amenities for cyclists).

8. Ecologically Sustainable Development (ESD)

- The EA shall detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development.
- The EA must demonstrate that the development has been assessed against a suitably accredited rating scheme to meet industry best practice.

9. Contributions

- The EA shall address the provision of public benefit, services and infrastructure having regard to Council's Section 94 Contribution Plan and provide details of any Voluntary Planning Agreements or other legally binding instrument proposed to facilitate this development.

10. SEPP 65 - Design Quality of Residential Flat Development

- The EA must address and demonstrate ability for future compliance with SEPP 65 and the Residential Flat Design Code.

11. Staging

- The EA is to include details regarding the staging of the proposed development.

12. Contamination

- The EA is to demonstrate compliance that the site is suitable for the proposed use in accordance with SEPP 55.

13. Public Domain

- The EA shall provide details on the interface between the proposed uses and public domain, and the relationship to and impact upon the

	<p>existing public domain and address the provision of linkages with and between other public domain spaces including the Penrith Stadium complex that adjoins the site to the west.</p> <p>14. Drainage, Groundwater & Flooding</p> <ul style="list-style-type: none"> • The EA shall address drainage, groundwater and any flooding issues associated with the development/site, including: stormwater, drainage infrastructure and incorporation of Water Sensitive Urban Design measures. <p>15. Heritage</p> <ul style="list-style-type: none"> • The EA shall provide an Heritage Impact Assessment of the site, and a Statement of Heritage Impact, that is to include: <ul style="list-style-type: none"> • Consideration of the cumulative impacts of the proposed works on any nearby heritage items (and their curtilages) and conservations areas, and • The EA shall provide an Archaeological Assessment of Aboriginal and non-Indigenous archaeological resources, including an assessment of the significance and potential impact on the archaeological resources. <p>16. Statement of Commitments</p> <ul style="list-style-type: none"> • The EA must include a draft Statement of Commitments detailing measures for environmental management, mitigation measures and monitoring for the project. <p>17. Consultation</p> <ul style="list-style-type: none"> • Undertake an appropriate and justified level of consultation in accordance with the Department's <i>Major Project Community Consultation Guidelines October 2007</i> (including demonstrating discussions with Penrith City Council).
<p>Key issues for the Project Application (Stage 1)</p>	<p>In addition to the above key issues for the concept plan, the Environmental Assessment (EA) must address the following key issues in respect to the project application for stage 1 works:</p> <p>18. Strategic Context</p> <ul style="list-style-type: none"> • Consideration of the strategic planning implications of the proposed retail floor space on this site (beyond 3,000m² permissible under Penrith City Centre LEP 2008) having regard to consistency with land use plans and policies for Penrith City, and current relevant planning proposals. • Consideration of potential alternative sites for the retail component of the proposal, including the bulky goods retail premises. Justification for the location of the bulky goods retail premises at this site having regard to other zoned sites currently available within Penrith City local government area and within neighbouring local government areas.

	<ul style="list-style-type: none"> Consideration of the impact of the proposal on providing high density residential development in the Penrith City Centre and any broader implications for meeting Council's housing targets in the Penrith City Centre under the Metropolitan Plan. Justification for not including any residential component in Stage 1, in the context of the site's zoning for high density residential development. <p>19. Economic Impact Assessment</p> <ul style="list-style-type: none"> The economic impact of the proposal on existing retail floor space and future potential zoned retail floor space in the Penrith city centre, including consideration of current relevant planning proposals. This is to address the full extent of proposed retail floor space, including the proposed neighbourhood shops. <p>20. Net Community Benefit</p> <ul style="list-style-type: none"> Prepare a net community benefit test, in accordance with criteria set out in the department's Draft Centres Policy. <p>21. Built Form and Urban Design</p> <ul style="list-style-type: none"> The suitability of the built form and design of the retail component of the development (including the bulky goods retail premises) and associated parking and access areas, at a gateway location and key site in relation to Penrith City Centre. Implications for built form and urban design of the residential component of the proposed development being located at the north of the site, at the rear of the proposed bulky goods retail premises. <p>22. Environmental and Residential Amenity</p> <ul style="list-style-type: none"> The design of the residential component of the development and the means of ensuring suitable environmental and residential amenity having regard to the location of the residential component at the north of the site, between the proposed bulky goods retail premises and the existing Centro Nepean shopping centre on the neighbouring property. <p>23. Transport & Accessibility Impacts (Construction and Operational)</p> <ul style="list-style-type: none"> The Traffic and Accessibility Impact Study to be provided with the EA must also consider cumulative traffic and accessibility impacts, having regard to traffic and accessibility impacts arising from other current planning proposals in the locality.
Deemed refusal period	60 days

APPENDIX A

Relevant EPI's policies and Guidelines to be Addressed

- Objects of the EP&A Act 1979
- NSW State Plan
- Draft North West Subregional Strategy
- SEPP 55 - Remediation of Land
- SEPP 65 - Design Quality of Residential Flat Development & Residential Flat Design Code
- SEPP (Building Sustainability Index: BASIX) 2004
- SEPP (Infrastructure) 2007
- Draft SEPP (Competition)
- Penrith City Centre LEP 2008.
- Metropolitan Transport Plan 2010 (available at <http://www.nsw.gov.au/shapeyourstate>)
- Development Near Rail Corridors and Busy Roads – Interim Guideline
- Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance.

Plans and Documents to accompany the Application

<u>General</u>	<p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> 1. An executive summary; 2. A thorough site analysis including site plans, areal photographs and a description of the existing and surrounding environment; 3. A thorough description of the proposed development; 4. An assessment of the key issues specified above and a table outlining how these key issues have been addressed; 5. An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project; 6. The plans and documents outlined below; 7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is complete and neither false nor misleading; 8. A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project (in accordance with the definition contained in the Major Development SEPP); and 9. A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.
<u>Plans and Documents</u>	<p>The following plans, architectural drawings, diagrams and relevant documentation shall be submitted;</p> <ol style="list-style-type: none"> 1. An existing site survey plan drawn at an appropriate scale illustrating; <ul style="list-style-type: none"> • the location of the land, boundary measurements, area (sq.m) and north point; • the existing levels of the land in relation to buildings and roads; • location and height of existing structures on the site; and • location and height of adjacent buildings and private open space. • all levels to be to Australian Height Datum. 2. A Site Analysis Plan must be provided which identifies existing natural elements of the site (including all hazards and constraints), existing vegetation, footpath crossing levels and alignments, existing pedestrian and vehicular access points and other facilities, slope and topography, utility services, boundaries, orientation, view corridors and all structures on neighbouring properties where relevant to the application (including windows, driveways, private open space etc). 3. A locality/context plan drawn at an appropriate scale should be submitted indicating: <ul style="list-style-type: none"> • significant local features such as parks, community facilities and open space and heritage items; • the location and uses of existing buildings, shopping and

employment areas;

- traffic and road patterns, pedestrian routes and public transport nodes.

4. **Architectural drawings** at an appropriate scale illustrating:

- the location of any existing building envelopes or structures on the land in relation to the boundaries of the land and any development on adjoining land;
- typical cross sections across the site including internal and perimeter roads;
- detailed floor plans and elevations of the proposed buildings;
- detailed cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor;
- elevation plans providing details of external building materials and colours proposed;
- fenestrations, balconies and other features;
- accessibility requirements of the Building Code of Australia and the Disability Discrimination Act;
- the height (AHD) of the proposed development in relation to the land;
- the level of the lowest floor, the level of any unbuilt area and the level of the ground; and
- any changes that will be made to the level of the land by excavation, filling or otherwise.

5. **Model** of the proposed development at an appropriate scale.

6. **Geotechnical and Structural Report** prepared by a recognised professional which assesses the risk of geotechnical failure on the site and identifies design solutions and works to be carried out to ensure the stability of the land and structures and safety of persons. The report is to be prepared having regard to the RailCorp document titled '*Brief for review of geotechnical and structural design for developments adjacent to or above rail corridor for external third party works performed under the NSW State Environmental Planning Policy (Infrastructure) 2007*'.

7. **Other documents / plans:**

- **Stormwater Concept Plan** - illustrating the concept for stormwater management;
- **Erosion and Sediment Control Plan** – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site;
- **View Analysis** - Visual aids such as a photomontage must be used to demonstrate visual impacts of the proposed building envelopes in particular having regard to the siting, bulk and scale relationships from key areas;

	<ul style="list-style-type: none"> • Landscape plan - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site; • Shadow diagrams - showing solar access to the site and adjacent properties at summer solstice (Dec 21), winter solstice (June 21) and the equinox (March 21 and September 21) at 9.00 am, 12.00 midday and 3.00 pm; • Construction Management Plan and Traffic Management Plan – addressing the management of traffic (including bus operations) during the construction stages of the development; and • Construction methodology with details pertaining to structural support during excavation and details of any track / tunnel monitoring requirements during excavation and construction phases.
<u>Documents to be submitted</u>	<ul style="list-style-type: none"> • 1 copy of the EA, plans and documentation for the Test of Adequacy; • Once the EA has been determined adequate and all outstanding issues adequately addressed, 5 hard copies of the EA for exhibition; • 5 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and • 5 copies of the Environmental Assessment and plans on CD-ROM (PDF format), each file not exceeding 5Mb in size. <p>NOTE: Each file must be titled and saved in such a way that it is clearly recognisable without being opened. If multiple pdf's make up one document or report, these must be titled in sequential order.</p>