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# Statement of Validity

## Submission of Environment Assessment:

Prepared in accordance with Schedule 6A of the *Environmental Planning and Assessment Act 1979*.

## Environmental Assessment prepared by:

Names:	Jennifer Cooper (Associate Director) and Sarah Houston (Consultant)
Address:	Urbis Pty Ltd Level 21, 321 Kent Street Sydney NSW 2000
In respect of:	164 Station Street, Penrith


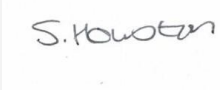
## Applicant and Land Details

Applicant:	Parkview Penrith Pty Ltd
Applicant Address:	Suite 3, 2 Wentworth Park Road, Glebe NSW 2037
Land to be Redeveloped:	164 Station Street, Penrith
Lot and DP	Lot 12 in Deposited Plan 234581
Project	<b>Concept Plan Application</b> (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  <b>Project Application for Stage 1</b> works involving construction of approximately 13,500sqm of hardware and building supplies/garden centre/bulky goods retail, and a maximum of 400 parking spaces.

## Declaration:

I certify that the contents of the Environmental Assessment to the best of my knowledge, has been prepared as follows:

- In accordance with the requirements of the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulations 2000*; and
- The information contained in this report is true in all material particulars and is not misleading.

Name:	Jennifer Cooper, Associate Director	Sarah Houston, Senior Consultant
Signature:		
Date:	14 September 2012	14 September 2012





# Executive Summary

This report has been prepared on behalf of Parkview Penrith Pty Ltd in association with a joint Concept Plan and Stage 1 Project Application for the proposed redevelopment of 164 Station Street, Penrith for a mixed-use development.

The renewal site comprises approximately 7.855 hectares of land in the southern portion of the Penrith Central Business District. The northern part of the site is occupied by a light industrial development comprising a number of older-style buildings and hardstand areas, while the balance of the southern part of the site is undeveloped. The site is surrounded by a range of development types, including retail, residential and recreation/sporting uses.

The Concept Plan application seeks approval for the staged construction of a mixed use development which will be delivered in stages, comprising the following key components:

- Non-residential: This component of the proposed development comprises the following:
  - Bulky goods, hardware and building supplies and garden centre and ancillary café.
  - Tavern with gross floor area of 1,800sqm, ancillary car parking and associated site works.
  - 995sqm neighbourhood shops and food and drink premises within the ground floor of the residential buildings.
  - Ancillary car parking will be provided both onsite and on street to meet the needs of the employees and visitors.
- Residential: The key features of the residential component are summarised as follows:
  - Approximately 570 residential dwellings with a gross floor area of approximately 60,000sqm.
  - The dwellings will be in the form of residential flat buildings, up to eight storeys in height.
  - Ancillary car parking for residents, visitors and car wash spaces.
  - Communal open space areas will be for the exclusive use of residents and their guests, with appropriate landscaping and site works to provide visual privacy and residential amenity.
  - Private open space will be provided in the form of courtyards (at ground floor) and balconies adjacent to the principal living areas.
- Public domain improvement works: construction of physical infrastructure to benefit the future residents of the site and the local and wider community, including:
  - Construction and dedication of public plaza adjacent to the tavern.
  - Construction and dedication of local roads that provide improved through-site connections and pedestrian permeability from the recreation/sporting facilities to the city centre, as well as access to the individual buildings within the proposed development.
  - Supplementary street tree planting along the proposed local road network to enhance the local landscape character and provide shading for on-street car parking.
  - Stormwater management works, including water quantity and quality treatment.

The Stage 1 Project Application comprises the construction of a Masters Home Improvement Store of 13,603sqm containing bulky goods, hardware and building supplies and garden centre uses. The Home Improvement Store includes the following:

- General sales area for hardware and building supplies comprising approximately 7,510qm.
- Garden centre of approximately 2,218sqm.
- Trade sales area of approximately 2,305sqm.
- 802sqm 'back-of-house' area to the north of the site for loading goods and materials.
- A small internal office area and a general amenities area of approximately 608sqm, located to the south of the main trade floor.
- A small ancillary café of approximately 160sqm to the south west of the general sales area.
- A total of 380 car parking spaces, landscaping and associated site works.

The Executive Director of Major Projects Assessment within the Department of Planning and Infrastructure, as a delegate of the Minister for Planning, authorised the preparation of a Concept Plan application on 7 July 2010. Environmental Assessment requirements were issued on 8 September 2010 and the supplementary Director-General's Requirements issued on 6 June 2012. Consolidated and amended Director-General's Requirements were further issued on 6 September 2012 and these are addressed in the Environmental Assessment.

The proposed development is permitted with consent under the Part 3A transitional arrangements contained within Schedule 6A of the Environmental Planning and Assessment Act 1979. The proposed non-compliances with the local planning controls are considered entirely appropriate and have been fully justified within the report.

The proposal is consistent with State and subregional strategic planning policies, which seek to provide additional housing within 30 minutes of Strategic Centres by public transport. The development has been designed to be compatible the surrounding development, including the retail development to the north east, the residential development to the south east and south west and the recreation/sporting activities to the west and north-west.

The environmental, economic and social impacts of the proposal have been comprehensively assessed. The proposed renewal will result in a number of positive impacts, including the provision of economic and employment benefits arising from the non-residential components and the increased diversity of housing provided through the residential component.

A draft Statement of Commitments has been prepared in accordance with the requirements of the DGRs. The Statement of Commitments outlines environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project which have been a result of the impact assessment of the project.

Overall, it is considered that the development proposed in the Concept Plan and Project Applications is in the public interest and approval is recommended.

# 1 Introduction

This Environmental Assessment has been prepared by Urbis on behalf of Parkview Penrith Pty Ltd and in association with a joint Concept Plan and Stage 1 Project Application for the proposed redevelopment of 164 Station Street, Penrith for a mixed use development.

The aim of the project is to create a living and retail precinct within the Penrith City Centre, including high quality residential apartments, a tavern, neighbourhood shops and a Home Improvement Store within an attractive landscaped setting.

The proposed development is permitted with consent under the Part 3A transitional arrangements contained within Schedule 6A of the Environmental Planning and Assessment Act 1979. The Environmental Assessment has been prepared on behalf of Parkview Penrith Pty Ltd, the proponent of the project in accordance with the Director-General Requirements (DGRs) dated 8 September 2010 and 6 June 2012.

Key members of the consultant team include:

- Urban Planning – Urbis
- Architecture – Turner + Associates Architects and Leffler Simes Architects
- Model Maker – 30+
- Landscape Architecture – Site Image
- Economic Impact – Urbis
- Residential Analysis – Urbis
- CPTED – Urbis
- Indigenous Heritage – Archaeological and Heritage Management Solutions (AHMS)
- Non-Indigenous Heritage – Casey & Lowe and Urbis
- Stormwater Management – Mott Macdonald
- Transport, Traffic and Car Parking – Colston Budd Hunt & Kafes (CBHK)
- Acoustic Impacts – Acoustic Logic
- Ecologically Sustainable Design – Cundall and Aecom
- Wind Impacts – Windtech
- Waste Management – Masters
- Site Contamination – Geo\_Logix
- Geotechnical – Douglas Partners
- Site Survey and Subdivision– Dunlop Thorpe & Co
- Quantity Survey – Altus Page Kirkland
- Project Manager – Parkview Constructions Pty Ltd
- Access – Access Design Solutions



## 2 Director-General's Environmental Assessment Requirements

The following table provides a summary of the Director-General's Environmental Assessment Requirements (DGRs) originally issued by the Department of Planning on 8 September 2010.

Supplementary Director-General's Environmental Assessment Requirements were issued by the Department of Planning and Infrastructure on 6 June 2012. A copy of the initial and supplementary DGRs is attached at **Appendix B**.

Consolidated and amended Director-General's Requirements were further issued on 6 September 2012.

The table identifies where each requirement relevant to the Concept Plan application has been addressed within the Environmental Assessment report. A copy of the consolidated DGRs is attached at **Appendix A**.

TABLE 1 – RESPONSE TO DIRECTOR-GENERAL'S CONSOLIDATED ENVIRONMENTAL ASSESSMENT REQUIREMENTS

REQUIREMENT	REFERENCE
<p><b>1. Relevant EPI's policies and Guidelines to be Addressed</b></p> <p>Planning provisions applying to the site, including permissibility and the provisions of all plans and policies including:</p> <ul style="list-style-type: none"> <li>▪ Objects of the EP&amp;A Act</li> <li>▪ NSW State Plan</li> <li>▪ Draft North West Subregional Strategy</li> <li>▪ SEPP 55 – Remediation of Land</li> <li>▪ SEPP 65 – Design Quality of Residential Flat Development</li> <li>▪ SEPP (Building Sustainability Index: BASIX) 2004</li> <li>▪ SEPP (Infrastructure) 2007</li> <li>▪ Draft SEPP (Competition)</li> <li>▪ Penrith City Centre LEP 2008</li> <li>▪ Metropolitan Transport Plan 2010</li> <li>▪ Development Near Rail Corridors and Busy Roads – Interim Guideline</li> <li>▪ Nature and extent of any non-compliance with relevant environmental planning instruments, plans and guidelines and justification for any non-compliance.</li> </ul>	Section 5.1
<p><b>2. Economic Impact Assessment</b></p> <ul style="list-style-type: none"> <li>▪ 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.</li> </ul>	Section 5.4 <b>Appendix P</b>

REQUIREMENT	REFERENCE
<ul style="list-style-type: none"> <li>The EA shall address how the proposal would support the objectives/aims of relevant State and regional strategies for the locality.</li> </ul>	
<p><b>3. Residential Densities and Housing Supply</b></p> <ul style="list-style-type: none"> <li>The EA shall address the residential densities and types of housing sought by the proposal.</li> <li>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.</li> </ul>	<p>Section 5.5 <b>Appendix Q</b></p>
<p><b>4. Built Form and Urban Design</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>The EA shall address the design quality with specific consideration of the facade, massing, setbacks, building articulation, landscaping, safety by design (CPTED) and public domain.</li> <li>The EA shall also provide the following: <ul style="list-style-type: none"> <li>Comparison to the existing Council approved masterplan;</li> <li>View analysis to and from the site from key vantage points;</li> <li>Options for the siting and layout of the building envelopes, and</li> <li>Address the design excellence provisions in the PCC LEP.</li> </ul> </li> <li>The EA shall also address: <ul style="list-style-type: none"> <li>Active frontages to be provided along retail frontages (No longer relevant to this application)</li> <li>All weather protection to be provided on retail streets (No longer relevant to this application)</li> <li>Provision of pedestrian access ways throughout the site and linkages to Station and Woodriff Street, Jamison Road and the adjoining 'Centro' site</li> <li>Interface with adjoining uses include the 'Centro' site and the adjoining football stadium in terms of noise and lighting impacts.</li> <li>Consideration of the site specific precinct design principles and design outcomes provided in the PCC DCP 2007.</li> </ul> </li> </ul>	<p>Section 5.6 Section 5.7 Section 5.1.10</p> <p><b>Appendix F and Appendix G</b></p> <p><b>Appendix R Appendix S Appendix J</b></p>
<p><b>5. Environmental and Residential Amenity</b></p> <p>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 the adjacent residential buildings.</p>	<p>Section 5.7 <b>Appendix F Appendix N Appendix T</b></p>

REQUIREMENT	REFERENCE
<p><b>6. Noise and Vibration Assessment</b></p> <p>The EA shall address the 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 <i>Development near Rail Corridors and Busy Roads – Interim Guidelines</i>.</p>	<p>Section 5.8 <b>Appendix N</b></p>
<p><b>7. Transport &amp; Accessibility Impacts (Construction and Operational)</b></p> <p>The EA shall provide a Transport &amp; Accessibility Study prepared in accordance with the RTA's Guide to Traffic Generating Development and relevant government transport policies, considering:</p> <ul style="list-style-type: none"> <li>▪ traffic generation and any required road/intersection upgrades,</li> <li>▪ the adequacy of on-site car parking for proposal having regard to local planning controls, RTA guidelines and the public transport accessibility of the site,</li> <li>▪ access, loading dock(s) and service vehicle movements,</li> <li>▪ the potential for implementing a location-specific sustainable travel plan (e.g. 'Travelsmart' or other travel behaviour change initiative), and</li> <li>▪ 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)</li> </ul>	<p>Section 5.9 <b>Appendix U</b></p>
<p><b>8. Ecologically Sustainable Development (ESD)</b></p> <ul style="list-style-type: none"> <li>▪ The EA shall detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development.</li> <li>▪ The EA must demonstrate that the development has been assessed against a suitably accredited rating scheme to meet industry best practice.</li> </ul>	<p>Section 5.10 <b>Appendix K</b> <b>Appendix L</b></p>
<p><b>9. Contributions</b></p> <p>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.</p>	<p>Section 5.11</p>
<p><b>10. SEPP 65 – Design Quality of Residential Flat Development</b></p> <p>The EA must address and demonstrate ability for future compliance with SEPP 65 and the Residential Flat Design Code.</p>	<p>Section 5.1.6 <b>Appendix I</b></p>
<p><b>11. Staging</b></p> <p>The EA is to include details regarding the staging of the proposed development.</p>	<p>Section 5.12</p>
<p><b>12. Contamination</b></p> <p>The EA is to demonstrate compliance that the site is suitable for the proposed use in accordance with SEPP 55.</p>	<p>Section 5.1.5 Section 5.13 <b>Appendix H</b></p>

REQUIREMENT	REFERENCE
<p><b>13. Public Domain</b></p> <p>The EA shall provide details on the interface between the proposed uses and public domain and the relationship to and impact upon the 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>	Section 5.14
<p><b>14. Drainage, Groundwater and Flooding</b></p> <p>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>	Section 5.15 <b>Appendix V</b> <b>Appendix W</b>
<p><b>15. Heritage</b></p> <p>The EA shall provide a Heritage Impact Assessment of the site, and a Statement of Heritage Impact, that is to include:</p> <ul style="list-style-type: none"> <li>▪ Consideration of the cumulative impacts of the proposed works on any nearby heritage items (and their cartilages) and conservation areas, and</li> <li>▪ 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.</li> </ul>	Section 5.16.1 Section 5.16.2 <b>Appendix M</b> <b>Appendix X</b> <b>Appendix Y</b>
<p><b>16. Statement of Commitments</b></p> <p>The EA must include a draft Statement of Commitments detailing measures for environmental management, mitigation measures and monitoring for the project.</p>	Section 7
<p><b>17. Consultation</b></p> <p>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>	Section 5.17 <b>Appendix Z</b>
<p><b>Key issues for the Project Application (Stage 1)</b></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><b>18. Strategic Context</b></p> <ul style="list-style-type: none"> <li>▪ Consideration of the strategic planning implications of the proposed retail floor space on the site having regard to consistency with land use plans and policies for Penrith City and current relevant planning proposals.</li> <li>▪ Consideration of potential alternative site for the retail component of the proposal including 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.</li> </ul> <p>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 Metropolitan Plan. Justification for not including any residential component in Stage 1 in the context of the site's zoning.</p>	Section 5.2 <b>Appendix P</b> <b>Appendix Q</b> <b>Appendix FF</b>



REQUIREMENT	REFERENCE
<p><b>19. Economic Impact Assessment</b></p> <p>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>	<p>Section 5.4 <b>Appendix P</b></p>
<p><b>20. Net community Benefit</b></p> <p>Prepare a net community benefit test, in accordance with criteria set out in the department's Draft Centres Policy.</p>	<p>Section 5.3</p>
<p><b>21. Built Form and Urban Design</b></p> <p>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. Implication 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>	<p>Section 5.6</p>
<p><b>22. Environmental and Residential Amenity (in addition to original DGRs)</b></p> <p>The design of the retail 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>	<p>Section 5.7</p>
<p><b>23. Transport and Accessibility Impacts (Construction and Operational)</b></p> <p>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.</p>	<p>Section 5.9 <b>Appendix U</b></p>
<p><b>General</b></p> <p>The Environmental Assessment (EA) must include:</p> <ol style="list-style-type: none"> <li>1. An executive summary;</li> <li>2. A thorough site analysis including site plans, aerial photographs and a description of the existing and surrounding environment;</li> <li>3. A thorough description of the proposed development;</li> <li>4. An assessment of the key issues specified above and a table outlining how these key issues have been addressed;</li> <li>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;</li> <li>6. The plans and documents outlined below;</li> <li>7. A signed statement from the author of the Environmental Assessment certifying that the information contained in the report is neither false nor misleading;</li> <li>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 Projects SEPP; and</li> </ol>	<p>Executive Summary</p> <p>Section 3</p> <p>Section 4</p> <p>Section 5</p> <p>Section 7</p> <p>Refer below</p> <p>Statement of Validity</p>

REQUIREMENT	REFERENCE
<p>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.</p>	<p><b>Appendix E</b></p> <p>Section 8</p>
<p><b>Plans and Documents</b></p> <p>The following plans, architectural drawings, diagrams and relevant documentation shall be submitted:</p>	
<p>1. An <b>existing site survey plan</b> drawn at an appropriate scale illustrating;</p> <ul style="list-style-type: none"> <li>▪ the location of the land, boundary measurements, area (sqm) and north point;</li> <li>▪ The existing levels of the land in relation to buildings and roads;</li> <li>▪ Location and height of existing structures on the site; and</li> <li>▪ Location and height of adjacent buildings and private open space.</li> <li>▪ All levels to be to Australian Height Datum.</li> </ul>	<p><b>Appendix C</b></p>
<p>2. A <b>Site Analysis Plan</b> 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.).</p>	<p><b>Appendix F</b> <b>Appendix G</b></p>
<p>3. A <b>locality/context plan</b> drawn at an appropriate scale should be submitted indicating:</p> <ul style="list-style-type: none"> <li>▪ Significant local features such as parks, community facilities and open space and heritage items;</li> <li>▪ The location and uses of existing buildings, shopping and employment areas;</li> <li>▪ Traffic and road patterns, pedestrian routes and public transport nodes.</li> </ul>	<p><b>Appendix F</b> <b>Appendix G</b></p>
<p>4. <b>Architectural drawings</b> at an appropriate scale illustrating:</p> <ul style="list-style-type: none"> <li>▪ 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;</li> <li>▪ Typical cross sections across the site including internal and perimeter roads;</li> <li>▪ Detailed floor plans and elevations of the proposed buildings;</li> <li>▪ 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;</li> <li>▪ Elevation plans providing details of external building materials and colours proposed;</li> <li>▪ Fenestrations, balconies and other features;</li> <li>▪ Accessibility requirements of the Building Code of Australia and the Disability Discrimination Act;</li> </ul>	<p><b>Appendix F</b> <b>Appendix G</b></p>

REQUIREMENT	REFERENCE
<ul style="list-style-type: none"> <li>▪ The height (AHD) of the proposed development in relation to the land;</li> <li>▪ The level of the lowest floor, the level of the unbuilt area and the level of the ground; and</li> <li>▪ Any changes that will be made to the level of the land by excavation, filling or otherwise.</li> </ul>	
4. <b>Model</b> of the proposed development at an appropriate scale.	Accompanies the proposal
5. <b>Geotechnical and Structural Report</b> 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 <i>'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'</i>	<b>Appendix AA</b> <b>Appendix BB</b>
6. <b>Other documents/plans:</b>	
<ul style="list-style-type: none"> <li>▪ <b>Stormwater Concept Plan</b> - illustrating the concept for stormwater management;</li> </ul>	<b>Appendix V</b> <b>Appendix W</b>
<ul style="list-style-type: none"> <li>▪ <b>Erosion and Sediment Control Plan</b> – plan or drawing that shows the nature and location of all erosion and sedimentation control measures to be utilised on the site;</li> </ul>	<b>Appendix V</b>
<ul style="list-style-type: none"> <li>▪ <b>View Analysis</b> - 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;</li> </ul>	<b>Appendix F</b> Section 5.6.3
<ul style="list-style-type: none"> <li>▪ <b>Landscape plan</b> - illustrating treatment of open space areas on the site, screen planting along common boundaries and tree protection measures both on and off the site.</li> </ul>	<b>Appendix R</b> <b>Appendix S</b>
<ul style="list-style-type: none"> <li>▪ <b>Shadow diagrams</b> - 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.</li> </ul>	<b>Appendix F</b>
<ul style="list-style-type: none"> <li>▪ <b>Construction Management Plan and Traffic Management Plan</b> – addressing the management of traffic (including bus operations) during the construction stages of the development; and</li> </ul>	<b>Appendix U</b> <b>Appendix EE</b>
<ul style="list-style-type: none"> <li>▪ <b>Construction methodology</b> with details pertaining to structural support during excavation and details of any truck/tunnel monitoring requirements during excavation and construction phases (Tunnel monitoring and excavation is not relevant to this application)</li> </ul>	<b>Appendix EE</b>

REQUIREMENT	REFERENCE
<p><b>Documents to be Submitted</b></p> <ul style="list-style-type: none"> <li>▪ 1 copy of the EA, plans and documentation for the <b>Test of Adequacy</b>;</li> <li>▪ <b>Once the EA has been determined adequate</b> and all outstanding issues adequately addressed, 5 hard copies of the EA for exhibition;</li> <li>▪ 5 sets of architectural and landscape plans to scale, including one (1) set at A3 size (to scale); and</li> <li>▪ 5 copies of the Environmental Assessment and plans on CD-ROM (PDF format), not exceeding 5Mb in size.</li> </ul>	<p>Provided</p>

## 3 Site Context

### 3.1 REGIONAL CONTEXT

Penrith is located in the western suburbs of the Sydney metropolitan area, approximately 50 kilometres to the west of the Central Business District.

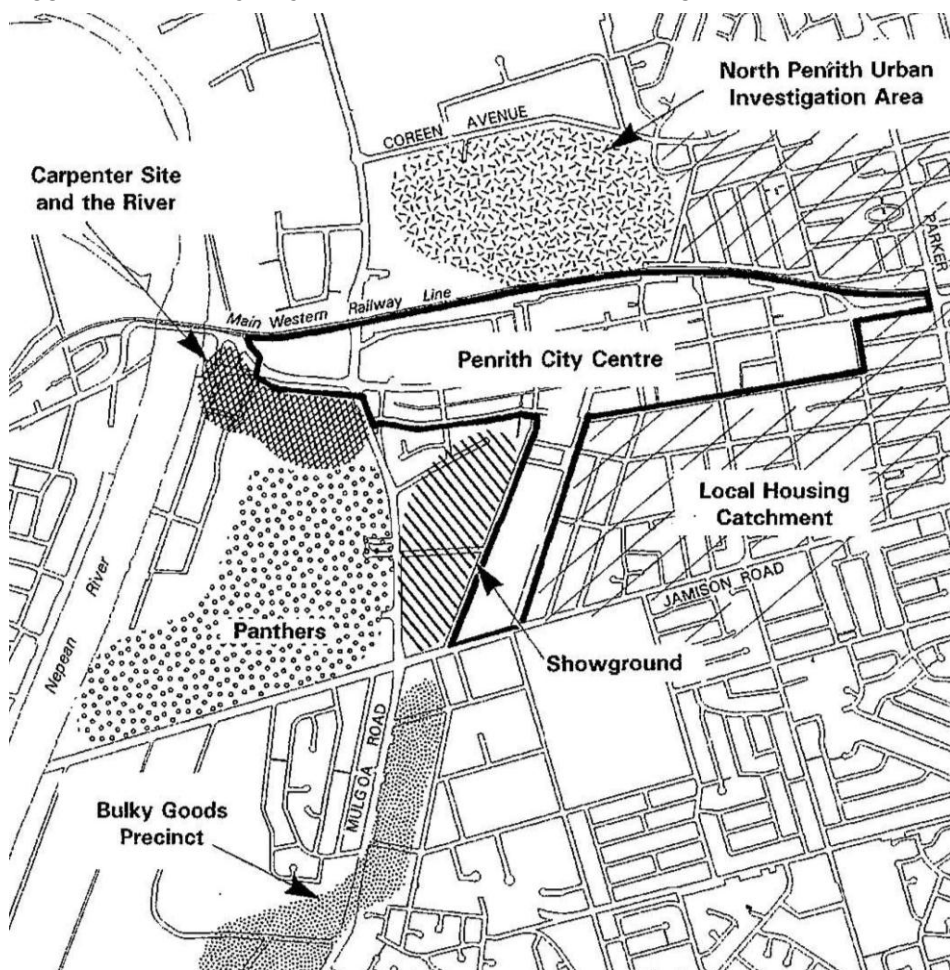
Penrith was nominated as one of five 'Regional Cities' in the NSW Government's Metropolitan Strategy, *City of Cities: A Plan for Sydney's Future*, prepared in 2005. This classification was reinforced in the five year review of the Metropolitan area in 2010. Effectively, this means that the Penrith City Centre will be the strategic focus for employment and economic growth within the North West Subregion. It is also expected to accommodate a significant portion of the residential growth within the Penrith Local Government Area.

The site benefits from direct access to the Sydney metropolitan rail network, with a railway station located in the heart of the Penrith city centre. It also enjoys good access to the Sydney metropolitan road network with the M4 Motorway located approximately 2.5 kilometres south of the site and the Great Western Highway located approximately 700 metres to the north.

### 3.2 LOCAL CONTEXT

The site is located in the southern part of the Penrith City Centre which forms a T-shape, extending along the Main Western Railway Line between Parker Street and Castlereagh Road and south to Jamison Road (refer to **Figure 1** below).

FIGURE 1 – PENRITH CITY CENTRE AND KEY PERIPHERAL AREAS

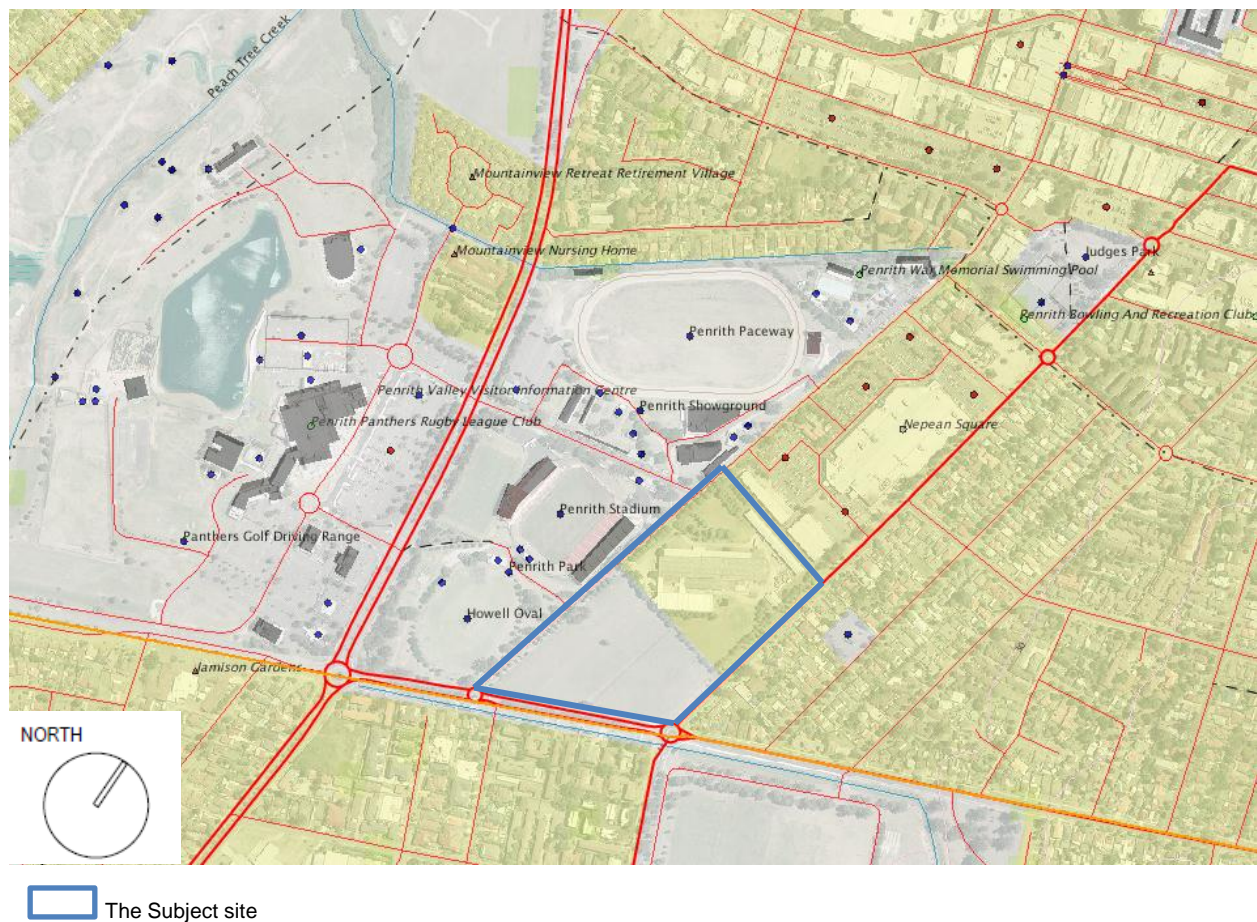


(Penrith City Council, Penrith City Centre Strategy, dated July 2006)



**Figure 2** provides an aerial of the subject site.

FIGURE 2 – LOCATION PLAN



(six.nsw.gov.au)

The site is surrounded by a range of land uses and activities as outlined below:

- **Residential:** The development to the south east on the opposite side of Woodriff Street comprises low density residential development, predominantly single storey detached dwellings on large lots. The properties to the south, on the opposite side of Jamison Road also comprise residential development, predominantly residential flat buildings and multi-unit dwellings ranging between two and five storeys in height. A small pocket of lower density development comprising detached dwellings are located between Dent Street and Regentville Road, however, the development further west of Regentville Road comprises medium and higher density residential development of up to four storeys.
- **Child Care Centres:** Kidz Biz Preschool and Long Day Care Centre is located at 110 Woodriff Street, Nepean Tiny Tots is located at 118 Woodriff Street and Nepean Pre-School and Learning Centre is located at 120 Woodriff Street. Each of these centres is located immediately opposite the development site.
- **Retail:** Centro Nepean is located between Woodriff Street and Station Street single level, subregional shopping centre anchored by a discount department store and a supermarket with 20,861 GLA. There are also a number of freestanding buildings to the south between the centre and the site, including a First Choice liquor outlet.
- **Sport and Recreation:** The land to the west and north west of the site comprises a variety of sporting and recreational activities including Penrith Showground, Penrith Stadium, Penrith Park and Howell Oval. Jamison Park is located to the south east on the opposite side of Jamison Road.

The site is approximately 950 metres south of Penrith railway station. It also benefits from excellent access to local bus services, with a number of routes operating along Station Street and Woodriff Street, in close proximity to the development site.

### 3.3 SITE DESCRIPTION

The street address of the property is 164 Station Street, Penrith and is commonly known as the former 'Panasonic Site'. The legal description of the property is Lot 12 in Deposited Plan 234581.

FIGURE 3 – THE SITE



The Subject site

([google.com.au](http://google.com.au))

The key features of the site are described below:

- Total site area of 7.855 hectares.
- The site topography is generally flat.
- The site has relatively few trees, most being located at the northern end of the site scattered around the existing buildings.
- Three street frontages, including Station Street to the west, Woodriff Street to the east and Jamison Road to the south.



- There are a number of single storey industrial / warehouse style buildings on the northern portion of the site which are being used for a variety of light industrial purposes. The southern part of the site is undeveloped.
- Vehicle access is provided by way of two driveway crossings in Station Street towards the northern end of the site.

A site survey is included in **Appendix C**.



## 4 Development Description

### 4.1 CONCEPT PLAN APPLICATION

The Concept Plan application is for a staged mixed use development including residential, neighbourhood shops, bulky good, hardware and building supplies and garden centre, food and drink premises and tavern provided in six stages.

The proposal comprises the following key components:

- Stage 1: Bulky goods, hardware and building supplies and garden centre as described in detail within **Section 4.2** of this report.
- Stage 2: Approximately 9,300sqm of residential development (89 apartments):
  - Demolition of existing buildings and structures.
  - A four storey residential flat building containing approximately 30 apartments.
  - A six storey residential flat building containing approximately 59 apartments.
  - 96 car parking spaces including 89 residential, five visitor and two car wash spaces.
  - Communal open space shared between residents of the two buildings.
- Stage 3: Residential development of approximately 9,000sqm (77 apartments), neighbourhood shops, cafés and a tavern:
  - A four to eight storey residential flat building containing approximately 77 apartments with ground floor retail premises.
  - 166 car parking spaces, including 77 residential, four visitor, two car wash, ten retail/commercial spaces (staff), 73 tavern spaces (visitor).
  - Neighbourhood shops/cafes of approximately 995sqm.
  - Communal open space for the use of residents.
  - Public open space in the form of a plaza of approximately 2,300sqm.
  - A tavern of 1,800sqm.
- Stage 4: Approximately 20,700sqm of residential development (196 apartments) as follows:
  - One 4-storey residential flat buildings containing approximately 28 units each.
  - One 4-storey residential flat buildings containing approximately 30 units each.
  - An eight storey residential flat building containing approximately 79 units.
  - A six storey residential flat building containing approximately 59 units.
  - 210 car parking spaces including 196 resident, ten visitor and four car wash spaces.
  - Communal open space to be shared by the residents of the four buildings.

- Stage 5: approximately 17,600sqm of residential development (168 apartments) as follows:
  - A four storey residential flat building containing approximately 30 units.
  - A six storey residential flat building containing approximately 59 units.
  - An eight storey residential flat building containing approximately 79 units.
  - 181 car parking spaces including 168 resident, nine visitor and four car wash spaces.
  - Communal open space to be shared by the residents of the three buildings.
- Stage 6: Approximately 4,200sqm of residential development (40 apartments) as follows:
  - Two 4-storey residential buildings with 20 units each.
  - Communal open space to be shared by the residents of the four buildings.
  - 43 car parking spaces including 40 residential, two visitor and one car wash space.
- Subdivision of the site into three separate lots to reflect the proposed Masters Home Improvement Store site, the proposed road along the northern boundary of the Home Improvement Store and the remaining area for Stages 2 - 6 (refer **Appendix D**)
- Construction of a local road network of approximately 12,300sqm, including two east-west streets providing through connection between Station Street and Woodriff Streets and internal local residential streets.
- Stormwater infrastructure works comprising of a major/minor drainage system designed to comply with relevant Council guidelines and DCP controls.

The capital investment value (CIV) of the development proposed in the Concept Plan application is \$219,262,270. A Quantity Surveyors Certificate of Cost report certifying the CIVs is attached as **Appendix E**. Reduced sized copies of the Concept Plan drawings are attached as **Appendix F** and **Appendix G**.

## 4.2 STAGE 1 PROJECT APPLICATION

The proposal seeks Stage 1 Project Application approval for the construction of a Masters Home Improvement Store consisting of bulky goods, hardware and building supplies and garden centre uses. The Home Improvement Store and associated facilities and landscaping will occupy land of 34,985sqm.

The proposed building comprises approximately 13,603sqm gross floor area and is divided into four separate components:

- General sales area for hardware and building supplies comprising approximately 7,510qm. The general sales area will comprise the central portion of the building envelope, offering a range of home improvement goods, including:
  - Hardware (tools, plumbing, electrical etc.)
  - Timber and Building (building materials, doors, joinery etc.)
  - Décor / home decoration (paint, flooring etc.)
  - Kitchen and bathroom fittings.

- Garden centre of approximately 2,218sqm. The garden centre will comprise the western portion of the building envelope, offering a range of gardening products including:
  - Plants.
  - Landscaping products.
  - Garden tools.
  - Outdoor living.

Part of the nursery area will have a shade sail on a fixed steel post grid to provide natural sunlight and ventilation to garden area within the building.

- Trade sales area of approximately 2,305sqm. The trade sales area will occupy the eastern portion of the building envelope and will accommodate a drive-in loading system, where products from both the general sales and nursery area will be available.
- 802sqm 'back-of-house' area to the north of the site for loading goods and materials.
- A small internal office area and a general amenities area of approximately 608sqm, located to the south of the main trade floor.
- A small ancillary café of approximately 160sqm to the south west of the general sales area. The café will include a food preparation area, serving area and seating area. It is proposed to serve meals and snacks, and hot and cold beverages and will provide an area for customers to sit and review catalogues, product samples, concept designs, etc. Fit out of the café will be subject to a future Development Application.

The external site improvements will include:

- A 380 space car park within the southern part of the site, including 17 accessible parking spaces located near the customer entry and six trailer spaces.
- 30 bicycle racks located adjacent to the nursery.
- Landscaping along the boundaries and within the car park.
- Servicing area including waste and recycling collection along the northern boundary of the site.
- Separate customer and general servicing entries to the site:
  - Main customer access from Jamison Road, which provides a left turn into and out of the site.
  - Two way secondary customer access onto Station Street, which provides a left turn into and out of the site from Woodriff Street and exit onto Station Street.
  - A service entry from the proposed road adjacent to the northern boundary.
- Sprinkler storage tanks for fire sprinkler system and pump room are proposed near the north western corner of the site.
- One main entry sign and two trade and garden identification signage located on the southern elevation of the building.
- 2.4m wall along the northern boundary to create visual separation between future residential development to the north.
- Rainwater tanks for on-site water use are proposed on the north eastern corner of the site.

The building will be articulated along its main southern façade, with a main customer entry. The building will be constructed from a variety of materials including concrete panels, glazing, alucabond panels and coloured panels. The building includes operational facilities such as a back-of-house area for receiving and dispatching goods located along the northern boundary.

Separate entry will be provided to the trade area from the customer car park and each entry will be distinctly legible from the exterior of the building. Internal access between operation areas will be available at several points within the building envelope.

The capital investment value (CIV) of the development proposed in the Project Application is \$20,716,019. A Quantity Surveyors Certificate of Cost report certifying the CIVs is attached as **Appendix E**.

#### 4.3 HOURS OF OPERATION

The proposed hours of operation for the Masters store are as follows:

- Monday to Friday: 6am to 10pm
- Saturday/Sunday: 6am to 8pm

All loading and servicing will be carried out within these retail hours.

## 5 Key Issues

### 5.1 ENVIRONMENTAL PLANNING INSTRUMENTS, POLICIES AND GUIDELINES

#### 5.1.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The proposed Concept Plan and Project Application satisfies the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act) as summarised below:

- It will encourage the efficient and economic use of existing urban land, contributing to meeting local and subregional housing targets and providing for economic and employment growth.
- Incorporates the provision of communal open space areas for use of residents and visitors and land for a public plaza.
- The site will integrate residential development with the existing Penrith Park public area and adjacent public entertainment facilities.
- The development will incorporate ecologically sustainable initiatives during design, construction and operation.
- The residential buildings will be able to accommodate housing types and sizes that can be made available at an affordable price point which meets the needs of the local market.
- Ongoing public involvement and participation in the planning process through the consultation undertaken by the proponent and the formal public exhibition of the Concept Plan application by the Department of Planning and Infrastructure.

Further, the Concept Plan and Project Application and the joint Environmental Assessment report have been prepared in accordance with the provisions of Part 3A of the EP&A Act as outlined below:

- The Executive Director of Major Projects Assessment within the Department of Planning and Infrastructure, as a delegate of the Minister for Planning, authorised the preparation of a Concept Plan application on 7 July 2010.
- The Environmental Assessment has addressed each of the matters listed in the amended and consolidated Director-General's Environmental Assessment Requirements that were issued on 6 September 2012. A Draft Statement of Commitments for each of the Concept Plan and Project Application components has been provided with this report.
- It is acknowledged that consent will be required for any relevant works under Section 138 of the Roads Act 1993.

Section 75R of the EP&A Act provides a mechanism for which the Minister can be requested to make an order to incorporate the Concept Plan and Project Application uses under Schedule 1 'Additional permitted uses' under the Penrith City Centre LEP 2008.

The majority of the proposed uses are permissible under the current zoning with non-compliance relating mainly to the Masters Home Improvement Store. Accordingly, it is not considered necessary to incorporate the proposed uses in the LEP.

#### 5.1.2 NSW 2031 (NSW STATE PLAN)

NSW 2021 replaces the NSW State Plan as the government's ten year strategic business plan setting priorities for action and guiding resource allocation. The key objectives of NSW 2031 are to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability, and strengthen the local environment and communities.

The proposal is consistent the NSW 2031 priorities in the following ways:

- Incorporates a high level of pedestrian connectivity to nearby employment in Penrith City Centre.
- Provides for a diversity of housing types within close proximity to Penrith rail transport node.
- Improves overall connectivity within and throughout the site particularly between Centro Nepean and Jamison Road, to the benefit of existing and future residents.

NSW 2031 also sets a priority to improve housing affordability and availability by facilitating the delivery of 25,000 new dwellings in Sydney per year. The proposed development will result in the provision of 570 apartments which we will assist in meeting local and subregional dwelling targets.

NSW 2021 also recognises that there is a need to ensure competitive tension in the supply of land so there is a continuing flow of new properties to the market. The proposed staging of residential land in the Concept Plan allows for the release of residential development to the market in a sustainable manner and will assist in creating a competitive market through the provision of appropriate housing choice.

### 5.1.3 METROPOLITAN PLAN FOR SYDNEY 2036

The Metropolitan Plan for Sydney 2036 (Metropolitan Plan) addresses challenges for Sydney including long-term planning framework based on key strategic directions and policy settings.

Penrith was designated as a Regional City along with Parramatta and Liverpool which are identified as operating as the 'capital' of their regions and contain a range of services and activities. Penrith's strategic position as a western gateway to Sydney also offers important advantages including its proximity to the Nepean River, Blue Mountains and Penrith Lakes and key infrastructure assets.

Penrith designation as a Regional City is considered a long-term proposition in a city centre which currently provides 20,000 jobs, with a target of 31,000 by 2036. It is also a city well served by important transport links including the Western Rail Line, Great Western Highway, M7 and M4 Motorway and strategic bus corridors connecting to the Western Sydney Employment Area and other centres including St Marys.

As a Regional City, Penrith will provide a focus for innovative business environments, lifestyle and work opportunities based on the themes shared by Penrith Council and the Regional Cities Taskforce:

- A thriving business and commercial centre, offering quality office accommodation.
- A living centre.
- A safe, attractive, accessible centre.
- A social and culturally vibrant centre.

The future directions for Penrith are to promote a vibrant Regional City with a diverse employment base serving a growing residential catchment in the following ways:

- Increase private commercial investment in the CBD.
- Expand Penrith as an administrative centre.
- Improved liveability and linkages with the Nepean River.
- Implement the Regional Cities Taskforce: Penrith City Centre Plan.

The Concept Plan and Project Application is consistent with the Metropolitan Plan and the future directions for Penrith in the following ways:

- Provides mixed use development on underutilised land in the Penrith city centre area and would contribute to a vibrant and liveable city.
- Has the potential to introduce diverse housing within the precinct to promote housing choice and affordability creating inner city communities.
- Enables the concentration of a new precinct with residential development near to existing public transport links.
- Improves connectivity with surrounding lands including public open space, entertainment and sporting facilities along with the surrounding precincts of Jamison Town, South Penrith and Emu Plains.
- Provides a safe, attractive environment for residential development which is easily accessible.
- Is in close proximity to the main east - west transport links of the Great Western Highway and the M4 Motorway.
- Provides residential development in close proximity to the Nepean River creating a liveable precinct for residents.
- Provides a new home improvement offering to the market which will increase economic competition in the specialised home improvement field and consumer choice while attracting trade from surrounding areas.

Accordingly, the Concept Plan and Project Application will positively contribute to the Regional City of Penrith.

#### 5.1.4 DRAFT SUBREGIONAL STRATEGY FOR NORTH WEST SUBREGION

Penrith is nominated as a 'Regional City' in the Draft Subregional Strategy for the North West Subregion (draft Subregional Strategy). The draft Subregional Strategy forecasts the City Centre to achieve 30,000 jobs by 2031, an increase of 11,000 jobs (or 58%) from the 19,000 jobs targeted in 2001. It is also proposed to be a focus for new housing to create an active and vibrant city.

The Penrith Local Government Area (LGA) is scheduled to accommodate 25,000 of the 140,000 additional homes to be located within the North West subregion. The draft Subregional Strategy provides for 30-40% of new housing is to be located in release areas, while the balance is to comprise infill residential projects, such as the proposed redevelopment of the subject site. Penrith City Centre is proposed to accommodate 10,000 new dwellings, which equates to almost half of the residential growth forecast for the entire LGA.

The proposal is consistent with the provisions of the draft Subregional Strategy as it will provide high density residential development which will be achieved on an infill site located within walking distance of a sub-regional shopping centre, a more traditional shopping strip and high frequency public transport services. Further, the residential buildings will be able to accommodate housing types and sizes that can be made available at an affordable price point which meets the needs of the local market.

The proposed ground floor non-residential uses will accommodate retail and commercial activities to service the future local residents, as well as providing for an active streetscape with good natural surveillance.

Further consideration is given to the potential impacts of the non-residential component in the 'Strategic Context' assessment of the proposal in **Section 5.2.1** of this report.

### 5.1.5 SEPP 33 – HAZARDOUS AND OFFENSIVE DEVELOPMENT

*State Environmental Planning Policy No 33 – Hazardous and Offensive Development* (SEPP 33) requires development consent for hazardous or offensive development proposed to be carried out in the Western Division, and ensures that appropriate measures are implemented to reduce the impact of the development.

The definition of a “potentially hazardous industry” under clause 3 of SEPP 33 being:

*Would pose a significant risk in relation to the locality:*

- (a) to human health, life or property, or*
- (b) to the biophysical environment”*

In line with its hardware and building supply use, items such as chlorine and kerosene are to be sold in the proposed Home Improvement Store. These items are delivered in retail quantities and placed on the display shelves for sale. The proposal does not include processing and bulk quantity storage, transportation or distribution of dangerous goods and accordingly, each of the previous approvals for Masters Home Improvement Stores in NSW have not been deemed to be a ‘potentially hazardous industry’. Compliance with fire requirements as deemed under the Building Code of Australia will ensure that there is sufficient fire protection in the event of fire. Accordingly, the proposed development is not considered a potentially hazardous industry under SEPP 33.

### 5.1.6 SEPP 55 – REMEDIATION OF LAND

*State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) seeks to ensure remediation of contaminated land is undertaken to minimise the risk of harm to human health. Clause 7 of SEPP 55 requires that a consent authority must consider whether land is contaminated prior to issuing consent for development.

Geo-Logix was engaged to prepare an independent review of a Contamination Report prepared for the subject site in 2005 by Geotechnique and provide comment on the appropriateness of the site for the proposed development in respect of SEPP 55. A copy of the report is attached as **Appendix H**.

The key findings and recommendations of the Geo-Logix Report are provided below:

*The Geotechnique report is considered as valid today as it was back in 2005, as the limiting factor for completeness is the same as it is today; there has been no assessment under the buildings. Outside the building areas the land has been adequately assessed and as there has been no use of that land since 2005 one can conclude that land is suitable for the proposed development.*

*The risk of consequential contamination under the building footprint is considered to be low for the following reasons:*

- *The areas of operation, excluding the builders yard, are concrete sealed;*
- *Small business tenants since 2005 have not been industries that result in widespread contamination.*

*The information provided in the Geotechnique report in association with what is known of the tenancies post 2005 is considered sufficient to address contamination risk under SEPP 55. It is Geo-Logix opinion that the risk presented by unidentified contamination to be negligible and there is sufficient information to conclude the subject site will be suitable for the proposed mixed use development.*



The report states that the following environmental works will be necessary:

- Demolition of buildings and removal of concrete pads;
- Soil contamination testing for waste classification purposes as the proposed residential area (northern half) will require excavation 0.5 – 1m below current grade; and
- Offsite disposal of excavated soils.

A systematic soil sampling program is recommended to define small size localised hotspots of contamination in the areas of the former building structure and builder's storage yard. This testing will define the acceptability of the site soils under the existing structures for the proposed residential area.

An appropriate Statement of Commitment has been included in **Section 7** requiring the appropriate soil sampling for contamination in the areas under the current building pads to be undertaken prior to approval of the Project/Development Applications for individual stages.

### 5.1.7 SEPP 65 – DESIGN QUALITY OF RESIDENTIAL FLAT BUILDINGS

The Concept Plan application includes over four dwellings within buildings that are three storeys or more. As such, the provisions of *State Environmental Planning Policy No 65 – Design Quality of Residential Flat Buildings* (SEPP 65) apply to the proposal.

The project architect has prepared a SEPP 65 Statement outlining the way in which the Concept Plan application has addressed the ten design quality principles listed within SEPP 65. A high-level planning compliance assessment of the Concept Plan proposal has also been undertaken, taking into account the relevant provisions of the Residential Flat Design Code.

A copy of the compliance assessment in accordance with the Residential Flat Design Code and SEPP 65 Statement is provided in **Appendix I**.

### 5.1.8 SEPP (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

*State Environmental Planning Policy (Building Sustainability Index: BASIX)* (BASIX SEPP) aims to ensure that new residential development within New South Wales is designed and constructed to use less water and energy. This policy incorporates BASIX, which is a web-based planning tool for the assessment of the potential performance of a development against an agreed set of criteria for energy and water conservation.

The detailed design and construction of residential buildings will be the subject of future Development Applications for Stages 2 to Stage 5 of the Concept Plan. These applications will demonstrate compliance with the BASIX SEPP.

### 5.1.9 SEPP (INFRASTRUCTURE) 2007

*State Environmental Planning Policy (Infrastructure) 2007* (SEPP (Infrastructure)) aims to facilitate the efficient delivery of infrastructure across NSW. The relevant clauses of the SEPP applying to the Concept Plan application include:

- **Clause 45 – Determination of development applications—other development:**

A Development Application proposing works that are likely to affect an electricity transmission or distribution network (as listed in Clause 45(1)) requires consultation with the relevant electricity authority prior to the determination of the application to establish the likely safety risks.

The Project Application includes an electrical substation as part of the Masters Home Improvement Store. An appropriate Statement of Commitment has been included in **Section 7** requiring the relevant consultation with energy providers.

Further consultation at the relevant detailed design stages of the Project/Development Applications for Stages 2 – 6 will also be undertaken in accordance with SEPP (Infrastructure).

#### ▪ **Clause 104 – Traffic Generating Development:**

The proposed development includes over 300 dwellings and accordingly, the Concept Plan application will be referred to the NSW Roads and Maritime Services (RMS) for comment, taking into account accessibility, opportunity for multi-purpose trips, measures to reduce car reliance and potential traffic safety, road congestion or parking implications. As Jamison Road is a classified Road, the Project Application for the Masters Home Improvement Store also triggers a referral to RMS as it includes more than 2,500sqm of commercial uses.

Consultation will be undertaken with the RMS during the detailed preparation of the Concept Plan application stages to confirm the appropriateness of the proposed road layout and traffic impact analysis.

#### 5.1.10 DRAFT SEPP (COMPETITION)

The proposed state-wide planning policy seeks to remove artificial barriers on competition between retail businesses. The Draft SEPP (Competition) provides that the following restrictions in an environmental planning instrument or development control plan do not have effect:

- A restriction on the number of a particular type of retail premises in any commercial development or in any particular area; and
- A restriction on the proximity of a particular type of retail premises to other retail premises of that type.

The Draft SEPP (Competition) provides that the commercial viability of proposed retail, business and office premises and the impact on other commercial development is not a matter for consideration in the determination of applications. Accordingly, the commercial viability with relation to the Masters Home Improvement Store is not a planning consideration for determination of the Project Application or the neighbourhood shops proposed in Stage 3 of the Concept Plan particularly with context of the existing retail at Centro.

However, an Economic Impact Statement has been prepared in accordance with the DGRs to assess the potential economic impact of the proposed retail components on the Penrith City Centre and to assess the viability of alternative sites for the Masters Home Improvement Store. This is discussed further in **Section 5.2** and **Section 5.4**.

#### 5.1.11 PENRITH CITY CENTRE LEP 2008

The site is zoned R4 High Density Residential under the provisions of the Penrith City Centre Local Environmental Plan 2008 (the LEP). The relevant zone objectives are listed as follows:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage the provision of affordable housing.*

The range of permitted uses within the R4 zone includes:

*Boarding houses; Building identification signs; Business identification signs; Car parks (but only as required by this Plan or public car parking provided by or on behalf of the Council); Child care centres; Clearing native vegetation; Community facilities; Demolition; Drainage; Earthworks; Environmental protection works; Flood mitigation works; Group homes; Home-based child care or family day care homes; Home businesses; Hostels; Medical centres; Neighbourhood shops (with a gross floor area not exceeding 100m<sup>2</sup>); Places of public worship; Public utility undertakings; Pubs; Rainwater tanks; Recreation areas; Recreation facilities (indoor); Residential care facilities;*

*Residential flat buildings; Restaurants; Roads; Seniors housing; Serviced apartments; Swimming pools; Telecommunications facilities; Temporary structures; Utility installations*

The majority of the development is consistent with the land use objectives and is permitted with development consent in accordance with the provisions of the LEP. In particular, this includes the proposed residential flat buildings, ground floor neighbourhood shops/cafes, tavern, public plaza and other associated works.

The only exception is the proposed bulky goods, hardware and building supplies and garden centre which form the Masters Home Improvement Store. This is discussed further in **Section 5.1.14**.

The compliance of the development with each of the relevant matters listed within the LEP is provided below:

- **Clause 16: Subdivision – consent requirements** – Development consent is generally required for subdivision. The Project Application includes subdivision of the site into three separate lots as follows:
  - Proposed Lot 11 to accommodate the Masters Home Improvement Store site,
  - Proposed Lot 13 to accommodate the proposed road along the northern boundary of the Home Improvement Store and
  - Proposed Lot 12 to accommodate the remaining site area for Stages 2 - 6

A subdivision plan is provided in **Appendix D**.

- **Clause 21: Height of buildings** – The maximum height of buildings in the LEP is generally 20 metres across the site; with a portion of land in the south west that has a maximum height of 24 metres. The proposed development includes residential flat buildings up to eight storeys in height, which equates to a maximum height of approximately 29.5 metres, which does not comply with the LEP.
- **Clause 24: Floor space ratio** – The maximum floor space ratio for the site in the LEP is 2:1. The total proposed gross floor area in the Concept Plan and Project Application is 76,398sqm, comprising 13,603sqm bulky goods, 60,000sqm residential, 1,800sqm tavern and 995sqm retail/commercial uses. Based on the site area of 7.85 hectares, this equates to a total FSR of approximately 0.98:1, complying with the LEP.
- **Clause 25: Minimum building street frontage** – This clause relates to erection of a building on land zoned B3 Commercial Core or B4 Mixed Use. The subject site is zoned R4 High Density Residential and therefore this clause does not strictly apply. However, the site enjoys building frontages between 23 metres (tavern) and 67.5 metres (residential), which exceeds the minimum provisions of the LEP.
- **Clause 26: Design excellence** – The proposed development complies with the design excellence provisions as outlined below:
  - The future residential buildings will be designed to a high standard of architectural design, materials and detailing appropriate to the building type and location.
  - The proposed built form is entirely appropriate for the site, taking into account the site context, consistency with strategic planning policy, access to public transport and services and the positive benefits arising from the renewal, including provision of modern architecturally designed dwellings at an affordable price.
  - The form and external appearance of the proposed future residential buildings will be designed to improve the quality and amenity of the public domain. The proposal would enable the development of a mixed use development on a currently underutilised and largely vacant site. It would increase the role and presentation of the site in the city centre and improve the public domain. It would also complement the role of Penrith as a Regional City.

- The proposed development will not have any impact on view corridors as demonstrated by the view analysis that has been undertaken to address the DGRs. The buildings are typically orientated such that units face away from those in the opposite building. Each apartment will have a balcony of generous depth that has been located to maximise light and views, whilst considering privacy (refer to Section 5.6.3 of this report).
- The proposed development does not detrimentally impact on view corridors or impact on the land referred to in Clause 23 which relates to sun access. The proposal also meets the sunlight requirements under SEPP 65.
- The Masters Home Improvement Store specifically complies with Clause 26 in the following ways:
  - Maximises visual exposure to Jamison Road, while providing a design response sympathetic to the existing streetscape and the gateway location within the city centre.
  - Is designed to present varying textures, surface treatments and architectural elements employed to break up the façade (refer **Section 5.6.2**).
- The proposed development has addressed the requirements of the City Centre Development Control Plan (refer to **Appendix J**). The nature and extend of non-compliances are described further in **Section 5.1.14**.
- This Environmental Assessment addresses each of the following matters in detail:
  - (i) *the suitability of the land for development* (refer to **Section 5.2**)
  - (ii) *existing and proposed uses and use mix* (refer to **Section 5.1.10**)
  - (iii) *heritage issues and streetscape constraints* (refer to **Section 5.16** and **Section 5.6**)
  - (iv) *the relationship of the proposed building with other buildings (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form* (refer to **Section 5.6**)
  - (v) *bulk, massing and modulation of buildings* (refer to **Section 5.6**)
  - (vi) *street frontage heights* (refer to **Section 5.1.10**)
  - (vii) *environmental impacts such as sustainable design, overshadowing, wind and reflectivity* (refer to **Section 5.7**)
  - (viii) *the achievement of the principles of ecologically sustainable development* (refer to **Section 5.10**)
  - (ix) *pedestrian, cycle, vehicular and service access, circulation and requirements* (refer to **Section 5.9**)
  - (x) *the impact on, and any proposed improvements to, the public domain* (refer to **Section 5.14**)

An architectural design competition has not been held in relation to the proposed development as it was not required by the DGRs for the Concept Plan. Further, Clause 26(5) allows for the Director-General to certify in writing that the development is one for which an architectural design competition is not required. It is considered that each of the relevant matters has been addressed in detail by way of this Environmental Assessment.

- **Clause 27: Car parking** – The Concept Plan application includes the provision of car parking at the following rates:
  - Bulky goods: Approximately one space per 36sqm gross floor area.
  - Residential: Approximately one space per unit for residents and one space per 20 units for visitors.
  - Tavern: Approximately one space per 24.5sqm gross floor area.
  - Retail: Approximately one space per 100sqm gross floor area.

Car parking for the proposed neighbourhood shops and cafes will be accommodated within the local road network.

The LEP requires compliance with the car parking requirements provided in the DCP. The proposed residential car parking rates comply with the DCP requirements. The proposed bulky goods parking rates exceed those in the DCP. The parking rates for retail and the tavern are less than those provided in the DCP.

Proposed car parking provisions (including non-compliances with the DCP) are discussed further in **Section 5.9.1** and in the Traffic and Accessibility Study provided in **Appendix U**.

- **Clause 29: Building separation** – The LEP requires buildings to have separation distances consistent with the provisions of the DCP. The DCP requires minimum building setbacks and building separation from side and rear property boundaries of 3-6m for non-habitable rooms and 6-12m depending on the height of the building. A 0m setback is specified for non-residential uses.
  - A side/rear property boundary is created to the Centro site to the north. All residential development is setback at least 15.6m and therefore meets the requirements of this clause.
  - Side and rear setbacks will be created by the proposed three lot subdivision. Proposed lot 11 complies with the non-residential setbacks. Proposed Lot 12 has side boundary setbacks of 2m on Woodriff Street and 5m on Station Street. The compliance of the setback to Station Street will depend on the location of habitable and non-habitable rooms within the buildings which will be determined at later stages of the concept plan. While the setback to Woodriff Street forms a non-compliance with the DCP controls, the buildings are orientated away from the main street and therefore not anticipated to result in any amenity impacts on residents. This will be assessed further at detailed design stages of the residential buildings.
  - Proposed lot 13 forms the access road and therefore no rear and side setbacks apply.
- **Clause 30 – Ecologically sustainable development** – The LEP requires the consent authority to have regard to the principles of ecologically sustainable development (ESD) to be considered on a 'whole of building' approach, considering each of the following uses:
  - (a) *conserving energy and reducing carbon dioxide emissions,*
  - (b) *embodied energy in materials and building processes,*
  - (c) *building design and orientation,*
  - (d) *passive solar design and day lighting,*
  - (e) *natural ventilation,*
  - (f) *energy efficiency and conservation,*
  - (g) *water conservation and water reuse,*

- (h) waste minimisation and recycling,
- (i) reduction of car dependence,
- (j) potential for adaptive reuse.

An ESD report has been prepared by Cundall which considers the ESD provisions of the Concept Plan (refer **Appendix K**). A separate ESD Report has been prepared by Aecom relating to the Project Application (refer **Appendix L**) in accordance with the DGRs. These reports are discussed in detail within **Section 5.10** of this report.

- **Clause 32: Exceptions to development standards** – Clause 32 allows for the contravening of a development standard to allow an appropriate degree of flexibility to particular development which would achieve better outcomes. Clause 32 (3) states the following:

*(3) Consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

*(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*

*(b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

**Section 5.1.14** details the nature and extent of non-compliances which relate to height of buildings, car parking, building depth and bulk and open space. This section gives justification for the proposed variations which are considered to be entirely reasonable and can be fully justified, taking into account the key objectives for the Concept Plan and Project Application, the proximity of the site to public transport and local services and the level of residential amenity likely to be achieved in the future detailed design of the individual phases of the project.

- **Clause 37(2): Classified roads** – Consent is required for development on land that has a frontage to a classified road. Jamison Road, along the southern boundary of the site is a classified road which provides access to the Home Improvement Store. However, the development will not compromise the effective and ongoing operation and function of Jamison Road for the following reasons:
  - A secondary customer vehicular access is also provided via Station Street which will assist the safe, efficiency and ongoing operation of Jamison Road.
  - Vehicle access to the development is also provided from a new internal road network connecting to Station Street and Woodriff Street.
  - The intersections of Jamison, Station and Woodriff Streets will have appropriate capacity to cater for the traffic flows from the proposed development.
  - Service vehicles will also have access from the new road connection between Station Street and Woodriff Street and therefore will not enter or exit the site from Jamison Road.

Traffic generation and access to the site is discussed further in the Traffic and Accessibility Impact Study in **Appendix U**.

- **Clause 39: Preservation of trees or vegetation** – Development consent is required for the removal of prescribed vegetation. The Project Application site is largely clear of trees and vegetation. The majority of trees are located along the northern boundary and are proposed to be retained. Three trees are proposed to be removed to facilitate the construction of the proposed Masters Home Improvement Store.



- **Clause 40: Heritage conservation** – The potential heritage impacts of the proposed development on the listed heritage items at 146 Station Street (“Kentucky”) and 148 Station Street (Victorian house) have been assessed in detail. A Heritage Impact Statement has been prepared which provides a discussion relating to heritage conservation (refer **Appendix M**) and is discussed in **Section 5.16** of this report.
- **Schedule 1: Additional permitted uses** – This part of the LEP allows the following additional uses to be accommodated on the site:

*Business premises (excluding restricted premises)*

*Entertainment facility*

*Function centre*

*Hotel accommodation*

*Office premises*

*Retail premises (excluding restricted premises)*

Subject to the following conditions:

*Development must be located in the northern portion of the site, identified as Area A on the Design Principles Map applying to Precinct 2–Panasonic, contained in the City Centre Development Control Plan.*

*Development must be consistent with the design principles applying to that Precinct contained in that Plan.*

*The gross floor area of development for the purpose of business premises or office premises, or a combination of those uses, must not exceed 20,000m<sup>2</sup>.*

*The gross floor area of development for the purpose of entertainment facilities, hotel accommodation, a function centre, or a combination of those uses, must not exceed 20,000m<sup>2</sup>.*

*The gross floor area of development for the purpose of retail premises must not exceed 3,000m<sup>2</sup>.*

The additional permitted uses allow for up to 43,000sqm of non-residential development, in addition to the non-residential uses that are permitted under the R4 zone provisions. The development proposed within the Concept Plan application includes 16,398sqm of non-residential uses, including:

- Bulky goods, hardware and building supplies and garden centre – 13,603sqm
- Tavern: 1,800sqm
- Neighbourhood shops/cafes: 995sqm (indicative)

The Masters Home Improvement Store uses are also classed as retail uses and exceed the maximum 3000sqm of gross retail floor area. These retail uses and those proposed adjacent to the plaza are not located within Area A identified in the DCP Design Principles Map although the neighbourhood retail is in close proximity to Area A and Centro. The intent of Area A is to consolidate retail land uses with the existing Centro development. However, the Masters Home Improvement Store is speciality retail with bulky goods, hardware and building supplies and garden centre uses which differ from the more traditional retail forms in the Centro development. As a large floor plate retail use, the key corner site with primary frontage to Jamison Road and secondary frontages to Station Street and Woodriff Street is considered a more appropriate location for this use.

The location of the proposed bulky goods use is also considered appropriate as it will allow the high density residential development to be in closer proximity of the retail/commercial services and public transport, consistent with the City Centre Strategy.

Further consideration of the non-compliances identified in the above assessment is provided in **Section 5.1.14**.

#### 5.1.12 RELEVANT DEVELOPMENT CONTROL PLANS

While not required by the DGRs, the provisions of Penrith City Centre Development Control Plan 2007 have been considered in the assessment of the proposal.

A table summarising the compliance of the development with each of the DCP controls is provided as **Appendix J**. Further consideration of the identified non-compliances is provided in **Section 5.1.14** below.

#### 5.1.13 METROPOLITAN TRANSPORT PLAN 2010

The *Metropolitan Transport Plan 2010: Connecting the City of Cities: A Plan for Sydney's Future* (Metropolitan Transport Plan 2010) was prepared in 2010 and identified a 25-year vision for land use and transport infrastructure planning for the Sydney metropolitan area which included the following:

- A new Sydney Metropolitan Development Authority to work across State agencies, local government and the private sector to deliver new housing, infrastructure and investment in key centres and corridors.
- A commitment to build Parramatta as our second CBD, and recognition of its role as an essential transport interchange for Western Sydney.
- A partnership between the City of Sydney and the NSW Government to deliver integrated land use planning, infrastructure and funding in Central Sydney.

The Metropolitan Transport Plan 2010 has now been updated and incorporated into the *Metropolitan Plan for Sydney 2030*. It incorporates public feedback on the Metropolitan Transport Plan and the first five-yearly review of the Metropolitan Strategy to form a single, integrated Metropolitan Plan for Sydney 2036.

The Metropolitan Plan for Sydney is discussed further in **Section 5.1.3**.

#### 5.1.14 DEVELOPMENT NEAR RAIL CORRIDORS AND BUSY ROADS – INTERIM GUIDELINE

The Development near Rail Corridors and Busy Roads – Interim Guideline has been considered in the assessment of the potential acoustic impacts of local traffic noise.

A Noise Impact Assessment has been prepared by Acoustic Logic and provided in **Appendix N**. The Noise Impact Assessment concludes that as the development site is not located within 60m of a railway corridor no additional acoustic assessment of noise or vibration impact from passing trains is required.

The Noise Impact Assessment also concluded that noise associated with additional traffic movements will cause either no noise increase to existing roadways or would compliance with relevant noise criteria for increased traffic volumes on surrounding roadways. It would therefore not adversely impact on the acoustic amenity of surrounding residential receivers.

#### 5.1.15 NATURE AND EXTENT OF ANY NON-COMPLIANCES

Each of the proposed non-compliances is considered entirely reasonable and can be fully justified, taking into account the key objectives for the Concept Plan and Project Application, the proximity of the site to public transport and local services and the level of residential amenity likely to be achieved in the future detailed design of the individual phases of the project. Each of these is discussed in greater detail below:



## **Permitted uses**

The majority of the development is consistent with the land use objectives and is permitted with development consent in accordance with the provisions of the LEP including the residential, tavern and retail components of the Concept Plan. The only exception is the proposed bulky goods, hardware and building supplies and garden centre.

The proposed use is considered appropriate for the site, having regard to the following:

- Local housing targets will still be met, with other developments within close proximity of this site (e.g. Penrith Panthers) delivering additional housing which was not envisaged within the City Centre Strategy.
- The high density residential development is located to the north of the site in close proximity of the retail/commercial services and public transport, consistent with the City Centre Strategy.
- The proposed use will service the existing and growing local residential population through the supply of home improvement goods.
- The bulky goods, hardware and building supplies and garden centre uses are in close proximity of other similar existing uses to the south of the site within the IN2 Light Industrial zone.
- The site is located on the north western corner of Jamison Road and Woodriff Street, which are both major connector routes in the region, providing the site with excellent accessibility.
- The site is situated within a well-known retail precinct in the region, opposite the Centro Nepean sub regional shopping centre. Hence the proposed Masters store will benefit from the substantial exposure to customer flows already benefiting the locality.
- The site benefits being a high profile location fronting Jamison road, a major connector road running north west through the area.
- The site benefits from multi directional access due to the site fronting roundabouts at the two major intersections fronting the site.

## **Height of buildings**

The LEP provided maximum height limits across the site of 20 metres; with a portion of land in the south west that has a maximum height of 24 metres. The proposed development includes residential flat buildings up to eight storeys in height, which equates a maximum height of approximately 29.5 metres.

An Architectural Statement which includes an assessment of the proposed built form is provided in **Appendix I**. The proposed non-compliance with the height limit is considered appropriate on the site for the following reasons:

- The heights are between four, five, six and eight storeys to provide a varied and animated skyline. The lower buildings are generally to the perimeter of the site to respond to the existing one, two, three and four storey existing context. The taller buildings face onto the new public plaza in response to the civic nature of the space.
- The buildings to the perimeter of the proposal on this side of the site are four storeys in height, which is 17m high relative to the street level. This provides a proportion of space that is a minimum 2:1 (width:height), which will provide acceptable privacy and solar access.
- The building arrangement prevents overshadowing.

## **Car parking**

The LEP requires that car parking spaces are provided in accordance with the DCP. **Table 2** below provides a comparison of the proposed parking rates and the DCP controls:

TABLE 2 – PROPOSED PARKING RATES

PROPOSED PARKING RATE	DCP CONTROL	COMPLIANCE
<b>Residential</b> <ul style="list-style-type: none"> <li>Tenant – 1 space per unit</li> <li>Visitor – 1 space per 20 units</li> </ul>	<b>Residential</b> <ul style="list-style-type: none"> <li>Tenant – 1 space per unit</li> <li>Visitor - 1 space per 20 units</li> </ul>	Yes
<b>Bulky Goods</b> – 1 space per 36sqm GFA	<b>Bulky Goods</b> – 1 per 50sqm GFA	No Exceeds parking rate
<b>Retail</b> – 1 space /100sqm GFA	<b>Shop</b> – 1 per 26sqm net retail	No Reduced parking rate
<b>Tavern</b> – 1 space per 24.5sqm GFA	<b>Licensed hotels</b> – 1 per 3.5sqm of bar floor area	No Reduced parking rate

The parking rates for residential development comply with the requirements of the DCP and will be provided in basement car parking areas associated with each residential building.

The parking rates proposed for bulky goods, retail and tavern development do not comply with the provisions of the DCP. The proposed rates are considered acceptable for the following reasons:

- The Traffic Report supports the overall parking rates concluding that:
  - Parking provision for the proposed Masters store and the overall development is considered appropriate.*
  - A travel access guide will be prepared for the site to encourage travel modes other than private vehicle and to meet the needs of the future residents and visitors.*
- The DCP does not include a specific parking rate for Home Improvement Stores such as Masters. The proposed parking rates are based on recent surveys of parking demands for Home Improvement Stores undertaken by the RMS. Given the car based nature of the development, the proposed parking rates are considered appropriate.
- The car parking for retail development is provided at a reduced rate compared to the DCP. However, car parking for the proposed neighbourhood shops and cafes will be accommodated within the local road network, which is considered to be entirely appropriate having regard to the number of on-street car parking spaces and the anticipated number of patrons who would walk to these facilities.
- Surveys have been carried out at a number of clubs and taverns which show that parking demand of one space per 10-15sqm is more appropriate and that given the sites location in the Penrith town centre, the proposed rate is considered appropriate.

The proposed parking provisions are discussed further in **Section 5.9**.

### **Building depth and bulk**

The Concept Plan has the following non-compliances in relation to DCP building depth and bulk requirements:

- The DCP requires maximum floorplates of 750sqm. The proposed residential floorplate size (including balconies) is generally a maximum of 1,300sqm. In Stage 3, the proposed building adjacent to the plaza has a floorplate of 1,700sqm. While the floor plate and building depth are in excess of the DCP provisions, the depth of the buildings has been assessed as meeting the requirements of the Residential Flat Design Code. The residential development is designed with large floor plates and a

built form and urban design that reinforce the street network and are considered appropriate in this city centre location. The proposed built form is discussed further in **Section 5.6**.

- The DCP requires building depths of 18m above 12m. The proposed depths are 21.5m from balcony face to balcony face and between 12m to 19m glass to glass. The Residential Flat Design Code requires a depth of building 10-18m (glass-to-glass) wide. The proposed buildings generally comply with this requirement and the building depths are considered appropriate in terms of day lighting and natural ventilation as discussed in **Section 5.7**.
- The DCP requires that no building above 24m in height has a building length in excess of 50m. Two of the proposed building are above 24m and have a building length in excess of 50m up to a maximum of 67.5m. This is appropriate in context of the proposed height of residential buildings. The proposed buildings allow for appropriate residential amenity in accordance with SEPP65 and have been assessed against CPTED principles (refer **Appendix O**). Accordingly, the proposed building lengths are considered appropriate.

### **Open space**

The DCP requires that a public open space area of 2.53 hectares to be provided based on the proposed 570 apartments and dwelling rate of 2.7 persons per dwelling. Public open space is proposed provided in the form of a public plaza adjacent to the future tavern with a total area of 2,300sqm.

The land to the west and north west of the site comprises a variety of sporting and recreational activities including Penrith Showground, Penrith Stadium, Penrith Park and Howell Oval which will be utilised by future residents. Jamison Park is also located to the south east on the opposite side of Jamison Road and Judges Park is located to the north of the site. Given the abundance of open space for passive and active recreation in the vicinity of the site, the DCP control for 2.53h is not considered to be justified in the circumstances.

The proposed communal and public open space for future residents exceeds the Residential Flat Design Code requirements at approximately 58% of the site. This will be developed further as part of the detailed design as part of the individual stages of the Concept Plan.

The provision of open space will be addressed as future stages of the Concept Plan and detailed designs progressed. A Voluntary Planning Agreement may be entered into at future stages of the Concept Plan to address open space requirements and relevant contributions.

## **5.2 STRATEGIC CONTEXT**

This section of the report addresses the strategic context and economic matters raised in the amended and consolidated DGRs issued on 6 September 2012. Each of the identified issues is addressed in the sub-sections below.

### **5.2.1 PROPOSED RETAIL FLOOR SPACE**

An Economic Impact Analysis has been prepared by Urbis (refer **Appendix P**) which assesses the economic impacts of the proposed Masters Home Improvement Store as well as the potential impacts of the neighbourhood shops at the ground floor of the residential buildings in accordance with the requirements of the amended and consolidated DGRs.

The analysis includes an examination of the following key factors which influence the impact of proposed retail:

- **The Market:**
  - Identification of the main Trade Area including the primary and secondary trade areas.

The Primary trade area includes Penrith and surrounding suburbs as far as Castlereagh in the north, Glenmore Park and Wallacia to the south, Cambridge Park to the east and Emu Plains to the west. All of these suburbs are within 20 minutes' drive time of the subject site.

The Secondary Trade Area comprising a Secondary West Trade Area which extends into the Blue Mountains LGA as far as Springwood. A Secondary East Trade Area covers the Claremont Meadows, Werrington, St Mary's release area to the North of the Western Motorway and the predominantly rural residential lands south of the Western Motorway as far as Luddenham and Twin Creeks.

- Trade area population growth – Analysis of the population shows strong growth is expected across the main Trade Area.
- Demographic characteristics – Based on demographic characteristics including household income, ownership and formation, the main Trade Area contains many of the drivers that support home improvement spending.
- **Trade area and household expenditure:** The household 'home improvement' spending market is estimated at \$217 million in 2012. By 2015, home improvement spending in the Main Trade Area is forecast to increase to \$239.7 million, reflecting average annual growth of 3.4% per annum and a net increase of \$22.7m. The total home improvement market available is estimated at \$339.7 in 2015, including \$100m by the non-household, trades sector market.
- **Existing retail provision** – An assessment of retail provision including relevant home improvement and homemaker precinct in and beyond the Main Trade area, bulky goods and retail centres including Penrith CBD.

An impact analysis of the proposed Masters development shows that the introduction of a new large format home improvement competitor into the market at 2014 will have some trading impacts on home improvement precincts competing within the same markets.

The proposed Masters Home Improvement Store is expected to generate \$35 million of turnover from this trade area market, of which 20% (\$8m) is expected to be drawn from the Trades Sector. The total impact on competing precincts within the vicinity of the MTA is \$20.6m. The average impact of the development on the turnover of competing precincts will be around 1.9% relative to what stores would have achieved in 2015.

This Economic Impact Assessment concludes the following:

- There is ongoing growth within home improvement retail spending market in the Main Trade Area;
- There is sufficient capacity and demand to accommodate a new Masters store at Nepean Green in 2015, which could be expected to achieve sales of around \$35m in its first year of trading.
- The development of a Home Improvement Store should not affect the ongoing viability of existing home improvement precincts. All forecast impacts are expected to be within a manageable range.
- The proposed development is expected to provide positive employment impacts both locally and in the broader economy. Masters have indicated that they expect around 180 direct jobs per store will be created during construction as well as 130-150 operational jobs per store.

Comparison of the proposed scheme with the Council approved Masterplan is provided in **Section 5.6**.

## 5.2.2 JUSTIFICATION FOR STAGING OF RESIDENTIAL

The Penrith Local Government Area (LGA) is scheduled to accommodate 25,000 of the 140,000 additional homes to be located within the North West subregion. The Draft Strategy provides for 30-40% of new housing is to be located in release areas, while the balance is to comprise infill residential projects.

Consistent with the approved 2008 Masterplan scheme, no residential use is proposed in the first stages of the Concept Plan. The first stage of non-residential will provide capital to fund the future residential stages. Residential development is proposed to be provided at Stage 2 which allows permanent residents to be living in the precinct in the early stages of the precinct development. The Concept Plan consists of 6 stages compared to the previous 10 stages which are anticipated to allow the site development to be finished in a shorter timeframe.

Part of the site is to be occupied by the proposed bulky goods use reducing the theoretical potential number of dwellings. Penrith City Council recently approved a Planning Proposal at its Policy Committee meeting on 19 March 2012 for Penrith Panthers to undertake a 50 hectare redevelopment of part of their site on Mulgoa Road. This proposal includes the delivery of medium and high density residential development, with a maximum height of 20 metres and a total gross floor area of approximately 84,000sqm. It is considered that this additional housing at the Penrith Panthers site will offset any potential loss in housing arising from the proposed bulky goods use at this site, enabling the local housing targets to be achieved.

A Residential Market Analysis has been prepared by Urbis to assess the implications of the proposed residential component of the Concept Plan (refer **Appendix Q**).

### 5.2.3 CONSIDERATION OF ALTERNATIVE RETAIL SITES

The proposed Masters Home Improvement Store presents a market niche which is not otherwise available in the Home Improvement sector. The key factors determining the availability and appropriateness of sites for a Masters development are:

- The permissibility of the proposed use within the Penrith LGA;
- The availability of suitably zoned alternative sites within with Penrith LGA; and
- Opportunities for development in adjoining LGAs having regard to Masters roll-out strategy.

Masters also have key site and locational requirements which detailed below.

#### **Locational Requirements**

- The proposed retail format would service a wide catchment in a Regional City. As such, site accessibility, visibility and private vehicle access are critical ingredients to its success. In respect to vehicle access, multi-directional access is desirable in order to allow convenient access for customers from all directions.
- Land within the close proximity to Penrith CBD and the Penrith Bulky Goods / Homemaker precinct, as this is the preferred location for Masters.

#### **Site Size**

- Masters Home Improvement Stores are required to accommodate the home improvement building, car parking and access, loading and landscaping. The proposed format will also require on-site parking at a rate of approximately 1 car space per 36sqm of floor area.
- The net result is that a preferred site area between 3 - 4 hectares is generally required to support the proposed format in a regional area.

Appropriately zoned sites with consideration to the above factors have been identified in the Economic Impact Assessment prepared by Urbis and provided in **Appendix P**. Two sites were considered as follows:

- Sites within Blakie Road to the South and sites to the north at the intersection of St Andrews Road and Mulgoa Road however none of those sites have the attributes required for a Masters Home Improvement Store.
- Westbus site on Mulgoa Road, this site does not benefit from Multi directional access with left in, left out traffic movements permitted. The site has a number of environmental issues, due to its previous uses that need to be addressed.

The Economic Impact Assessment states the following in relation to the viability of alternative sites for the Masters Home Improvement Store:

*Beyond that, there are no suitably sized sites within the North Penrith Bulky Goods / Homemaker Precinct and no suitably sized sites elsewhere within the Penrith CBD. We are unaware of any immediate prospect of being able amalgamate a 3-4 hectare site within Penrith CBD to accommodate a Masters store, and from a planning perspective retaining fine-grain green Main Street retailing in the core CBD would be a preferable outcome.*

*Whilst both of these sites could be suitable in terms of availability of land, neither are without their problems, principally in terms of accessibility and visibility and the Nepean Green site offers superior outcomes in this respect.*

*From an economic impact perspective, given that the Nepean Green site is close to both of these sites, we are of the opinion that the competitive impacts of a Masters development as described in Table 14, would be very similar whether the store be constructed at Nepean Green or on either of the other two sites. This is due to the fact that competition with individual "Hardware and Garden" and "Home Improvement" retailers which are most likely to be directly competitive would be unchanged in either scenario.*

The subject site is considered to be the most appropriate location to accommodate the Masters given the following considerations:

- The main trade area population is currently estimated at 156,960 persons, and is projected to increase to 170,680 persons by 2021, reflecting an average annual growth rate of 0.7%-0.8%.
- The main trade area population largely comprises couples with dependent children, earning incomes generally lower than the Sydney metropolitan benchmark. However, in comparison to Australian benchmarks, these residents spend more per household on HCHG and whitegoods.
- The site is located on the north western corner of Jamison Road and Woodriff Street, which are both major connector routes in the region, providing the site with excellent accessibility.
- The site is situated within a well-known retail precinct in the region, opposite the Centro Nepean sub regional shopping centre. Hence the proposed Masters Home Improvement Store will benefit from the substantial exposure to customer flows already benefiting the locality.
- The site benefits being a high profile location fronting Jamison road, a major connector road running north west through the area.
- The site benefits from multi directional access due to the site fronting roundabouts at the two major intersections fronting the site.

### 5.3 NET COMMUNITY BENEFIT

The NSW Draft Centres Policy (April 2009) sets out the fundamental aims and principles to guide the formulation of regional and local planning strategies and the consideration of new development proposals. It establishes key principles that form a state-wide policy context for the preparation of regional and subregional strategies and LEPs and assists in determining the best location for new development such as the proposed residential and retail proposal.

The aims of the draft Policy are to:

- Promote a network of activity centres that cater for the needs of business and places where people want to live, work, learn, play and visit;
- Provide sufficient flexibility within the planning system so that it can accommodate demand for a broad range of uses to help encourage investment and facilitate competition; and
- Provide guidance on how to manage broad scale expansion of dynamic business sectors.



The site is located within Penrith City Centre (and Regional City) and the future use for residential development is consistent with the preferred approach of the NSW Draft Centres Policy by providing areas for people to live and work and by locating commercial development in activity centres.

The majority of the development is permitted with development consent in accordance with the provisions of the LEP. The exception to this includes the proposed residential flat buildings, ground floor neighbourhood shops/cafes, tavern, public plaza and associated works. The only exception is the proposed bulky goods, hardware and building supplies and garden centre which are not permissible under the provisions of the LEP. This is discussed further in **Section 5.1.14**.

As the Concept Plan includes uses which are prohibited under the LEP, **Table 3** addresses the evaluation criteria for conducting a “net community benefit test” within the NSW Draft Centres Policy which are used as guidelines for preparing Planning Proposals.

TABLE 3 – ASSESSMENT OF NET COMMUNITY BENEFIT

EVALUATION CRITERIA	Y/N	COMMENT
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Y	The proposal is consistent with key elements of the Metropolitan Strategy for Sydney 2036 and the <i>Draft North West Subregional Strategy</i> as discussed in <b>Sections 5.1.3</b> and <b>Section 5.1.4</b> .
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Y	The <i>Metropolitan Strategy for Sydney 2036</i> nominates Penrith as a Regional City.  The proposed Project and Concept Plan application will provide appropriate residential and retail development which encourages the efficient and economic use of existing urban land in the city centre. This will contribute to meeting local and subregional housing targets, while complementing Penrith’s status as a Regional City.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	N	The proposed Concept Plan is unlikely to create a precedent or change the expectations as a high density residential zoned site as its location provides a unique opportunity to deliver a residential development and modern format retail development which are considered appropriate in the city centre location.  The proposal would also include diverse housing within the precinct to promote appropriate housing choice and affordability to create inner city communities.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y	The Penrith Panthers Planning Proposal to provide an entertainment, lifestyle and leisure precinct has been lodged with Penrith City Council which includes general and specialised retail.  This proposal includes the delivery of medium and high density residential development. This additional housing at the Penrith Panthers site has the potential to offset any potential loss in housing arising from the proposed bulky goods use at this site, enabling the local housing targets to be achieved.

EVALUATION CRITERIA	Y/N	COMMENT
		<p>Accordingly there will not be any cumulative effects in the locality.</p> <p>The proposed development includes the Masters specialist retail which is limited to uses which are not proposed on the Panthers site. Accordingly, no conflict will result from the retail uses proposed on the two sites. The additional small amount of neighbourhood retail will only cater for residents in the precinct.</p>
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	N	<p>The proposed development will not result in the loss of any employment lands. The site is zoned R4 High Density Residential and will accommodate predominantly residential and retail uses.</p> <p>The proposed Project Application for the Masters Home Improvement Store is anticipated to have a positive impact on the ability of the site to generate employment. It will generate employment for approximately 130-150 employees full time, part time and casual).</p> <p>In addition, the project will generate approximately 180 jobs during construction. Importantly many of the ongoing and construction jobs will be filled by people in Penrith and the north west subregion which will be beneficial to the local economy.</p> <p>It is anticipated that the Home Improvement Store will attract further investment and assist in contributing to the profile of the city centre area.</p>
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	Y	<p>The proposed residential development will assist in meeting the housing targets in the North West Subregion.</p> <p>The Concept Plan provides mixed use development on underutilised land in the Penrith city centre area. The proposal would include diverse housing within the precinct to promote housing affordability and diverse communities near public transport.</p> <p>As previously discussed, it is anticipated that there will not be any substantial loss on the supply of residential land as housing is anticipated to be provided on additional sites nearby (e.g. Penrith Panthers site) that were not previously forecast to accommodate residential development.</p>
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure	Y	<p>The site is located in close proximity to public transport including Penrith Railway Station, regular local bus services including links to the interchange at the railway station and bicycles route along Station Street.</p>



EVALUATION CRITERIA	Y/N	COMMENT
capacity to support future transport?		<p>Accordingly, the proposed development has excellent access to existing public transport services which is capable of serving the site.</p> <p>The proposed internal roads will provide an appropriate layout which will provide good access for vehicles, pedestrians, cyclists and service vehicles.</p>
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	N	<p>The site is located in close proximity to public transport. Bicycle parking and pedestrian connections are included in the proposed development.</p> <p>The Economic Impact Assessment concludes that the proposed Home Improvement Store will reduce travel times for Penrith residents and trades workers seeking to access a range of home improvement products and services.</p> <p>Additionally, a Travel Access Guide will also be prepared to encourage transport modes other than private vehicles.</p> <p>The scale of the development is unlikely to generate any perceived Greenhouse Gas impacts</p>
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	N	<p>The necessary infrastructure upgrades are proposed to meet the needs of the development at each stage of development. It will not require further government investment in public infrastructure.</p> <p>The cost of proposed intersection upgrades related to the Project Application will be borne by the developer.</p>
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	N	<p>The site is prone to localised flooding in large storm events. The proposed stormwater infrastructure will result in an improved situation with regard to flooding issues which will be managed onsite. The proposed stormwater infrastructure is discussed further in <b>Section 5.15</b>.</p> <p>The site does not contain land of high biodiversity or any other environmental constraints.</p>
Will the LEP be compatible/complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Y	<p>The proposal would enable the development of a mixed use development on a currently underutilised and largely vacant site. It would increase the role and presentation of the site in the city centre and improve the public domain. It would also complement the role of the Regional City.</p> <p>The development would be compatible with surrounding land uses with consideration of amenity and design. Environmental and residential amenity is discussed further in <b>Section 5.7</b>.</p>

EVALUATION CRITERIA	Y/N	COMMENT
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Y	<p>An Economic Impact Assessment has been prepared by Urbis and is provided in <b>Appendix P</b>.</p> <p>The Economic Impact Assessment concludes that the Home Improvement Store will result in increased competition within the home improvement sector with greater choice and price savings for consumers.</p>
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N	<p>The site is on the southern boundary of the existing Penrith City Centre precinct. It is also adjacent to the entertainment precinct including Penrith Panthers and Leagues Club to the west and low density residential properties to the south and east.</p> <p>Accordingly, the site is located within an existing centre and surrounded by established existing uses.</p>
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	-	<p>The Concept Plan for residential development and neighbourhood shops will enable people to living in Penrith City Centre and access existing and proposed retail services and transport which is in close proximity to the site.</p> <p>The Masters Home Improvement Store will improve competition and diversity of home improvement products which will lead to better prices and services to customers.</p> <p>Additionally, it will generate approximately 130 to 150 staff (full time, part time and casual). Each store will generate approximately 377 employment multipliers (including 186 direct jobs per store during construction).</p> <p>If the proposal was not progressed, the site which is in a prime location in an identified city centre and Regional City, would remain vacant and underutilised.</p> <p>It is unlikely that this opportunity would be available from a national tenant to allow the site to be developed providing the community benefits stated above. The Masters Home Improvement Store will allow development to commence in the immediate future.</p>

## 5.4 ECONOMIC IMPACT ASSESSMENT

The proposed retail floor space has been assessed in the Economic Impact Statement (refer **Appendix P**) and is discussed in **Section 5.2.1**.

Penrith CBD has been considered in this economic analysis of the existing retail centres within the identified Trade Area. The impact on the CBD has been included in the impact assessment; however impacts within the CBD will tend to be directed to stores which trade within the 'home improvements' market. This would include a component of Department Store and Discount Department Store trade as well as a limited number of specialty retailers.

The developer does not wish to provide retailing that would directly compete with Centro Nepean or other established shopping centres. The Economic Impact Assessment concludes that given the limited scale of ancillary retailing it will not have any significant impacts on existing shopping centres within Penrith, including Penrith CBD.

Benefits associated with the proposed development include:

- Increased competition within the home improvement sector which should result in greater choice and price savings for customers;
- Reduced travel times for Penrith residents and trades workers seeking to access a range of home improvement products and services and, accordingly, potential vehicle emission savings (particularly from trades vehicles) by minimising the need for customers to travel greater distances to make purchases; and
- Increased expenditure retention within the Main Trade Area reducing the amount of expenditure that is leaked to other LGAs.

Compliance with the State and regional strategies for the locality are discussed further in **Section 5.1.2**, **Section 5.1.3** and **Section 5.1.4**.

The impacts of potential retail development at the Penrith Panthers site has not been assessed in the Economic Impact Assessment as the potential timing, scale and nature of development is uncertain. It is noted that if the Panthers scheme were to proceed with factory outlet retailing, it have a broad trade area with a focus on apparel sales. As such it would not compete directly with the proposed Masters Home Improvement store in the 'Home Improvement' market segment.

## 5.5 RESIDENTIAL DENSITIES AND HOUSING SUPPLY

The Concept Plan comprise a high level of density which would be anticipated in an urbanised city. The proposed development provides residential development on underutilised land in the Penrith city centre area. The Concept Plan comprises approximately 570 units across 12 residential buildings varying in height from four to eight storeys. The built form represents an appropriate transition from the existing residential development to the south (up to 4.5 storeys) and the existing residential development to the east. While the maximum height of the residential buildings is above the height control in the LEP, the intent of the high density residential zoning is reflected in the built form design.

The Penrith Local Government Area (LGA) is scheduled to accommodate 25,000 of the 140,000 additional homes to be located within the North West subregion. The Draft Strategy provides for 30-40 percent of new housing is to be located in release areas, while the balance is to comprise infill residential projects. Penrith City Centre is proposed to accommodate 10,000 new dwellings, which equates to almost half of the residential growth forecast for the entire LGA. The Concept Plan is consistent with the North West Subregional Strategy by providing housing opportunities to assist in meeting regional targets and utilising a city infill site.

The proposal would include an appropriate housing mix within the precinct to promote housing affordability and diverse communities near public transport. The scheme provides the opportunity for a range of unit typologies and sizes that would appeal to different price points. A range of unit sizes will enhance housing diversity and affordability in the locality including adaptable housing, to cater for the full life cycle of tenants and enabling people to age in place without the need for specialised aged

accommodation. One and two bedroom units will cater for young professional single persons or couples as well as older 'empty nesters'.

At this stage, it is envisaged that one (approximately 18 units) and two bedroom apartments (approximately 552 units) will be provided in the residential development. The unit mix and sizes will be further determined to meet market requirements at the point of preparing individual detailed DAs for each stage of the Concept Plan.

A Residential Market Analysis have been prepared by Urbis and provided in **Appendix Q**. The report assesses the implications of the proposed residential yields on housing supply in the Penrith LGA.

The Residential Market Analysis states the following key points:

- Population forecasts and thus dwelling requirements are considered to have been over estimated within the past 5 year period.
- The Draft Penrith Urban Strategy, Metropolitan Plan and Metropolitan Development Program are key policies prepared by Local and State Government to assist in both quantifying the volume of future dwelling stock required and facilitate development throughout the region. As a result of the shortfall in development completions, a higher amount of development capacity remains in Penrith LGA than was anticipated by both Local and State Government in their respective policies.
- There are considered to be other market related considerations (modest capital growth, inactivity by developers etc) which has impacted on the volume of dwelling completions over the past 5 years however the primary outcome is additional capacity for 2,931 dwellings.
- Combining the total dwelling capacity stated under the Urban Strategy with the additional capacity of 2,931 dwellings identified, there is total capacity for 14,835 dwellings over the next 10 years (5,575 dwellings above the Metro Strategy target).
- With specific regard to the subject proposal, the dwelling yield has been reduced from 1,100 to 570 dwellings. This reflects a reduction of 530 dwellings. As total dwelling capacity within Penrith LGA exceeds the required number of dwellings over the next 10 years by 5,575, the impact of reducing the yield of the subject proposal is considered to be negligible.
- An average of 470 medium density dwellings are proposed for completion annually over the next 5 years (including the revised subject yield) which accounts for just over 50.1% of the State Government dwelling target of 926 dwellings per annum. This is well above the 42% medium density number identified within the Urban Strategy. In addition, it is anticipated that more apartment building developments will be proposed over coming years further increasing the overall percentage of medium density dwellings.

Accordingly, a reduction in the residential development yield of the subject proposal is not considered to limit or impact on the provision of future dwelling supply in Penrith LGA.

## 5.6 BUILT FORM AND URBAN DESIGN

This section of the report addresses the built form and urban design matters raised in the amended and consolidated DGRs issued on 6 September 2012. Each of these matters is addressed in the following sections of the Environmental Assessment.

### 5.6.1 CONCEPT PLAN

A comprehensive package of architectural documentation has been prepared in support of the Concept Plan application and to demonstrate the appropriateness of the proposed built form and design. However, the detailed design phase for the future Project/Development Applications will confirm internal layouts which can be achieved and the final number and mix of dwellings.

The height, bulk and scale of the proposed development have been assessed in detail in the planning compliance assessment and justification in **Section 5.1.14**, **Section 5.7**, **Appendix J** and **Appendix I**.

Options for the siting and layout of the building envelopes are provided in **Appendix F**. Overall, it is considered that the proposed built form is entirely appropriate for the site, taking into account the site context, consistency with strategic planning policy, access to public transport and services and the positive benefits arising from the renewal, including provision of modern architecturally designed dwellings at an affordable price.

A side and rear property boundary is created to the Centro site to the north. All residential development is setback at least 15.6m which enables appropriate residential and environmental amenity.

An integrated approach was undertaken with regard to the development of the indicative built form and associated landscaping treatment. The establishment of attractive landscaped public spaces will create a useable public domain which links the new development to the surrounding streets (refer **Appendix R**). The provision of a range of uses and integration between the retail and residential components of the development will create a vibrant neighbourhood focal point that caters to a broad spectrum of the community.

The proposed landscaping to the edge of the new Masters Home Improvement Store will have a 3.5m densely landscaped buffer, a new access road of 8.5m, a landscape and pedestrian path of 3.7m and further 2m setback which will provide appropriate amenity and integration with future residential development.

The Concept Plan provides for a new pedestrian circulation network which will enhance the existing public pedestrian walkways along Station Street and Woodriff Street as follows:

- Cross site footpaths are provided along the new access roads and link with the existing main roads and provide north to south through site links.
- Internal access paths also provide links between individual residential buildings and the new access roads.
- The future plaza area will also provide access into the site.

The proposed site links will enable ease of access to the main roads and surrounding site uses such as Penrith Station and Centro.

The location and orientation of the proposed building forms have been considered in relation to the existing Centro development to the north and the proposed Masters home improvement store to the south. The primary outlook to all but a handful of units is away from these aspects. To the south, the slender building forms deliver living room aspects away to the north. Detailed design of the residential components will consider further appropriate privacy and acoustic treatment of the built form.

The Concept Plan proposes building envelopes and heights which reflect the building densities and urban form expected of a highly accessible urban centre. The built form design incorporates the following key design features:

- The new streets network will both provide new pedestrian routes as well as giving scale to the overall site. All streets include tree planting, verges and landscaped setbacks.
- Residential buildings are four to eight storeys in height and are arranged to give a varied skyline and to prevent overshadowing. The lower buildings are generally at the perimeter of the site to provide a transition to the surrounding land uses.
- The massing and orientation of residential buildings have been organised so as to provide good natural daylight and solar access into the primary living spaces, external living areas and courtyards.
- The tavern and retail uses will provide for active uses to the new Plaza.
- The alignment, scale, articulation and separation of all building envelopes work together to reinforce streetscape, create perceptible urban spaces and bestow a variety of urban experiences.

- Appropriate building separations and setbacks have been applied throughout the master plan and all building envelopes are aligned and scaled to reinforce streetscapes and the public domain.
- The Concept Plan advocates activation of the site along Station Street at the retail plaza and tavern, good passive surveillance in residential areas, good legibility and strong amenity for a diverse demographic that will access and use the development. This is discussed further in the CPTED report in **Appendix O**.
- The Concept Plan is consistent with the Penrith City Council LEP design excellence provisions as discussed in **Section 5.1.10**.
- The proposal is generally consistent with the site specific precinct design principles and design outcomes provided in the PCC DCP 2007 as discussed in **Appendix J**.
- The overall concept plan considers CPTED principles and design elements generally comply with these principles. The plans advocate activation of the site along Station Street at the retail plaza and tavern, good passive surveillance in residential areas, good legibility and strong amenity for a diverse demographic that will access and use the development. This will be considered in Stage 3 of the Concept Plan.

The Draft Statement of Commitments in **Section 7** includes a number of matters related to achieving the desired built form and urban design in the detailed design phase of the future Project/Development Applications.

### 5.6.2 PROJECT APPLICATION

The Masters Home Improvement Store is located on a key corner site in Penrith with primary frontage to Jamison Road and secondary frontages to Station Street (west) and Woodriff Street (east). The site is on the boundary of the Penrith City Centre precinct which extends to the north. It is also adjacent to the entertainment precinct including Penrith Panthers and Penrith Leagues Club.

The proposed development represents a large floor plate specialty retail which highlights its city centre location and a change in nature of development from adjacent low density residential development. Accordingly, the proposed built form of the Masters Home Improvement Store has been considered on two contextual scales which are discussed in the following sections:

- Presentation to the street.
- Integration with future surrounding land uses.

The Project Application is supported by a comprehensive package of Architectural Plans including elevations and photomontages (refer **Appendix G**). The application is also accompanied by Landscape plans which demonstrate appropriate landscape treatment (refer **Appendix S**).

#### Presentation to the Street

The proposal has been designed to maximise visual exposure to Jamison Road, while providing a design response sympathetic to the existing streetscape and the gateway location within the city centre. The built form address to Jamison Road provides a range of architectural elements to reflect this. Key elements incorporated in the built form design include:

- Varying textures, surface treatments and architectural elements employed to provide relief in the façade these include aluminium louvre features, coloured concrete panels, cladding and backlit signage (refer **Appendix G** for elevations).
- A range of roof elements are incorporated into the design to break-up the roof plan through the inclusion of shade sails across a portion of the nursery facing the Station Street frontage.
- Landscaping along the Jamison Road frontage, which includes a range of drought tolerant, low maintenance and foliage year-round plants. This complements the existing avenue of trees in the road reserve along Jamison Road.

- Locating the main customer entry directly off Jamison Road, providing clear and direct access for customers to the car park and customer entries to each of the store components.
- Punctuating the customer entry points to the buildings through a cohesive mix of architectural treatments along the southern façade addressing the customer carpark.
- Locating the vehicle service road and servicing areas at the back of the building away from the Jamison Road frontage.
- The significant setbacks provided by the proposal varying from a minimum of 8.2m to over 160m to allow for a large area of carparking to be accommodated.
- The carparking area will include diamond planting within the car park bay area which will soften the presentation of the built form to Jamison Road and surrounding street networks.
- Directional signage in the car park will assist with legibility of the site.

These design features deliver a strong streetscape presentation to Jamison Road, while responding to the site context and surrounding land uses.

#### Integration with future surrounding land uses

The position of the development on the southern side of the proposed development provides the site with a prominent location leading into Penrith City Centre.

It is considered that the proposed development is responsive to the site context and surrounding land uses in the following ways:

- Creation of a visual vegetative buffer including an avenue of buffer trees along the proposed new road to the north of the Masters Home Improvement Store and the future residential development. This includes a 3.5m densely landscaped buffer, a new access road of 8.5m, a landscape and pedestrian path of 3.7m and further 2m setback. This will assist in softening the retail development and screening the back of house areas.
- A setback of 15.6m is provided between the boundary of the Masters site and the residential interface to the north. The setback will reduce any privacy/amenity and visual impacts to the residential area
- Canopies will be provided over the external main receiving areas to reduce acoustic impact from service vehicles.

### 5.6.3 VIEW ANALYSIS

A view analysis has been prepared by the Project Architect and is included in **Appendix FF**.

Images have been created from a number of key viewpoints across the development to show how the proposed built form will appear as shown in **Figure 4**.



#### FIGURE 4 – VIEW ANALYSIS



PICTURE 1 – VIEW LOOKING NORTH EAST DOWN  
STATION STREET FROM JAMISON ROAD



PICTURE 2 – VIEW ALONG STATION STREET / JAMISON  
STREET FROM THE WEST



PICTURE 3 – VIEW LOOKING NORTH WEST FROM  
WOODRIFF STREET DOWN PROPOSED ROAD  
BETWEEN MASTERS AND RESIDENTIAL  
DEVELOPMENT

*(Turner + Associates Architects 2012)*

The views demonstrate the follow features:

- The scale of the development and the positive transition in terms of height and bulk.
- The proposed landscaping including the avenue of buffer trees which increase residential amenity and softening the appearance of the built form.
- The creation of space and a liveable precinct with quality landscaped spaces, with clear edge definition created by the building forms
- The lower buildings tend to be at the perimeter of the site as a transition to the existing context.
- The new streets network will both provide new pedestrian routes as well as giving scale to the overall site.
- The alignment, scale, articulation and separation of all building envelopes work together to reinforce streetscape, create perceptible urban spaces and bestow a variety of urban experiences.

Accordingly, the proposed built form is considered appropriate with clear linkages with surrounding sites and providing appropriate environmental and residential amenity.



## 5.6.4 COMPARISON TO THE EXISTING COUNCIL APPROVED MASTERPLAN

In 2008, Penrith Council granted consent for the following on the subject site:

### *Concept Masterplan for staged mixed use development and 6 lot torrens title subdivision*

The Masterplan was approved for 157,100sqm GFA consisting of mixed uses including residential, commercial and retail components. The proposed Concept Plan includes 76,398sqm GFA. A comparison of the key elements of the two applications is provided in **Table 4** below.

TABLE 4 – APPROVED MASTERPLAN AND PROPOSED CONCEPT PLAN

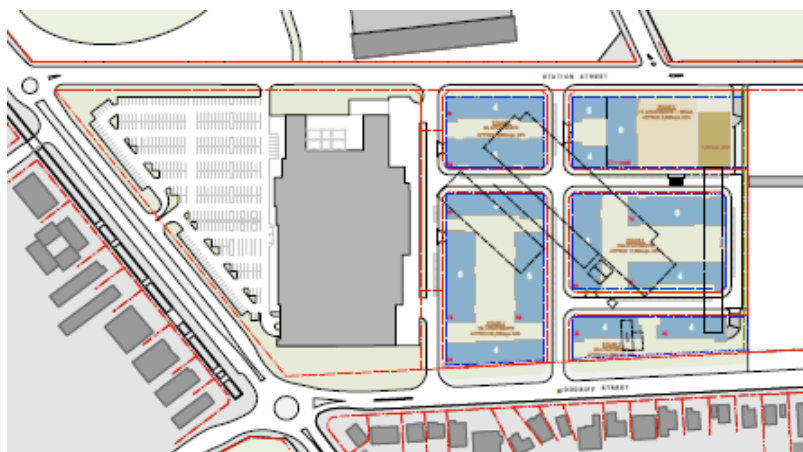
ASPECT	APPROVED MASTERPLAN 2008	PROPOSED CONCEPT PLAN 2010
<b>Height</b>	2 to 16 storeys	2 to 8 storeys
<b>FSR</b>	2:1	0.98:1
<b>Land Use</b>	<p><b>Residential</b> - 106,700sqm (approximately 1,100 dwellings)</p> <p><b>Retail</b> - 3,000sqm</p> <ul style="list-style-type: none"> <li>▪ Specialist grocer/fresh food produce outlet</li> <li>▪ Specialty retail floor space</li> <li>▪ Neighbourhood shop</li> </ul> <p><b>Commercial</b> - 20,000sqm</p> <p><b>Other (Mixed Use)</b></p> <ul style="list-style-type: none"> <li>▪ Civic Park and Plaza</li> <li>▪ Serviced apartments</li> <li>▪ Entertainment</li> </ul>	<p><b>Residential</b> - 60,000sqm (approximately 570 dwellings)</p> <p><b>Retail –</b></p> <ul style="list-style-type: none"> <li>▪ 13,603sqm - Hardware and building supplies/garden centre/bulky goods</li> <li>▪ 995sqm - Neighbourhood shops</li> </ul> <p><b>Commercial – N/A</b></p> <p><b>Other (Mixed Use)</b></p> <ul style="list-style-type: none"> <li>▪ 1,800sqm - Tavern</li> <li>▪ 2,300sqm Plaza</li> </ul>
<b>Staging</b>	<p><b>Stage 1</b> - 10,300sqm Commercial / tavern / medical / Civic Square</p> <p><b>Stage 2</b> - Hotel / neighbourhood shops /serviced apartments</p> <p><b>Stage 3</b> - 4,200sqm of residential / 3,000sqm retail</p> <p>8,000sqm commercial / neighbourhood shops / entertainment/ Civic Park</p> <p><b>Stage 4</b> - 9,300sqm residential</p> <p><b>Stage 5</b> - 15,000 residential / 850 commercial / restaurants</p> <p><b>Stage 6</b> - 9,000sqm residential / commercial / restaurants</p> <p><b>Stage 7</b> - 14,500sqm residential</p> <p><b>Stage 8</b> - 11,500sqm residential / child care</p> <p><b>Stage 9</b> -19,000sqm residential</p> <p><b>Stage 10</b> - 24,200sqm residential</p>	<p><b>Stage 1</b> - Masters Home Improvement Store</p> <p><b>Stage 2</b> - 9,300sqm residential</p> <p><b>Stage 3</b> - 9,000sqm residential / neighbourhood shops, cafés / tavern:</p> <p><b>Stage 4</b> - 20,700sqm residential</p> <p><b>Stage 5</b> - 17,600sqm residential</p> <p><b>Stage 6</b> - 4,200sqm residential</p>

**Figure 5** below shows the approved Masterplan and the current proposed Concept Plan.

FIGURE 5 – APPROVED AND PROPOSED SCHEMES



PICTURE 4 – APPROVED MASTERPLAN 2008  
(Turner + Associates Architects)



PICTURE 5 – PROPOSED CONCEPT PLAN AND PROJECT APPLICATION  
(Turner + Associates Architects 2012)

The proposed development results in the following key variations from the 2008 Masterplan approval:

- Reduced built form / scale

The proposed Concept Plan represents a reduced precinct scheme including reduced heights and FSR from that in the approved 2008 Masterplan. The proposed heights are more consistent with the current planning controls under the LEP and therefore more closely align with the objectives and anticipated built form in the R4 zone. The consequent reduction in FSR has also allowed for the inclusion of appropriate residential open space and plaza uses.

- Change of uses on the site:

The Concept Plan includes approximately 50% of the residential dwellings of that in the approved 2008 Masterplan. The Residential Market Analysis (refer **Appendix Q**) considers the reduction in yield from the Council approved Masterplan. The report states that as total dwelling capacity within Penrith LGA exceeds the required number of dwellings over the next 10 years by 5,575, the impact of reducing the yield of the subject proposal is considered to be negligible.

The Project Application comprises the construction of 13,603sqm of home improvement, specialised retailing being hardware and building supplies/garden centre/bulky goods. These retail uses are

unlike any of the retail uses in the local area and therefore are unlikely to impact on the neighbouring Centro Nepean centre.

Small neighbourhood shops and take away food and drink premises are also included in the Concept Plan which are designed to cater for local residents. The Economic Impact Assessment prepared for the Concept Plan concludes that the limited scale of ancillary retailing will not impact on the existing centres unlike that previously approved on the site.

The approved 2008 Masterplan includes 3,000sqm of neighbourhood shops, specialty grocer/fresh food produce outlet, specialty retail floor space. No commercial uses are proposed in the current application which reflects the lack of market demand.

- Revised staging:

Consistent with the approved 2008 scheme, no residential use is proposed in the first stage of the Concept Plan. Residential development is proposed to be provided at Stage 2 which allows permanent residents to be living in the precinct in the early stages of the precinct development. The Concept Plan consists of 6 stages compared to the previous 10 stages which are anticipated to allow the site development to be finished in a shorter timeframe.

The proposed development is of a lower scale than that approved in 2008, the consent for which has now lapsed. The focus of this Concept Plan is residential development and specialised retailing which are compatible with surrounding development in Penrith City Centre.

## 5.7 ENVIRONMENTAL AND RESIDENTIAL AMENITY

This section of the report addresses the environmental and residential amenity matters raised in the amended and consolidated DGRs issued on 6 September 2012. Overall, the proposed development provides high residential and environmental amenity in the following ways:

- Residential buildings which respond to the environment and provide an attractive and consistent streetscape.
- Maximum accessibility with appropriate building entry design provided from the street and communal areas.
- High solar amenity while maintaining a desirable urban design massing.
- A high level of open space and public amenity through a landscape design which incorporates gateway presentation landscape, communal areas, public plaza areas and visual vegetation buffers.
- Ground floor courtyards and upper level balconies which overlook communal open space areas.
- New pedestrian pathways along the road system which will connect Station Street to Woodriff Street for pedestrians and vehicles. Clear links are also provided between the new precinct and the Penrith Leagues Club Stadium.
- An 11.8m setback from the tavern to the edges of the development to the existing Centro development will be provided which includes a densely vegetated buffer providing quality edges to the development.
- The edge of the new Masters Home Improvement Store will have a 3.5m densely landscaped buffer, a new access road of 8.5m, a landscape and pedestrian path of 3.7m and further 2m setback which will provide appropriate amenity and integration with future residential development.

Overall, it is considered that the integrated approach to the design of the proposed mixed-use development will ensure a satisfactory level of environmental and residential amenity is achieved for the future residents of the proposed residential buildings, as well as the existing residents and tenants of the surrounding land. Each of the identified issues in the DGRs are addressed in the sub-sections below.

### 5.7.1 SOLAR ACCESS

The proposed residential buildings have been designed to meet the sunlight requirements under SEPP 65. The buildings are orientated and articulated to optimise the northern aspect and allow for optimal solar access while maintaining the desired urban design massing objectives.

Further details on solar access will be provided at the relevant Development Application/Project Application stage for the residential buildings.

### 5.7.2 ACOUSTIC PRIVACY

A Noise Impact Assessment has been prepared by Acoustic Logic which confirms that adequate acoustic amenity will be maintained in the proposed residential buildings.

The Noise Impact Assessment recommends treatments to ensure internal noise levels from surrounding sources in the proposed residential stages (roadways, Centro Nepean and Penrith Stadium) comply with relevant standards. The recommendations include acoustically treating the façade of future development through the use of laminated glazing and acoustic insulation.

The proposed hours of deliveries and 'back of house activities' associated with the Masters Store align with the retail opening hours. Accordingly, this will cease at 10pm during week days and 8pm on the weekends. This reduces potential acoustic impacts and avoids sleep arousal which would occur between 10pm and 7am.

The internal layout of the residential buildings will be addressed in the detailed building design and documentation in future Development Applications / Project Applications

Noise and vibration is discussed further in **Section 5.8**.

### 5.7.3 VISUAL PRIVACY AND VIEW LOSS

The proposal has been designed to ensure residential privacy both within the development and on adjoining sites as outlined in the SEPP65 design verification included in the Architectural Statement provided in **Appendix F**. Design measures such as orientation, setbacks and building separation, as well as the incorporation of fenestration treatments contribute to maintaining appropriate visual privacy.

The buildings are typically orientated such that units face away from those in the opposite building. All other units are orientated such that there are no proximity issues with other windows and balconies. Each apartment will have a balcony of generous depth that has been located to maximise light and views, whilst considering privacy. The buildings are separated within the lots by large communal courtyards that typically include deep soil zones for large trees. The building separation also complies with SEPP 65 requirements. This is discussed further in **Appendix J**.

Light from Centro and Penrith football stadium are not anticipated to impact on residential amenity. However, this will be assessed further at detailed design of future residential stages and appropriate mitigation measure implemented if necessary.

### 5.7.4 WIND IMPACTS

An analysis of the wind environment has been prepared by Wind Tech (refer **Appendix T**). The effect of the proposed development on wind at street level was evaluated and the Pedestrian Wind Environment Statement recommends the following measures to mitigate against potential adverse wind conditions:

- The inclusion of the proposed densely foliating street trees along Station Street, Jamison Road, Woodriff Street and the proposed roads within the development site as indicated in the landscape drawing of the site. The trees should be capable of growing to a height of at least 5m with a 4m wide canopy. They should also be of an evergreen variety to ensure their effectiveness is wind mitigation during the winter period.
- The inclusion of the proposed densely trees and vegetation within the outdoor public plaza, the various central landscape communal areas and retail car parking site as indicated in the Landscape

Plans provided in **Appendix R** and **Appendix S**. To be effective these are to be of an evergreen variety.

- The inclusion of impermeable balustrades along the perimeter of the corner balconies within the site.
- The inclusion of full-height impermeable end screens on one end of the corner balconies, preferably those that face the north to north-easterly, western or south to south-easterly directions.

The Pedestrian Wind Environment Statement concludes that if these recommendations are included in the detailed design stages, wind conditions are expected to be appropriate around the site and the development will be acceptable for the intended uses. No adverse wind effects are anticipated to the surrounding areas.

As noted, the majority of recommendations are included in the Landscape Plans provided in **Appendix R**. Further weather protection and outstanding wind recommendations will be considered and incorporated at the detailed design stage for each stage of the Concept Plan.

An appropriate Statement of Commitments has been included in **Section 7** which requires the recommendations of the Pedestrian Wind Environment Statement to be incorporated into the detailed design of each stage.

## 5.8 NOISE AND VIBRATION ASSESSMENT

A Noise Impact Assessment has been prepared by Acoustic Logic (refer **Appendix N**) to provide an assessment of both internal and external noise sources in accordance with the DGRs. The report assesses the following:

- Existing environmental noise levels.
- Noise generated on site.
- Resulting noise level criteria.
- Assessment of additional traffic generation.
- Internal environmental acoustic objectives.
- Construction noise and vibration.

Environmental noise impacting the site is a result of traffic noise from the surrounding perimeter roadways and other surrounding land uses including the Centro Nepean and Penrith Stadium.

The Noise Impact Assessment recommends treatments to ensure internal noise levels from surrounding sources in the proposed residential stages (surrounding roadways, Centro Nepean and Penrith Stadium) comply with Australian Standards, Environmental Protection Authority's Industrial Noise Policy and the Environmental Criteria for Road Traffic Noise. The treatments include acoustically treating the façade of future development through the use of laminated glazing and acoustic insulation.

Additionally in principal treatments have been provided to ensure internal noise levels from surrounding noise sources (namely surrounding roadways, Centro Nepean and Penrith Stadium) comply with the relevant Australian Standards. This will be determined at detailed design stage of future residential stages.

The Noise Impact Assessment states that as the development is not within 60m of the railway corridor, no additional acoustic assessment of noise and vibration from passing trains is required. The report concludes that the proposed development will comply with all relevant noise and vibration criteria.

An appropriate Statement of Commitments has been included in **Section 7** which requires the recommended acoustic treatments to be incorporated at detailed design of each stage of the development.

## 5.9 TRANSPORT AND ACCESSIBILITY IMPACTS (CONSTRUCTION AND OPERATIONAL)

This section of the report addresses the transport and accessibility matters raised in the amended and consolidated DGRs issued on 6 September 2012.

A Traffic and Accessibility Study has been prepared by CBHK (refer **Appendix U**) which provides an assessment traffic generation, accessibility and parking rates. The Traffic and Accessibility Report also considers the existing and anticipated future development on the site.

A summary of these findings are provided in the following sections.

### 5.9.1 PARKING

The below provides a summary of the proposed parking rates in the Concept Plan and Project Application:

- **Residential Development:** The Penrith City Centre DCP 2007 provides maximum parking provisions for residential development. Consistent with the DCP, parking rates of one space per one unit for residents and one space per 20 units for visitors are proposed. On the basis of approximately 570 units, the residential component will provide 570 residential spaces and 29 visitor spaces.
- **Tavern:** The DCP proposes a minimum of one space per 3.5sqm bar area and one space per 5.5sqm lounge/dining area should be provided for pubs/registered clubs. However, studies have been undertaken at clubs and taverns in the surrounding area. Those studies have demonstrated parking demands in the range of one space per 10 to 15sqm which is the proposed parking rate for the tavern. On this basis the 1,800sqm tavern would require 120 to 180 spaces. As a maximum of 60% of the parking spaces are to be provided on the site, the tavern would require 70 on-site parking spaces which are proposed.
- **Retail:** The proposed Nepean Green concept plan provides 1 per 100m<sup>2</sup> car spaces for the retail tenants within the basement of the Stage 3 building with visitors to park on the existing and the new local streets within the concept plan.
- **Bicycle Parking:** The DCP 2007 indicates that bicycle parking should be provided for commercial and retail developments providing employment for 20 people or more. Appropriate parking for bicycles will be incorporated into the development at Stage 3 of the Concept Plan.
- **Masters Parking:** The DCP does not include a specific parking rate for Home Improvement Stores such as Masters. RMS has undertaken recent surveys of parking demands for Home Improvement Stores finding that demand is for some 2.2 to 2.3 spaces per 100sqm. Based on these rates, the proposed Masters would require 300-310 space. Approximately 380 on site spaces are proposed for the Masters development which satisfies the demand. Two percent of spaces will be disabled parking which is considered appropriate.

Accordingly, the proposed parking provision for the Project Application and Concept Plan are considered appropriate.

### 5.9.2 PUBLIC TRANSPORT

The site is located in close proximity to public transport including:

- Penrith Railway Station.
- Regular local bus services including links to the interchange at the railway station.
- Bicycle route along Station Street.
- Pedestrian footpaths on surrounding local streets.



- Proposed internal roads will provide an internal road layout which will provide good access for pedestrians, cyclists and service vehicles.

Accordingly, the proposed development has excellent access to public transport services.

A Travel Access Guide will be prepared to encourage travel modes other than private vehicle which will be distributed along with marketing material for the site. This will be developed in conjunction with Council, RMS, Sydney Buses and other key stakeholders and is consistent with state government policies including NSW 2021 which aim to reduce car dependency.

The Draft Statement of Commitments in **Section 7** requires the preparation of a Travel Access Guide as part of the Concept Plan.

### 5.9.3 TRAFFIC GENERATION

A Traffic Study for the Riverlink Precinct was previously prepared to analyse future traffic conditions to 2036, including assessment of a series of other significant developments in the immediate and wider area. These studies have therefore included allowance for development previously envisaged on the subject site which includes greater amounts of residential development than currently proposed.

The current Traffic and Accessibility Study (**Appendix U**) considers the traffic impacts of the proposed development. Based on RMS 'Guide to Traffic Generating Development', the proposed residential development would generate 140 vehicles per hour two-way at peak times.

- **Tavern:** A previous traffic assessment prepared for the Council approved Masterplan scheme in 2008 assessed a traffic generation of 60 vehicles per hour two-way at peak times for a larger tavern than currently proposed, which forms the basis of the current traffic report.
- **Home Improvement Store:** Based on RMS surveys of Home Improvement Stores, the traffic generation for the Home Improvement Store is anticipated to be between 530 and 1,040 vehicles per hour two way peak hour during weekday afternoon and Saturday peak hours. The RMS guidelines also anticipate that 20 percent of trade to Masters will be passing trade. To accommodate traffic at the Masters the following will be included:
  - A 50 metre right turn bay will be provided in Station Street to improve access to the store.
  - No parking will be provided in the vicinity of the intersections of Station Street with the new access roads to the site to allow through traffic to pass right turning traffic.

Accordingly, with the proposed road works and intersections treatments, the road network will be able to cater for the additional traffic from the proposed development.

An appropriate statement of commitment is provided in **Section 7** requiring the proposed access arrangements to be incorporated into the Project Application.

#### 5.9.3.1 CONSTRUCTION TRAFFIC

Transport and Accessibility Study provides appropriate principles of construction traffic management. A Traffic Management Plan will be prepared prior to the commencement of work which will detail the implementation of these principles including appropriate measures for pedestrian amenity, construction fencing, vehicle management and construction activity.

An appropriate Statement of Commitment is including in **Section 7** which requires the preparation of a Traffic Management Plan prior to commencement of works.



#### 5.9.4 ACCESS

Access to the site will be via the following arrangements:

- Two new road connections between Station Street and Woodriff Street.
- Internally, the new roads will provide access to the proposed residential buildings.
- Masters Home Improvement Store access will be provided via Station Street and Jamison Road (customers) and the southern of the two new roads between Station Street and Woodriff Street (for servicing vehicles).

Access and internal circulation and layout will be provided in accordance with the relevant Australian Standards and have been assessed in the Traffic and Accessibility Study as being appropriate for the development.

#### 5.9.5 SERVICING

Service vehicles will generally be accommodated on-street with detailed servicing arrangements being determined at the appropriate stage of the Concept Plan. The Tavern will provide a dedicated loading bay with the ability to enter and exit in a forward direction.

Service vehicles will enter the Home Improvement Store from the new southern connection between Station Street and Woodriff Street. The new road as well as the driveways to and from Masters will provide for entry and exit in a forward direction.

### 5.10 ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)

This section of the report addresses the requirement to consider ESD matters raised in the original DGRs issued on 8 September 2012.

An Ecologically Sustainable Design Report has been prepared by Cundall with regard to the Concept Plan which is provided in **Appendix K**.

The development will comply with minimum regulatory requirements for sustainability, including the Building and Sustainability Index (BASIX), SEPP 65 and the Building Code of Australia (BCA) Section J for Energy Efficiency.

ESD strategies which will be employed through the design, construction and operation phases include:

- Passive Design - Reducing the amount of air-conditioning required and improves internal comfort and amenity.
- Energy Efficient Systems and Services – Reducing energy consumption through the efficient design of lighting, air-conditioning and ventilation systems, as well as water heating and other services.
- Sustainable Water Management – Minimising mains/potable water consumption where possible on-site through demand management and alternative sources such as rainwater or treated wastewater.
- Water Sensitive Urban Design – Stormwater quality and quantity measures to reduce stormwater impacts.
- Indoor Environmental Quality – Strategies to improve indoor environmental quality including air quality and thermal comfort.
- Transport – Provision of cycling facilities and public transport measures to reduce private vehicle dependence.
- Materials and Waste – Use of environmentally responsible materials where possible in detailed design process.

- Environmental Management - Effective environmental and waste management implemented throughout the demolition, construction and operational stages of development.

The proposed ESD measures for the Masters development has also been considered in an Ecologically Sustainable Design report prepared by Aecom (refer **Appendix L**). Whilst the DGRs require the development to be assessed against a “suitably accredited rating scheme to meet industry best practice” there is no such rating scheme applicable to the Masters Home Improvement Store as a single tenant Class 6 building.

Masters have developed the WHIS Scorecard for facilities that did not sit within the eligibility requirements. The WHIS scorecard has been developed based on a range of third party schemes including Green Star, LEED and BREEAM. The report provides ESD initiatives which will be incorporated into the detailed design of the Home Improvement Store. These measures address:

- Indoor Environment Quality – Such as increased level of daylight through extensive use of translucent skylights.
- Energy and Greenhouse Gas Emissions – Such as use of energy efficient lamps and zoned lighting systems to light only those areas required.
- Water – Including use of rain water storage tanks for toilet flushing and water meters to allow remote monitoring of water consumption of all major water uses.
- Materials – Such as utilising sustainable timber while minimising PVC.
- Emissions - All refrigerants use in the project will have zero Ozone depleting potential.

The Ecologically Sustainable Design report concludes that more than 20-30% of carbon emissions is expected to be reduced and 40-50% of water will be saved whilst providing a better quality environment for the occupants. The range of initiatives supported by a well-developed building management system provides the project with a platform from which further ESD initiatives can be easily implemented.

The applicant is committed to incorporating relevant and achievable ESD measures in the Concept Plan and Project Application. An appropriate Statement of Commitment has been included in **Section 7** which requires the incorporation of ESD strategies in detailed design.

## 5.11 CONTRIBUTIONS

It is proposed that Section 94 Contributions be applied and paid for the Project Application (Stage 1 works). Future development stages under the concept plan are anticipated to be subject to a VPA which may include works in kind and material public benefit.

Under Section 94 of the EP&A Act and Penrith City Council's Section 94 Contributions Plans the Council is able to levy contributions for the provision of public services and facilities required as a consequence of development. Contributions for residential and commercial development under Penrith's Section 94 plans are required for community facilities, open space and recreation, and roads.

The Penrith City Centre Civic Improvement Plan (2008) Contributions Plan applies to the Project Application for the Masters Home Improvement Store.

The relevant contribution rates are shown in **Table 5**.

TABLE 5 – CIVIC IMPROVEMENT PLAN CONTRIBUTIONS

ITEM	S94 CONTRIBUTION RATE	PAYABLE
Retail use	\$85 per sqm GFA	Master Home Improvement Store:\$1,156,255
S.94 administration contribution	1% S.94 of total contribution	\$11,562.55
<b>TOTAL</b>		<b>\$1,167,818</b>

The total contributions payable for the Project Application is therefore \$1,167,818.

Applicable development contributions for the Concept Plan will be paid at the relevant Development Application/Project Application stage. A Voluntary Planning Agreement may be entered into at these stages.

## 5.12 STAGING

The proposed indicative staging is set out in **Table 6** below.

TABLE 6 – PROPOSED STAGING

STAGE
<b>Stage 1</b> Project Application Masters Home Improvement Store
<b>Stage 2</b> Approximately 9,300sqm of residential development (89 apartments)
<b>Stage 3</b> Approximately 9,000sqm of residential development (77 apartments), neighbourhood shops, cafés and a tavern
<b>Stage 4</b> Approximately 20,700sqm of residential development (196 apartments)
<b>Stage 5</b> Approximately 17,600sqm of residential development (168 apartments)
<b>Stage 6</b> Approximately 4,200sqm of residential development (40 apartments)

## 5.13 CONTAMINATION

An assessment of the proposal against SEPP 55 is provided in **Section 5.1.5**.

Geo-Logix have prepared an independent review of a Contamination Report prepared for the subject site in 2005 by Geotechnique and provide comment on the appropriateness of the site for the proposed development. A copy of the report is attached as **Appendix H**.

Outside the building areas the land has been adequately assessed as being suitable for the proposed development. In areas where buildings are currently located, the potential for contamination are considered to be low as the areas are generally concrete sealed and do not contain industries which would result in widespread contamination.

The contamination report states that the risk presented by unidentified contamination is negligible and there is sufficient information to conclude the subject site will be suitable for the proposed mixed use development.

In accordance with the recommendations of the contamination report, the following environmental works are required:

- Demolition of buildings and removal of concrete pads;
- Soil contamination testing for waste classification purposes as the proposed residential area (northern half) will require excavation 0.5 – 1m below current grade; and
- Offsite disposal of excavated soils.

These tests form part of the Statement of Commitment included in **Section 7** to be undertaken prior to approval of the Project/Development Applications for individual stages.

## 5.14 PUBLIC DOMAIN

An Architectural Statement has been prepared by Turner + Associates Architects (refer **Appendix I**) which provides an assessment of the proposed Concept Plan in relation to the public domain.

The proposal provides high quality public domain, recreation areas, cycling and pedestrian facilities and naturally landscaped areas which will substantially improve the quality of the public domain. The main features of the public domain are as follows:

- A new public street network that links Woodriff Street and Station Street. This will provide increased permeability, breaking the existing large block of land into lots into a better proportion in relation to their surroundings
- A new public plaza will provide active open space for use by both the new residents and the existing community. It sits at the end of Ransley Street, near to Penrith Stadium. This civic open space is therefore well-placed to respond to the public nature of this corner of the site and provide links to the Stadium.
- The edges to the existing Centro development and the new Masters home improvement store will have a wide, densely landscaped buffer to provide quality edges to the development.

A Voluntary Planning Agreement for the public domain works may be entered into at Development Application/Project Application stage of the Concept Plan.

The built form and urban design of the proposal is discussed further in **Section 5.6**.

## 5.15 DRAINAGE, GROUNDWATER AND FLOODING

This section of the report addresses the drainage, groundwater and flooding matters raised in the original DGRs issued on 8 September 2010. A Civil, Infrastructure and Stormwater Report has been prepared by Mott Macdonald to address these matters and is provided in **Appendix V**.

The site has been identified as being prone to localised flooding in large storm events. Appropriate stormwater drainage infrastructure has been proposed. The site is currently connected to the Council piped system at Jamison Road along the southern boundary which will form the discharge point for stormwater flows developed within the site. The proposed water drainage has been designed to comply with the relevant Council guidelines and DCP controls which proscribe a major/minor drainage system.

Sufficient overland flow paths are proposed along the new local street networks and Masters Home Improvement Store car park which will convey stormwater flows in excess of the capacity to the adjoining street network. Proposed verge works will also better define overland flows in the new street networks and assist in keeping surface flows away from the proposed Home Improvement Store building. The proposed stormwater arrangements are as follows:

- Minor drainage system – Below ground pit and pipe network designed to control nuisance flooding and enable effective stormwater management.
- Major drainage system – Overland flow routes through proposed roads, car parking and landscaped areas assessed against the 1 in 100 year storm event.

The major/minor system requirements have been satisfied at all pits within the development area and that the piped system sufficiently conveys minor storm flows with safe provision for major system flows. The removal and treatment of the above pollutants can be achieved through the use of integrated Water Sensitive Urban Design principles.

Water quality treatments are not proposed in Stage 1 of the proposal. However, potential water quality treatments have been identified and provided in the Civil, Infrastructure and Stormwater Report (refer **Appendix V**) which include Gross Pollutant Traps, infiltration devices, bio-retention systems and rainwater tanks. The type and type of each treatment will be finalised at detailed design of each stage on the concept plan. Water Sensitive Urban Design is discussed further in **Section 5.10**.

A Stormwater Report has also been prepared by Mott Macdonald in relation to the Project Application and is provided in **Appendix W**.

## 5.16 HERITAGE

This section of the report addresses the heritage matters raised in the original DGRs issued on 8 September 2012.

### 5.16.1 NON-ABORIGINAL ARCHAEOLOGICAL ASSESSMENT

A Heritage Impact Statement has been prepared by Urbis and provided in **Appendix M**. The report provides a consideration of the cumulative impacts of the proposed works on any nearby heritage items (and their curtilages) and conservation areas.

There are two locally listed heritage items in vicinity of the site which are “Kentucky” 146 Station Street, item No.13 (LEP 2008) and the Victorian House 148 Station Street Item No.14 (LEP 2008). The Heritage Impact Statement provides an assessment of historical significance of these items in context of the proposed development. The report concludes the following:

*The significance of the two items has been retained within the commercial development to the north and the distance and buildings between the items and the proposal are such that no detrimental impact is able to be discerned from the proposal.*

A Non- Aboriginal Archaeological Assessment has been prepared by Casey + Lowe (refer **Appendix X**) to examine the land use history of the site and the potential for non-indigenous archaeological remains. This assessment indicates that:

- The site is unimproved farmland without evidence for buildings except for those extant in the northern half of the site and the site of a grandstand fronting Station Street.
- The 1880s grandstand and an adjacent kiosk or toilet block is the only potential archaeological site identified. Remains are likely to be restricted to the bases of brick piers or timber posts and probably a toilet block. The area is considered to have a low level of archaeological potential.
- The potential archaeological remains on the property are of little heritage significance.

Based on these results, no additional historic research or archaeological monitoring is regarded as being necessary.



### 5.16.2 ABORIGINAL HERITAGE ASSESSMENT

Archaeological and Heritage Management Solutions (AHMS) was engaged to undertake an Aboriginal Heritage Assessment of the site in 2006. The site conditions have not changed since 2006, however there have been changes to the Aboriginal heritage guidelines. The Aboriginal Heritage Assessment provided in **Appendix Y** updates the 2006 report and assesses the significance and potential impact on archaeological resources. The report has been prepared in accordance with the applicable guidelines and includes:

- An archaeological predictive model which was informed by detailed background analysis of previous archaeological investigations in the region and information from the AHIMS database.
- A site survey was also undertaken in conjunction with the Aboriginal communities in 2006.
- Formal Aboriginal consultation in accordance with Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (DECCW, 2010) which is ongoing.

**Figure 6** shows the areas identified as being of low-moderate/high disturbance. The northern most section of the site (blue) is described as moderate to highly disturbed with the southern section (green) having low disturbance.

FIGURE 6 – DISTURBANCE PLAN



*Aerial photo of subject area, showing areas of low disturbance (marked green) and moderate to high disturbance (blue). Following this assessment, the area highlighted in green has been identified as the Nepean Green PAD (Source: Google Maps 2006).*

(AHIM 2012)

The southern section is identified as being a 'Potential Archaeological Deposit' (PAD), an area assessed as having the potential to contain Aboriginal objects.

The key findings are as follows:

*The entire subject area has potential to contain cultural deposits within the sandy clay unit that variously underlies natural topsoils and imported fills. The degree of potential is considered low, however the potential antiquity and significance of any cultural deposits within the sandy-clay unit indicates that the sandy-clay unit should be considered to have high sensitivity.*

*The area marked green has a moderate to high potential to contain more recent Holocene Aboriginal sites within remnant original Ahorizon soils.*

In a cover letter by AHMS, the following is also stated:

*The findings of the ACHA indicate that based on current information, conservation in situ of the potential Aboriginal objects / sites within the subject area is unlikely to be required. Given this, changes to the building footprint are also unlikely to be required.*

The specific recommendations in the Aboriginal Heritage Assessment are summarised as follows:

- Sub-surface investigation and characterisation of deposits is required in the PAD in accordance with methods outlined in the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010). Results of those investigations should then be used to extrapolate the extent of potential Aboriginal heritage constraints within the northern most portion of the site.
- The northern portion of the site has low potential to contain Aboriginal objects in deposits >1.3 m below the surface. Further assessment to determine the presence/absence of Aboriginal objects are required for development below this level.
- Consideration of conservation and/or other mitigation measures, and the long term management of the recovered Aboriginal objects would also be required.
- Three copies of the Aboriginal Heritage Assessment should be forwarded to the NSW Office of Environment and Heritage
- One copy of the Aboriginal Heritage Assessment should be forwarded to each of the following Aboriginal stakeholders: Deerubbin LALC, Darug Custodian Aboriginal Corporation, Darug Tribal Aboriginal Corporation

The testing recommended in the Aboriginal Heritage Assessment is now being undertaken. An appropriate Statement of Commitment has been included in **Section 7** requiring the recommended Aboriginal archaeology testing in the areas identified to be undertaken prior to approval of the Project/Development Applications for the relevant project stages.

## 5.17 CONSULTATION

A Community Consultation Outcomes Report has been prepared by Straight Talk (refer **Appendix Z**) to satisfy the DGR requirements for pre-lodgement consultation and complies with the Guidelines for Major Project Community Consultation (2007) prepared by the former Department of Planning.

The Outcomes Report details the consultation undertaken which consisted of the following:

- A 'display and discuss' session open to the whole community: Held on Thursday 28 June 2012 at the Penrith Panthers Sports Club, in close proximity to the project site. Details of the session were given to the local community. Council identified a number of stakeholders with potential interest in the project who were also invited to attend the session.



- A number of targeted stakeholder meetings, including:
  - Penrith Panthers Sports Club (Thursday 14 June 2012) (by phone conference)
  - Stuart Ayres MP (Wednesday 4 July 2012)
  - Penrith Valley Chamber of Commerce (Monday 9 July 2012)
  - Penrith City Council (Friday 20 July 2012)
  - Penrith Business Alliance (Friday 20 July 2012).

**Table 7** below details the feedback from the consultation process with an associated response.

TABLE 7 – CONSULTATION ACTIVITIES

CONSULTATION	DESCRIPTION	COMMENT
<b>FEEDBACK ON CONCEPT PLAN</b>		
<b>Traffic and parking</b>	<ul style="list-style-type: none"> <li>▪ New internal roads should carry one-way traffic to maximise on-street parking provision without having to make the roads too wide.</li> <li>▪ Provision of sufficient off-street undercover parking was also important.</li> <li>▪ Concern about traffic impacts on existing road networks, especially the roundabouts on Jamison Road, and the need for road and intersection upgrades.</li> <li>▪ The need for the right-hand turn into Mulgoa Road to be improved.</li> <li>▪ Concern about parking issues on game days as the site is currently used as an over-flow parking area for the stadium.</li> </ul>	A Traffic Report has been prepared to assess the impact of the Masters Home Improvement Store in terms of potential traffic issues and is provided in <b>Appendix U</b> .
<b>Density of Residential Provision</b>	<p>Mixed views about proposed development density. Some people felt that more than eight storeys would be appropriate and in keeping with surrounding buildings in the area, whereas others thought that 570 apartments was too many for the site and would cause traffic and parking problems.</p> <p>The apartments should be sold individually, rather than in bulk to a property trust, to ensure the overall amenity was maintained to a high standard over the long term.</p>	The scale of the proposed residential component has been assessed in the Residential Market Analysis (refer <b>Appendix Q</b> ) and considered further in Section 5.5 of this report.
<b>Economic Feasibility</b>	View that producing feasible density residential development within Penrith was a challenge.	This has been assessed in the Residential Market Analysis provided in <b>Appendix Q</b> and discussed in Section 5.5.

CONSULTATION	DESCRIPTION	COMMENT
<b>The tavern</b>	<p>People generally supported the tavern and its location next to the stadium, particularly for visiting sports teams.</p> <p>People suggested staging the development of the tavern earlier to provide a more attractive streetscape for potential purchasers</p> <p>Noise and anti-social behaviour associated with the tavern were identified as potential issues for those living in the new apartments.</p>	<p>Noted.</p> <p>Mitigation measures to avoid noise and other impacts associated with the tavern will be addressed at the detailed design at Stage Three.</p>
<b>Importance of Retail</b>	<p>Some people recognised the importance of maintaining an element of retail within the residential precinct to enhance amenity and create a desirable living environment. People suggested there is potential for a café or independent bakery at the bottom of the apartments and thought that maintaining links with Centro was important.</p>	<p>Small scale retail in the form of neighbourhood shops has been included in the Concept Plan. The exact uses will be determined in the detailed design of Stage 3.</p>
<b>Mix of units</b>	<p>Ensure three bedroom units as well as one and two bedroom units were included in the designs to provide for people living on their own who want extra space.</p>	<p>The mix of units will be determined at DA stage for each of the residential buildings and will be based on market design and consistency with appropriate legislation and policy.</p>
<b>Open space</b>	<p>People supported the plaza. People wanted to see seating areas, bus shelters in designated bays rather than on the road, and potentially a café or independent bakery at the bottom of the apartments.</p>	<p>The uses associated with the plaza will be determined during the detailed design at Stage Three.</p>
<b>FEEDBACK ON PROJECT APPLICATION</b>		
<b>Traffic impacts</b>	<p>Concern that Masters customers will drive to the store which would have a significant effect on the local road network, particularly the roundabouts on Jamison Road and at weekends.</p> <p>Concern over traffic noise and visual impact of car park on nearby properties.</p>	<p>A Traffic Report has been prepared to assess the impact of the Masters Home Improvement Store in terms of traffic generation. The report concludes that with the proposed road works and intersections treatments, the road network will be able to cater for the additional traffic. This is discussed further in <b>Section 5.9</b>.</p> <p>Visual impacts of the proposed Masters development on the surrounding area are discussed in <b>Section 5.6</b> and <b>Section 5.7</b>.</p>

CONSULTATION	DESCRIPTION	COMMENT
<b>Job Creation</b>	People were positive about the creation of employment opportunities in the area and thought that the Masters store would provide a catalyst for further employment opportunities.	The Masters development will generate employment for approximately 130 employees full time, part time and casual). In addition, the project will generate approximately 180 jobs during construction. Importantly many of the ongoing and construction jobs will be filled by people in Penrith and the North West subregion.
<b>Proximity to Bunnings</b>	View that given the location of the two Bunnings stores nearby, it may be better to locate the Masters store further out of Penrith.	The economic viability of the Masters store has been assessed in the Economic Impact Assessment provided in <b>Appendix P</b> and discussed in <b>Section 5.4</b> .
<b>Acceptance of bulky goods</b>	Question over the need and suitability of Masters on a site zoned for residential use. Alternative non-residential uses (e.g. educational, health, conference / hotel facilities) were suggested if the Masters store was deemed to not be suitable through the environmental assessment process.	The suitability of the site for the Masters store is discussed in <b>Section 5.6</b> .

## 6 Impact Assessment

### 6.1 ASSESSMENT OF POTENTIAL IMPACTS

#### 6.1.1 ENVIRONMENTAL

The potential environmental impacts have been identified and assessed in detail within the Environmental Assessment (refer to **Section 5**) and include:

- Built form and urban design.
- Economic impact.
- Residential and environmental amenity.
- Noise and vibration.
- Transport and Accessibility.
- Ecologically Sustainable Development.
- Aboriginal and non-Aboriginal Heritage.
- Drainage, groundwater and flooding.
- Residential densities and housing supply.

The potential environmental impacts are considered to be either positive or able to be mitigated through the adoption of appropriate measures to minimise their potential impact. The Draft Statement of Commitments in **Section 7** includes each of the recommended initiatives to mitigate and/or manage the potential environmental impacts of the proposal.

#### 6.1.2 SOCIAL

Overall the proposed development will have a positive social impact through providing accommodation, job creation and the revitalisation of a large underutilised site. The development will contribute to the strengthening of the area surrounding the site as a thriving mixed use community, characterised by good quality design. The proposed development will create additional housing in a location with good access to existing employment opportunities, public transport, services and entertainment facilities.

The main social benefits of the proposed development are identified as follows:

- The scheme provides a range of unit typologies and sizes that shall appeal to different price points.
- The outdoor public and communal spaces are designed to engender community spirit for residents within the development by offering areas for congregation and activity.
- Housing diversity and affordability will be enhanced in the locality through the provision of a range of unit sizes, including adaptable housing, to cater for the full life cycle of tenants and enabling people to age in place without the need for specialised aged accommodation. One and two bedroom units will cater for young professional single persons or couples as well as older 'empty nesters'.
- The development is supported by new retail and Tavern for use by residents and the wider community. This range of retail and entertainment uses will balance the site's residential uses with the additional social dimension of supporting services and activities to ensure that a dynamic mix of activity creates and engenders a social framework for both the existing and future context of an emerging high-density residential development.

- The Home Improvement Store will generate jobs during construction and operation which will be filled by people in Penrith and the North West subregion.
- The Home Improvement Store will result in increased competition within the home improvement sector with greater choice and price savings for consumers.
- The overall concept plan considers CPTED principles and design elements generally comply with these principles. The plans advocate activation of the site along Station Street at the retail plaza and tavern, good passive surveillance in residential areas, good legibility and strong amenity for a diverse demographic that will access and use the development.

A number of initiatives have been included within the Draft Statement of Commitments to ensure that potential impacts are appropriately assessed during the detailed design and assessment of the future Project/ Development Applications.

### 6.1.3 ECONOMIC

The proposed renewal is anticipated to have a number of positive economic impacts, including:

- The proposed Project Application for the Masters development is anticipated to have a positive impact on the ability of the site to generate employment. It will generate employment for approximately 130 - 150 employees full time, part time and casual). In addition, the project will generate approximately 180 jobs during construction. Importantly many of the ongoing and construction jobs will be filled by people in Penrith and the North West subregion which will be beneficial to the local economy.
- Increased competition within the home improvement sector which should result in greater choice and price savings for customers;
- Reduced travel times for Penrith residents and trades workers seeking to access a range of home improvement products and services and, accordingly, potential vehicle emission savings (particularly from trades vehicles) by minimising the need for customers to travel greater distances to make purchases; and
- Increased expenditure retention within the Main Trade Area reducing the amount of expenditure that is leaked to other LGAs.

## 7 Draft Statement of Commitments

### 7.1 OVERVIEW

A draft Statement of Commitments has been prepared in accordance with the requirements of the DGRs. The Statement of Commitments outlines environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project which have been a result of the impact assessment of the project.

The commitments are made by the proponent and will be incorporated into the Concept Plan and Project Application as indicated below.

### 7.2 CONCEPT PLAN

#### **Built Form and Urban Design**

1. The architectural drawings required to be lodged with the future Project/Development Applications are to be generally consistent with the Concept Plan Submission prepared by Turner + Associates Architects.
2. The landscape drawings required to be lodged with the future Project/Development Applications are to be consistent with the Landscape Proposal prepared by Site Image.

#### **Environmental and Residential Amenity**

3. Shadow diagrams demonstrating the potential overshadowing impacts of the proposed buildings on 21 June, 21 December and 21 March/September at 9.00am, 12.00noon and 3.00pm are to be prepared and lodged with the future Project/Development Applications.
4. The detailed design of the development proposed in the future Project/Development Applications is to incorporate the following recommendations to avoid adverse wind impacts:
  - The inclusion of the proposed densely foliating street trees along Station Street, Jamison Road, Woodriff Street and the proposed roads within the development site as indicated in the landscape drawing of the site.
  - The inclusion of the proposed densely trees and vegetation within the outdoor public plaza, the various central landscape communal areas and retail car parking site.
  - The inclusion of impermeable balustrades along the perimeter of the corner balconies within the site.
  - The inclusion of full-height impermeable end screens on one end of the corner balconies, preferably those that face the north to north-easterly, western or south to south-easterly directions.

#### **Ecologically Sustainable Development (ESD)**

5. ESD principles and measures will be implemented for the project in accordance with the ESD Strategy prepared by Cundalls.
6. All building will be designed in accordance with the Building Code of Australia, SEPP 65 and the Building Code of Australia (BCA) Section J for Energy Efficiency

#### **Drainage and Flooding**

7. The recommendations of the Stormwater Report prepared by Mott Macdonald will be implemented including:
  - Further investigation of the type, size and location of the site stormwater quantity and quality strategies needed to satisfy council's statutory requirements; and



- Further investigation of the site flooding requirements will be undertaken pending the results of the Council commissioned flood study.
- 8. WSUD measures will be implemented in accordance with the Stormwater Management Report and ESD Report.
- 9. An Earthworks Management plans including Erosion and Sedimentation Plans will be prepared to coincide with the construction stages as part of the design development.

### **Staging**

- 10. Further Development Application / Project Applications will be lodged to seek approval for Stages 2 -6.

### **Transport and Accessibility Impacts**

- 11. A Traffic Management Plan will be prepared prior to the commencement of work which will detail the implementation of these principles including appropriate measures for pedestrian amenity, construction fencing, vehicle management and construction activity.
- 12. Car parking is to be provided in accordance with the following rates:
  - Bulky goods: Approximately one space per 36sqm gross floor area.
  - Residential: Approximately one space per unit for residents and one space per 20 units for visitors.
  - Tavern: Approximately one space per 24.5sqm gross floor area.
  - Retail: Approximately one space per 100sqm gross floor area.
- 13. The project will provide for bicycle facilities and parking in accordance with Council's standards.
- 14. A Travel Access Guide is to be developed in conjunction with Council, RMS, Sydney Buses and other key stakeholders and is consistent with key policies including NSW 2021 to reduce car dependency.
- 15. Consultation will be undertaken with the RMS during the detailed preparation of the Concept Plan application stages to confirm the appropriateness of the proposed road layout and traffic impact analysis.

### **Noise and Vibration**

- 16. Detailed design will be in accordance with the Acoustic Report prepared by Acoustic Logic and recommended treatments are to be incorporated at each stage of the development.
- 17. A further Acoustic Report will be prepared to assess the impact of the proposed Tavern on the proposed residents.

### **Heritage**

- 18. The recommendations of the Aboriginal Heritage Assessment prepared by AHMS will be carried out prior to approval of the Project Application as follows:
  - Sub-surface investigation and characterisation of deposits will be carried out in the PAD in accordance with the Archaeological Assessment.
  - Further assessment to determine the presence/absence of Aboriginal objects are will be carried out for development below >1.3 m in the northern portion of the site (identified as high disturbance).

19. The Aboriginal Heritage Assessment prepared by AHMS will be distributed as follows:
- Three copies of the Aboriginal Heritage Assessment should be forwarded to the NSW Office of Environment and Heritage.
  - One copy of the Aboriginal Heritage Assessment should be forwarded to each of the following Aboriginal stakeholders: Deerubbin LALC, Darug Custodian Aboriginal Corporation, Darug Tribal Aboriginal Corporation.

### **Utilities**

20. All relevant services will be further investigated at the detailed design stage as recommended by the Civil, Infrastructure and Stormwater Report prepared by Mott Macdonald including:
- Finalise the detailed survey of the developable area to identify above ground and below ground structures, services and utilities requiring modification, removal or replacement;
  - Investigation of the capacity of existing Authority services on the site and the extent of augmentation, and retention that is possible;
  - Further discussion with service providers to determine any requirements for the area;
21. Utility services will be upgraded during the appropriate phase of the project as necessary, taking into account the requirements of Sydney Water, Energy Australia, Jemena and other service providers.

### **Waste**

22. A Waste Management Plan relating to demolition, construction and operation will be prepared for each of the proposed buildings in the Concept Plan.

### **Site Contamination and Geotechnical**

23. Soil contamination testing and offsite disposal of excavated soils are to be carried out following demolition of buildings and removal of concrete pads.

### **Social Impacts**

24. The recommendations of the CPTED report prepared by Urbis will be included in the relevant detailed design stages:
- Provide appropriate measures, such as pedestrian crossings, signage and signals, particularly along Station Street between the Stadium and the proposed tavern, and within local roads of the residential development.
  - Ensure that all external and relevant internal areas of the development are well lit to the relevant Australian Standards without spilling into neighbouring residential properties on Jamison Road and Woodriff Street.
  - Ensure that lifts and escalators are optimised for wheelchair access in accordance with the appropriate Australian Standards.
  - Ensure that pedestrian pathways through and around the site are easy to navigate and safe through the use of signage, lighting and landscaping as appropriate.
  - Install CCTV cameras at entry, access and egress points to all areas of the development, including access areas to car parks, residential lobbies and lift areas, as well as the brick wall border to the Centro site.
  - Ensure that landscaping does not interrupt sightlines and is used on external surfaces to deter malicious damage, show ownership and improve aesthetics.

- Avoid blank walls in the external layout of the development to reduce opportunities, and coat external surfaces to facilitate the removal of graffiti.
25. A further more detailed CPTED assessment will be prepared in the final design of the development improve crime and safety outcomes.

### **Construction**

26. Demolition will be undertaken in accordance with the requirements of Australian Standards AS2601 – 2001: The Demolition of Structures which is incorporated into the Occupational Health and Safety Act 2000 administered by WorkCover NSW.
27. Construction will be carried out in accordance with the Construction Management Plan.
28. Reasonable measures will be undertaken to minimise disturbance to adjacent residences during the construction phase with regard to:
- Movement of vehicles
  - Construction noise attenuation
  - Visual intrusion, dust and light spill

### **Consultation**

29. Consultation with adjoining landowners will be undertaken to inform of the project process at significant stages of the Concept Plan.
30. The community will be kept informed about the construction process.

### **Contributions**

31. Section 94 Contributions will be paid or a Voluntary Planning Agreement entered into for the residential stages will be addressed prior to approval of future Development Application/ Project Application stage.

## **7.3 PROJECT APPLICATION**

### **Built Form and Urban Design**

The proposed Home Improvement Store will be in accordance with the following documents:

- Architectural Plans prepared by Leffler Simes Architects.
- Acoustic report prepared by Acoustic Logic.
- Waste Management Plan.
- ESD report prepared by Aecom.
- Civil, Infrastructure and Stormwater Report prepared by Mott MacDonald.
- Stormwater Report preparing by Mott MacDonald.
- Landscape Plans prepared by Site Image.
- Traffic Report prepared by CBHK.
- Accessibility Report prepared by Access Design Solutions.

### **Utilities**

- Consultation with the relevant electricity authority prior to the determination of the application to establish the likely safety risks.

### **Landscaping**

- Landscaping will be provided in accordance with the Landscaping Report with regard to gateway planting and screening along the northern boundary.

### **ESD**

- ESD measures will be incorporated into the detailed design in accordance with the ESD report where practical and appropriate.

### **Contributions**

- Relevant Section 94 Contributions will be paid prior to release of the Construction Certificate.

### **Car Parking**

- 380 car parking spaces will be provided with appropriate disabled facilities in accordance with the Traffic Report.

## 8 Summary and Conclusion

The proposed development outlined in the Concept Plan and Stage 1 Project Applications is considered to be appropriate and entirely suitable for the site for the following reasons:

- The majority of the development is permissible with consent and consistent with the land use objectives in accordance with the provisions of the LEP. This includes the proposed residential flat buildings, ground floor neighbourhood shops/cafes, tavern, public plaza and other associated works. The only exception is the proposed bulky goods, hardware and building supplies and garden centre which form the Home Improvement Store. These specialised retail uses are considered appropriate given that it is in close proximity to other similar existing uses to the south of the site and local housing targets will still be met, with other developments within close proximity of this site. This component is permissible under the Part 3A transitional arrangements.
- The proposal is entirely consistent with State, metropolitan and subregional strategic planning policy, including:
  - NSW 2031 (NSW State Plan) – The proposal is consistent the NSW 2031 priorities by incorporating a high level of pedestrian connectivity to nearby employment, providing a diversity of housing types in close proximity to transport nodes and improving connectivity within and throughout the site.
  - Metropolitan Plan for Sydney 2036 - Provides mixed use development on underutilised land in the Penrith city centre area and would contribute to a vibrant and liveable city consistent with the future directions for Penrith.
  - Draft Subregional Strategy for North West Subregion - The proposal is consistent with the draft Subregional Strategy by providing high density residential development on an infill site located within walking distance of a sub-regional shopping centre, traditional shopping strip and high frequency public transport. The proposed redevelopment of the subject site will also assist in meeting housing targets in Penrith.
- The proposal is consistent with all State Environmental Planning Policies (SEPPs) including SEPP 55, SEPP 65, BASIX SEPP, SEPP Infrastructure:
  - A Contamination Report has been prepared to meet the requirements of SEPP55 and the risk presented by unidentified contamination to be negligible and there is sufficient information to conclude the subject site will be suitable for the proposed mixed use development.
  - Further analysis of SEPP 65 and BASIX SEPP will be included at the detailed design and construction of residential buildings which will be the subject of future Development Applications.
  - Appropriate Statement of Commitments have been included to ensure future compliance with the applicable requirements of the SEPPs.
- The site is generally consistent with the provisions of the LEP. The proposed non-compliance relate to building height and car parking and are considered to be appropriate as follows:
  - The proposed building height provides a varied and animated skyline which respond to the existing context. The building layout also provides acceptable privacy and solar access and avoids overshadowing.
  - Car parking for neighbourhood shops and cafes will be accommodated within the local road network, which is considered to be entirely appropriate having regard to the number of on-street car parking spaces and the anticipated number of patrons who would walk to these facilities. The bulky goods rates have been based on recent surveys of parking demands for Home Improvement Stores undertaken by the RMS and are also considered appropriate.
- The proposal is generally consistent with DCP requirements. Non-compliances are generally minor in nature and do not compromise the quality of the proposed built form and maintain high residential amenity.
- The proposed non-compliances with the planning controls are considered to be entirely appropriate and have been fully justified within the report, having particular regard to the compliance with the above policies.

- The potential environmental impacts have been identified and assessed in detail within the Environmental Assessment (refer to **Section 6**) and are considered to be either positive or able to be mitigated through the adoption of appropriate measures to minimise their potential impact. A Draft Statement of Commitments outlining each of these requirements is provided in **Section 7**.
- The proposed development will result in considerable social benefits through the provision housing that is affordable for the local community, as well as the public domain improvements that will benefit both existing and likely future residents within the site and surrounding local area.
- The proposed renewal will also result in economic benefits during both the construction and operational phases, including creation of additional employment and economic benefits arising from increased local spending.

Overall, the proposed development outlined in the Concept Plan and Project application is considered to be in the public interest having regard to the positive environmental, social and economic benefits identified above.



## Appendix A

## Consolidated Director General Requirements

## Appendix B

## Initial and Supplementary Director General Requirements

## Appendix C

## Site Survey

## Appendix D

## Plan of Subdivision

## Appendix E

## CIV Report

## Appendix F

## Concept Architectural Plans



## Appendix G

## Project Architectural Plans

## Appendix H

## Contamination Assessment

## Appendix I

## Architectural Design Statement and SEPP 65

Appendix J

DCP Compliance Table

## Appendix K

## Concept ESD Report

## Appendix L

## Project ESD Report



## Appendix M

## Heritage Impact Statement

## Appendix N

## Noise Impact Statement

## Appendix O

## CPTED Report

## Appendix P

## Economic Impact Statement

## Appendix Q

## Residential Market Analysis

## Appendix R

## Concept Landscape Plans

## Appendix S

## Project Application Landscape Plans



## Appendix T

## Pedestrian Wind Environment Study

## Appendix U

## Traffic and Access Impact Study

## Appendix V

## Concept Plan Civil, Infrastructure and Stormwater Report

## Appendix W

## Project Application Stormwater Management Report

## Appendix X

## European Archaeological Assessment

## Appendix Y

## Aboriginal Cultural Heritage Assessment

## Appendix Z

## Pre Lodgement Consultation Report



## Appendix AA

## Concept Plan Geotechnical Report

## Appendix BB

## Project Application Geotechnical Report

## Appendix CC

## Project Application Accessibility Report

## Appendix DD

## Project Application Waste Management Plan

## Appendix EE      Construction Management Plan

## Appendix FF      Photomontages

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