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Ms Sarah Houston
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Our ref: MP08_0192

Dear Ms Houston,

Concept plan and stage 1 project approval – mixed use development including Master's home improvement store – 164 Station Street, Penrith – MP09_0192

I refer to my letter of 26 November 2012 enclosing the submissions received following the conclusion of the exhibition of the environmental assessment for the concept plan and stage 1 project.

I now enclose a copy of the submission recently received from Penrith City Council. I note that council has raised significant issues and concerns which will require your consideration and response, in addition to your response to the issues and concerns raised in the submissions previously forwarded to you.

Further to the issues raised in the submissions, Attachment A provides a list of issues identified by the department that are to be addressed in the Submissions Report.

The department raises concern regarding the justification for the proposal, particularly in terms of the strategic planning that has been undertaken for the site and the need to ensure satisfactory design excellence.

In light of the above and the issues and concerns raised in the submissions, the proponent should carefully review the current proposal for the site.

For further information regarding this matter please contact Ray Lawlor on 02 9228 6468 or via email at ray.lawlor@planning.nsw.gov.au.

Yours sincerely

19/12/12

Heather Warton
Director
Metropolitan & Regional Projects North

ATTACHMENT A

Environmental Assessment - 164 Station St Penrith – MP09_0192

Issues identified by the Department of Planning & Infrastructure

1. Relevant EPIs policies and guidelines, strategic context

1.1. Metropolitan Plan for Sydney 2036

Clustering of bulky goods retailing

Objective B1 of the Metropolitan Plan identifies the need for local planning to identify appropriate locations (out of centre) to cluster bulky goods retailing. The need for clustering of this activity needs to be appropriately acknowledged and discussed in the regard to the EA discussion of the Metropolitan Plan. Other sections of the EA also fail to acknowledge and provide appropriate analysis in this regard. This is an important feature in planning strategies for the location of bulky goods premises, and also needs to be given weight in consideration of the suitable alternative sites and clustering within existing bulky goods areas, in particular those bulky goods areas along and off Mulgoa Road as identified under Penrith LEP2010

1.2. The City Centre Vision – Revitalising - Penrith City Centre Plan

The consideration of relevant policies and guidelines fails to consider the Penrith City Centre Vision 2006 and any inconsistencies with the that vision, and vision in respect to site.

1.3. Penrith City Centre LEP 2008

Design excellence

The department questions whether the EA adequately establishes and whether the design of the proposal exhibits design excellence, including whether it fundamentally resolves design issues with siting the extent of stand alone retail floor space on the southern part of the site. This potentially results in amenity issues, which should not otherwise arise, refer also to further comments below in regard to built form, urban design. Further consideration of these matters is required.

Preservation of trees

The EA indicates that the trees located on the northern boundary of the proposed Master's site (proposed lot 11) are proposed to be retained. It is unclear whether these trees are also to be retained within stages 2 and 6 of concept plan, or only at stage 1.

An assessment of the trees by a qualified arborist, or the like, has not been undertaken, to determine whether the trees are suitable to retain. If they can be suitably retained then further assessment should be undertaken to determine how they might be incorporated within proposed landscaping buffering to the rear of the Master's store, adjacent to the southern internal road. It is also noted that no assessment of trees proposed to be removed for stages 2 - 6 has been undertaken.

Open Space

Refer to comments below in regard to SEPP 65. The extent of open space referred to as 58% of the site area should be reviewed.

2. Economic Impact Assessment

2.1 Consideration of Alternative Retail Sites (section 5.2.3)

As indicated above, clustering of bulky goods is a consideration to be given some weight in reviewing alternative sites.

Former Westbus site – 72-76 Mulgoa Road, Jamisontown

The former Westbus depot site at 72-76 Mulgoa Road, Jamisontown (in conjunction with adjoining sites with access to Regentville Road) has been the subject of some preliminary discussions with council and RMS for redevelopment as a Master's store, which are not acknowledged in the EA.

The concerns raised in the EA about accessibility to this site could be further explored and resolved. For example, this site could have access for traffic movements off Regentville Road along with two existing access points on Mulgoa Road (both left in/left out). The site would have right turn access from a traffic signaled intersection at Batt Street/Mulgoa Road intersection (to the south) and then via Regentville Road.

2.2 Economic Impact Assessment (section 5.4)

Penrith Panther's Planning Proposal

The DGRs required that the EA address the economic impact of the proposal on existing retail floor space and future potential zoned retail floor space. The department's adequacy review of the draft EA also referred to need for consideration of the Penrith Panther's site, in regard to this key issue.

In section 5.4 of the EA, and in the Retail Economic Impact Assessment at Appendix P, it is indicated that the potential timing, scale and nature of the Panther's development is uncertain, and if it were to proceed with factory outlet retailing it would not compete directly with the proposed Master's Home Improvement store. Details regarding the scale and nature of the Panthers planning proposal is within the public domain and readily available. A report on the proposal was considered by council at its meeting of 26 March 2012. Also details of the Panthers proposal are referred to in the section 5.3 of the EA related to net community benefit.

I note that in the report to council's meeting of the 26 March 2012 it is indicated that Hill PDA undertook an independent assessment for council of the retail impacts. This identified a preferred scenario where retail impacts across the retail components in the City Centre would generally be moderate based upon no additional retail being provided on the Parkview site.

Consideration of the Panthers proposal is required, and the impact of additional retail floor space on the subject site.

Further review due January 2013

The department is also reviewing this key issue in more detail and may need to raise further issues once this further review is complete. This is expected to be complete by early/mid January 2013.

3. Built Form and Urban Design/ Environmental & Residential Amenity

Design and amenity issues

The department considers that an integrated design for development of the site should avoid, rather than try to mitigate, any potential amenity impacts arising due to the relationship between the Master's component of the development and the future residential, particularly those impacts related to back of house activities and service access and hours of truck movements.

It is noted in this regard that the current design will lead to mixing of service access with access to residential development, off Station and Woodriff Streets, into and along the southern internal road, between stage 1 (Master's store) and stages 2 and 4. The EA should investigate options for reorienting/relocating these activities within stage 1, to move the 'back of house' service access/loading dock areas away from the southern road and interface with stages 2-6.

No details have been provided as to whether truck movements will be restricted through the length of the southern internal road, and the means for dealing with this.

Amenity impacts for uses within Woodriff Street

The EA fails to fully consider the traffic impact of the development including this truck service access on existing uses within Woodriff Street, and in particular the child care centres at 118 and 120 Woodriff Street (Nepean Early Learning Centre and Tiny Tots).

Noise impacts

The concept plan noise impact assessment, appendix N, fails to clearly address the internal noise impacts for residential receivers (in particular within stages 2 and 4) due to truck movements, and loading/unloading and servicing of the Master's store during evening and night periods (including early mornings).

4. SEPP 65

Open Space

The EA does not establish that stages 2-6 of the concept plan will provide for adequate areas of communal open space and deep soil zones. The SEPP 65 assessment with the EA, Appendix I, indicates that the area of public or communal open space is 25,600m². However it seems that this includes areas associated with internal/ new roads, whereas the site statistics included in the architectural plans, Dwg DA015, indicate that communal open space/setbacks is 11,000m² and public open space within the plaza area is 2,300m². Review and clarification of the open space areas is required.

The illustrative basement plan – DA031 indicates that there will be limited deep soil areas within the main communal areas of open space. Areas of deep soil zones should also be calculated in respect to the area of stage 2 to 6 only, and exclude the area of stage 1.

5. Transport & accessibility impacts

Right turn lane – Station Street

The concept plan and stage 1 project does not establish any justifiable need for the proposed right turn lane in Station Street, in this regard the issues raised by the SRDAC are noted. Options should be investigated for removal of this right turn lane and/or dedication of land from the site to provide it.

Left turn lane – Jamison Road

Details of a left turn lane at the Jamison Road entrance, as referred to by the SRDAC, are also required.

Bus stops

You should liaise with Westbus regarding impacts and changes to bus services/bus stops, as raised by Transport for NSW in their submission.

Traffic and parking impacts surrounding uses

The traffic analysis needs to review traffic impacts in context of the busiest times for surrounding activities, including sporting events at the adjoining stadium and facilities in Station Street (noting that Centrebet Stadium has capacity of 22,500 and in 2012 experienced a crowd average of 10,714). In this regard consideration should also be given to any measures required

to restrict non customer parking within the Masters site, and non resident/visitor parking on internal roads within the stage 2-6 area.

Truck access details

The Mott Macdonald vehicle movement drawings, MMD-310574/0200 show truck access to the rear of the Master's store with turning/swept path diagrams, with right in off Woodriff Street and right out to Station Street. If this means that left in/out truck movements will be prohibited then details are required as to how will this be controlled. Otherwise the drawings should also provide details of these truck movements. The traffic lanes in Station Street and Woodriff Street should also be shown on the drawings, in respect to truck movements in these streets.

6. Heritage

Site testing - PAD

Details including any relevant amended reports are required in respect to further site testing undertaken on the PAD identified in the Aboriginal archaeological assessment undertaken by AHMS.