



# Submissions Report

164 Station Street, Penrith

November 2013

**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

Director	Tim Blythe
Senior Consultant	Sarah Houston
Job Code	SA4745
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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:	Tim Blythe (Director) and Sarah Houston (Senior Consultant)
Address:	Urbis Pty Ltd Level 23, Tower 2, Darling Park 201 Sussex 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> 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>Stage 1 works</b> involving construction of 13,500m <sup>2</sup> 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:	Tim Blythe	Sarah Houston, Senior Consultant
Signature:		
Date:	8 <sup>th</sup> November 2013	8 <sup>th</sup> November 2013

# 1 Introduction

## 1.1 OVERVIEW

This Submissions Report has been prepared on behalf of Parkview Penrith Pty Ltd (Parkview); being the proponent for a Concept Plan Application (MP09\_0192) seeking approval for a mixed use development with Stage 1 works for the construction of a Masters Store at 164 Station Street, Penrith.

A Preferred Project Report (PPR) was prepared and submitted to the Department of Planning and Infrastructure (DPI) on 11 June 2013. The PPR was placed on exhibition from 20 June 2013 to 18 July 2013.

This report responds to a request by DPI dated 26 August 2013 requesting that identified outstanding issues be addressed. These issues relate to the following:

- Response to the public and agency submissions.
- The need to address traffic, parking and access issues and RMS comments.
- Further consideration of the loading area for the Masters Store.
- The adequacy of deep soil zones.
- Clarification of stormwater management issues.

The report also addresses more recent events associated with a further development application submitted by Masters for the Mulgoa Road, Penrith site and the implications for this current project.

## 1.2 THE PREFERRED PROJECT

The Preferred Project responded to the key issues raised by DPI following exhibition of the EA being primarily to *'swap the Masters site with the mixed use residential site to co-locate compatible land uses and minimise negative impacts on existing and proposed residential development'*.

As a result of DPI comments and further technical assessment of the Concept Plan, the following amendments were made to form the Preferred Project:

- Demolition of the Panasonic building as part of Stage 1 works.
- Masters Store (and associated Stage 1 works) occupies the northern portion of the site and the residential, plaza and tavern development occupies the southern portion.
- Reallocation of building heights to create a gateway entry to the City Centre at the corner of Jamison Road and Station Street.
- Masters Store is orientated to the west and addresses Station Street with the loading area screened with a landscape mound to Woodriff Street.
- The plaza, ground floor retail and the tavern are located in close proximity to Ransley Street, near the Penrith Stadium and Showground.
- A new street link is provided between Station Street and Woodriff Street.
- New residential building layout addressing the shape of the site.
- Revised internal street layout in the residential component including a cul-de-sac which allows for internal access to basement areas.

### 1.3 PURPOSE OF THIS REPORT

This report outlines the proponent's response to DPI assessment comments and the issues raised by RMS and stakeholder agencies following review and public exhibition of the PPR documents. A revised Statements of Commitments is also provided.

The report is structured as follows:

- **Section 2** – Details of the issues raised by the DPI on 26 August 2013 and the assessment and response to these issues.
- **Section 3** – Summary of the comments received from RMS dated 16 August 2013 and the assessment and response to these issues.
- **Section 4** – Response to implications of DA lodgement for the Mulgoa Road, Penrith site by Masters.
- **Section 5** – Responses to issues raised by the community and stakeholders including Penrith City Council and Government agencies.
- **Section 6** – Revised Statement of Commitments.

This report is supported by the following revised technical studies provided in the appendices. These reports are in addition to the information previously submitted with the Environmental Assessment and PPR document.

All other consultant reports remain unchanged from the EA lodgement in September 2012 and can be found on the DPI website.

TABLE 1 – SUPPORTING DOCUMENTS

REPORT	PREPARED BY	REFERENCE
Letter from DPI dated 26 August 2013	DPI	Appendix A
Additional Traffic and Accessibility Report	Colston Budd Hunt & Kafes	Appendix B
Letter from Masters Home Improvement on site options	Masters	Appendix C
Stormwater Management Response	Mott MacDonald	Appendix D
Response to public and agency submissions	Urbis	Appendix E

## 2 Response to DPI Issues

### 2.1 OVERVIEW

The letter from DPI to the applicant dated 26 August 2013 (refer **Appendix A**) states that the PPR documentation has been considered along with the public and agency submissions from its exhibition. The outstanding issues requiring further consideration prior to determination are identified as:

- Traffic, parking and access issues.
- RMS comments in regard to the signalised intersection of Ransley and Station Street.
- Suitable access to the Masters Store
- Adequacy of deep soil zones.
- Clarification of stormwater management issues.

The applicant and project team met with DPI to discuss the individual items of the letter correspondence on 29 August 2013 and has informed this report. Separate discussions have also been held between the applicant, project traffic engineer CBH&K and the RMS.

A response to DPI specific assessment comments is now provided in the following sections.

### 2.2 TRAFFIC AND ACCESSIBILITY IMPACT ASSESSMENT

DPI engaged an independent traffic consultant to review the Traffic and Accessibility Impact Report prepared by the project traffic consultant, Colston Budd Hunt & Kafes (CBH&K) which was provided in Appendix O of the PPR.

The issues identified as part of this review have been considered by CBH&K and are discussed in the following sections. A supplementary Traffic Report has been prepared to respond specifically to these issues and is provided in **Appendix B**.

#### 2.2.1 INTERSECTION OF RANSLEY STREET AND MULGOA ROAD

In relation to the intersection of Ransley and Mulgoa Road Street, the following was stated:

*Ransley Street will become a major access point into the development, with the most direct access to Mulgoa Road. Intersection analysis of current and future conditions at the Ransley Street and Mulgoa Road intersection needs to be undertaken. Details of any required mitigation measures should also be considered and identified.*

The intersection has been analysed with SIDRA for the additional development traffic flows. The analysis found that the intersection would operate with average delays of less than 35 seconds per vehicle during peak periods. This represents level of service C, a satisfactory level of service.

The intersection of Ransley Street and Mulgoa Road has been considered in full in response to RMS comments as detailed in Section 3.

#### 2.2.2 TRAFFIC/TRIP GENERATION RATES

In relation to the traffic generation rates utilised in the Traffic and Accessibility Impact Report the letter states the following:

*The rates that have been used to estimate traffic generation for the residential component of the proposed development and for the tavern are considered to be too low. A generation rate of 0.4 to 0.5 trips per hour per dwelling (for medium density residential flats) would be more*



*appropriate or at the very least a rate of 0.29 vehicle trips per hour per apartment (for high density residential development within a metropolitan sub-regional centre).*

*Traffic generation for the tavern have been based on the previous assessment of 60 vehicle trips per hour. This now equates to approximately 1 vehicle trip per hour per 30 square metres, which is considered to be too low. This trip generation rate should be substantiated with comparisons from similar nearby land uses.*

*The traffic generation for the Masters store is also considered to be too low due to the adoption of an inappropriate passing trade discount of 20% (an average for new shops within existing retail centres). The 20% discount is considered too high in this case as the street frontage of Station Street is to a lower order road, compared to higher order road such as Mulgoa Road (to which a 20% passing trade discount may apply). RMS guidelines suggest that the passing trade discount should not apply without adequate substantiation.*

In response, the additional Traffic Report states the following:

- The traffic generation rate of 0.24 vehicles per hour per apartment is the RMS rate for high density apartments in CBD environments, such as the proposed development in Penrith CBD. It is therefore considered appropriate for the assessment of traffic implications.
- For the 570 apartments proposed, the difference between a traffic generation rate of 0.24 and 0.29 vehicles per hour per apartment is equal to less than 30 vehicles per hour two-way at peak times. The assessment is not sensitive to such a minor difference.
- As noted the previous report, the traffic assessment for the previously approved development on the site included allowance for 60 vehicles per hour for a larger tavern than now proposed (1,800sqm compared to a 2,000sqm tavern previously approved).
- The traffic assessment for the current proposal is based on 60 vehicles per hour which is therefore considered to be conservatively high.

Accordingly, the traffic generation rates utilised for the assessment of the proposal are considered adequate.

### 2.2.3 PARKING FOR THE PROPOSED TAVERN

In relation to the parking rates utilised for the tavern in the Traffic and Accessibility Impact Report, the following was stated:

*Parking provision for the tavern development needs to be reconsidered, or adequately substantiated, in light of the low parking provision proposed, compared to council's DCP requirements. There are inconsistencies in the use of the DCP requirements in one instance (ie. basing parking requirements on surveys) and then the use of the DCP requirements in another instance by reducing the need for on-site parking (ie. DCP states that at least 60% of parking is to be provided on site or 40% can be provided off-site). If the 60% reduction is adopted, it should be used against the DCP parking provision requirements, which would be 60% of 200 spaces required, or 120 spaces. If surveys are to be relied upon, then the number of on-site spaces should be based upon surveys of similar clubs and taverns. An under-provision of parking for the proposed tavern may result in nearby on-street parking impacts.*

The Traffic and Accessibility Report submitted with the PPR states the following in relation to the proposed parking rate for the tavern:

- For pubs/registered clubs, Penrith DCP 2006 includes a minimum parking requirement is one space per 3.5m<sup>2</sup> bar area plus one space per 5.5sqm lounge/dining area.
- To ensure an accurate rate, surveys of a number of clubs and taverns have been undertaken, including at Ashfield, Balgowlah, Berowra, Central Coast, Chatswood, Epping, Pennant Hills, Penrith, Redfern, Revesby, St Marys, Wentworthville and West Pennant Hills.

- These surveys have found parking demands in the range one space per 10 to 15sqm. On this basis, the proposed 1,800sqm tavern would require some 120 to 180 parking spaces.
- It would be appropriate to provide parking toward the lower end of this range, given the location of the site in the Penrith town centre, and consistent with government objectives to constrain parking and encourage alternative modes of travel in areas with good access to public transport.

On this basis, the proposed 70 on-site parking spaces for the tavern are considered adequate.

#### 2.2.4 TRIP DISTRIBUTION

The following was stated in relation to the trip distribution utilised in the Traffic and Accessibility Impact Report:

*While trips along the road network have been shown in Table 3.1 of the Colston Budd report, further details of trip distribution to and from each site access point are required; to clarify along which sections of the road network the traffic generated by the project is travelling. Note: Table 3.1: Derby Street east of Woodriff Street is missing additional development traffic of +65 during the weekday afternoon and +100 during Saturday midday. This additional development traffic has been included in the traffic flow figures (Figure 2 and Figure 3) as well as the SIDRA analysis.*

Traffic turning to and from the proposed Masters access point is shown in Figures 2 and 3 of the previous CBHK report. Traffic flows at the intersections of the new internal road with Station Street and Woodriff Street are shown in Figure 3 of Appendix B, and included in the SIDRA analysis previously provided to DoP/RMS.

#### 2.2.5 TRAFFIC VOLUMES

In relation to traffic volumes identified in the Traffic and Accessibility Impact Report, the letter states the following:

*Background traffic growth needs to be considered for future intersection and road network analysis, when the development is anticipated to be operational.*

The Traffic and Accessibility Report lodged with the PPR states that the transport assessment for the Panthers planning proposal builds upon an earlier report prepared for the wider Riverlink Precinct. It includes consideration of a series of developments in the immediate and wider area to the year 2031. Additional infill residential development of some 4,000 dwellings was included in these assessments. At the time of preparation of those studies, the previously approved development on the subject site included 1,100 dwellings plus a series of other uses.

Therefore, the studies for the Riverlink Precinct and Panthers planning proposal include allowance for development on the subject site in excess of that now proposed, and include background traffic growth.

### 2.3 LOADING / UNLOADING AREA FOR THE MASTERS STORE

The DPI letter states that there are outstanding matters associated with the design of the loading area for the Masters development which include potential traffic conflicts between delivery vehicles servicing the Master store and other traffic using the proposed new road.

The suitability of other options has been considered in relation to the loading area following assessment of DPI's comments on these matters. These are discussed in detail below.

- Swept paths have not been shown for the reverse loading movements on the southern side of the loading area (adjacent to the new central access road and to the rear of the trade centre).*

- b) *The reverse movement on the northern side of the loading area appears to show vehicles encroaching outside the gate at the exit driveway, to enable reversing into the loading dock. Clarification is required as to whether this will occur, and whether this reversing movement will result in any safety issues for pedestrians in Woodriff Street which needs to be addressed.*

The loading area on the eastern side of the Masters store has been amended. Swept paths are attached as Figures 4 and 5 in Appendix B.

- c) *The swept paths diagrams should show traffic lanes on Woodriff Street as well as the proposed road (the new street) to determine whether these turn movements encroach across the centrelines of the roads. Parking restrictions may be required along Woodriff Street, on either side of driveway access points, to cater for the swept paths of longer vehicles turning into and out of the site, so as to avoid them crossing the Woodriff Street centreline. Also, right-turn in and left-turn in movements off Woodriff Street appear to cross over the centreline area of the proposed road (the new street), which is undesirable and sub-standard for the main loading access point.*

The amended loading dock for Masters provides for vehicles to enter and exit on the left hand side of the road, as shown in Figures 4 and 5 in Appendix B.

- d) *It is unclear how conflicts would be managed resulting from longer vehicles turning from Woodriff Street needing to wait for any vehicles exiting and turning out of the site and the proposed road.*

Vehicles entering the Masters loading dock would not need to wait for vehicles exiting the loading dock or the proposed new access road.

- e) *It is unclear how vehicular access to the site is to be managed to ensure that service vehicles, in particular semi trailers up to 19m in length, only enter and exit the Masters Store loading area to and from Woodriff Street, rather than trying to access the loading area via Station Street and the central access road.*

The Masters management arrangements for the loading dock will include entry and exit via Woodriff Street. Service vehicles could also access the loading dock from the Station Street end of the new road.

- f) *It is unclear how heavy vehicles (long semi-trailers) entering the loading bay area from the central access road are to be managed so that they do not block other vehicles entering the proposed road, waiting to turn right.*

The low traffic volumes on the new road, and the very low numbers of service vehicles to the Masters loading dock mean that the potential for delays to through traffic on the new road will be very low. Infrequent short delays to a small number of regular users of this road would not cause unusual issues.

## 2.4 DEEP SOIL ZONES

The DPI letter states the following in relation to the proposed deep soil zones:

*While the PPR has indicated that suitable deep soil zones will be provided for the residential component of the concept plan, the department has ongoing concerns about the adequacy of these areas, due to the extent of basement parking, the limited overlap of deep soil zones with communal open space areas, as well as the staging of the development. The provision of deep soil zones needs to be considered in relation to the stages and provision across the site. Outside the plaza area, there would be limited deep soil zones for some of the proposed stages, and in particular this would be limited within stage 2. The department believes this matter could be addressed by a reduction in the extent of the basement for stage 2 (outside of the apartment building footprints) adjacent to the Jamison Road setback, so as to provide for a greater area overlapping into the communal open space for this stage.*

The proposed Concept Plan provides the following deep soil zones:

- Stage 3 is adjacent to the plaza and largely deep soil areas.
- Stages 4 and 6 share meaningful deep solid between and around the buildings.
- Stage 5 has deep soil within the courtyard.
- All stages have deep soil to the setback zones to their perimeters of a meaningful quantity.

Stage 2 provides the tallest building on the site being ten storeys and therefore generated the highest requirement for parking. It is not appropriate or feasible for the parking to be provided on two basement levels nor is it considered appropriate to reduce the car parking rate allowance for future residents of the building by reducing the basement area to provide increased deep soil areas. Setdowns within the podium slab will allow for 1m deep planters that can support trees.

Overall, there is considerable deep soil associated with the residential precinct. Further, the Concept Plan complies with the best practice principles of the RFDC, and does not preclude planting trees on a slab in the courtyard.

It is noted that most developments of this density within Sydney would have restricted deep soil in courtyards, especially where the site includes a ten storey building such as that proposed. The extent of parking for the tavern can be extended as suggested in Section 2.2.3; however this would reduce the deep soil component of the plaza and on balance is therefore not considered beneficial.

## 2.5 STORMWATER MANAGEMENT

The DPI letter states the following in relation to the proposed stormwater management:

*The department notes ongoing issues that have been raised by council and in public submissions, in response to the EA and the PPR, regarding stormwater management and overland flows, despite the further details provided with the PPR (Mott MacDonald Civil Engineering, Infrastructure and Stormwater report, June 2013). Further consideration of the issues raised is required.*

Mott MacDonald has prepared further advice which is attached at Appendix D. In respect to the issue of stormwater management and overland flows, Mott MacDonald makes the following comments:

- Council advised via email correspondence on 27 May 2013 that *“the study confirms that there is very minimal overland flow affectation on the subject site externally other than the internal surface runoff from within.”* As such, it is our understanding that the subject site is not affected by external overland flows.
- OSD will be provided for Station Street and Woodriff Street. Modelling results indicate that:
  - pre-post conditions for all storm events from the 5yr to 100yr ARI are satisfied for discharge from the development to Station Street.
  - pre-post conditions for all storm events from the 5yr to 100yr ARI are satisfied for discharge from the development to Woodriff Street.
- OSD is not required for discharge into Jamison Road
- Overall, it is anticipated that the proposed development **will have a negligible effect on the overall flooding of the local catchment / area**. Similarly, it is noted that all internal overland flowpaths satisfy the minimum safety requirements as specified in the NSW Floodplain Development Manual.

## 3 Response to RMS Comments

### 3.1 OVERVIEW

The RMS provided initial correspondence in their letter dated 4 July 2013 following the public exhibition of the PPR documentation. RMS requested additional information in regard to traffic demand and warrants for traffic signals as follows:

*RMS requests that the applicant reviewed the Traffic Report and demonstrates that the Warrants for Signalisation have been met. The warrants are contained in RMS's publication 'Traffic Signal Design – Section 2 Warrants' / The traffic report has provided traffic demand in the peak traffic periods during the week and the peak period on Saturday, however for the warrants to be met, traffic demand for 'each of four one-hour periods of an average day' needs to be provided.*

The following additional information was provided to RMS in response to this. A copy of this is provided in **Appendix B**. In summary, the response was as follows:

- The traffic signals would be appropriate for access to the development, being the closest location to Mulgoa Road, and providing a connection between the development, in the town centre, and the Panthers precinct to the west.
- Therefore, based on the Saturday traffic flows, the RMS traffic demand warrant for signalling the intersection is effectively met. For other times of the week, the warrant would not be met.
- The options for access control at the intersection at Station Street/Ransley Street are as follows:
  - Sign controls;
  - Roundabout; and
  - Traffic signals.
- Analysis with SIDRA indicates that sign controls would not have capacity to cater for traffic flows through the intersection. A roundabout would not be practicable as it cannot be provided within the available space.

It is considered that the Station Street/Ransley Street intersection should therefore be signalized, with a fourth leg providing access into the proposed development, because:

- Council supports access being provided by a fourth approach.
- Council supports the intersection being signalized.
- The development plans have been amended to relocate access from Jamison Road and Station Street to this location.
- The proposed signals provide a connection to the arterial road network on Mulgoa Road.
- The warrant for signalization is effectively met for the Saturday.
- Other options would not be practicable or would not appropriately cater for traffic flows.
- The signals would improve pedestrian connectivity to the adjacent sports stadium.
- The signals would improve connectivity to the Panthers facility.
- The signals would improve pedestrian connectivity to other areas within the CBD.
- The signals would provide the most appropriate access for the proposed development.

Following receipt of this information, RMS issued their full comments on the application which are discussed in the following sections.

A response to this letter has been prepared by CBH&K and is provided in **Appendix B**.

### 3.2 SIDRA MODELLING

The following was stated in relation to SIDRA modelling:

*RMS has checked the submitted SIDRA modelling and raises no objection to all models except the modelling of the Station Street and Ransley Street intersection in the "EX Sat mid + dev" scenario. Some of the priority settings are incorrect which have critical implications for the movement delay calculations at the junction including its Level of Service (LOS) and Degree of Saturation (DOS). Once corrected, RMS found the LOS to be "E" and DOS to be 1.071. This indicates that the intersection will not perform satisfactorily under the proposed scenario.*

Following discussions with RMS, it is understood that this matter relates to gap acceptances for a sign controlled intersection. We agree that the intersection of Station Street with Ransley Street would not work appropriately with the proposed development under sign control. Traffic signals are therefore proposed at the intersection.

### 3.3 WARRANTS FOR SIGNALISATION

The following was stated in relation to the warrants for signalisation at the intersection of Ransley and Station Street:

*In RMS's response to the Department dated 4 July 2013, HMS requested that the proponent demonstrate that the Warrants for Signalisation were met for the proposed traffic signals at the Ransley Street and Station Street intersection, particularly for "each of four one-hour periods of an average day". The revised traffic information has included surveys of the Ransley Street and Station Street intersection on a Friday and Saturday.*

*Point 9 in Colston Budd Hunt and Kafes response to matters raised by RMS, states:*

*"Therefore, based on the Saturday traffic flows, the RMS traffic demand warrant for signalising the intersection is effectively met. For other times of the week, the warrant would not be met."*

*RMS does not support the signalisation of the Ransley and Station Street intersection at this time as the warrant for signalisation, (which requires that the traffic demand is for four, one-hourly periods on an average day), has not been met. RMS's interpretation of an average day is that of a Tuesday or Wednesday outside of school holiday periods or days with abnormal traffic demand, and not a Friday or Saturday.*

CBHK have had a number of discussions with RMS regarding the appropriate form of control at the Station Street/Ransley Street intersection. The key points are as follows:

- A sign controlled intersection would not have adequate capacity. Therefore a roundabout or traffic signals would be required;
- A roundabout would not be practicable as it would not fit within the available spaces and would not cater well for pedestrians; and
- While the warrants for traffic signals are not strictly met, traffic signals would be the most appropriate control at the intersection.

In an email of 22 October 2013, the RMS has advised that:

- *Traffic analysis clearly demonstrates that the intersection fails on Sat and Sun under priority control with long delays and queues.*



- *A roundabout at this location is undesirable on pedestrian safety grounds. There are existing bus stops either side of the road on Station Street directly adjacent this intersection and is a bus route to the Penrith interchange. How will pedestrians safely cross the intersection under roundabout control when utilising this bus service?*

We agree with RMS in relation to the above matters. For these reasons, traffic signals are proposed at the intersection.

### 3.4 OPTIONS FOR ACCESS CONTROL

*Point 9 in Colston Budd Hunt and Kafes response states:*

*"Analysis with SIDRA indicates that sign controls would not have capacity to cater for traffic flows through the intersection. A roundabout would not be practicable as it cannot be provided within the available space."*

*RMS requests that the applicant justifies the above statement by submitting the analysis which was carried out for the alternative options, particularly for the roundabout option.*

*As previously stated, once the amended traffic report has been received and assessed by RMS, RMS's comments and requirements for the development will be provided to the Department.*

See response to 3.3 above.

### 3.5 CONCLUSIONS

Based on the above analysis, traffic signalisation is considered to be the only appropriate solution for the Ransley and Station Street intersection. This is a matter that has been intensively discussed with the RMS to ensure that an acceptable solution can be found. While the RMS has expressed a preparedness to consider this option, final advice is yet to be received. This advice will be forwarded at the earliest opportunity to allow final assessment to be completed by the Department.

## 4 Implications of the DA Submission for the “Mulgoa Road” Site

### 4.1 CONSIDERATION OF ALTERNATIVE SITES

The Economic Impact Assessment submitted as part of the Environmental Assessment for the project evaluated other site opportunities within the local region to locate a Masters store. One of those sites was land with primary frontage to Mulgoa Road comprising the former WestBus depot and the Sinclair Ford car dealership to the south as well as some industrial properties to the east fronting Regentville Rd. The zoning of the site permits hardware and building supplies and bulky goods with development consent.

At the time of the EIA (July 2012), the site was identified in the EIA as being suitable for a Masters in terms of site size, main road accessibility and zoning. It was however identified that the site has constraints in terms of access for northbound traffic and potential contamination, raising some questions in terms of its suitability for a Masters development.

Given the delays in the progression of the current project since lodgement in September 2012 and the planning uncertainty of obtaining final project approval particularly given strong objections by Penrith Council, Masters has been pursuing a multi-faceted site acquisition strategy to ensure that it secures and can deliver a store in the local Penrith area. This strategy has involved securing the Mulgoa Road site as an alternative site for Masters.

This strategy is briefly articulated in a letter from Masters which is reproduced below, with the letter included as **Appendix C**.

*Masters is undertaking a major rollout of stores across the country, with the Sydney metropolitan area a particular focus.*

*Penrith is a vital part of the Sydney strategy. We have interest in two sites in Penrith at present, being the Parkview site on Station Street and another site on Mulgoa Road.*

*Both sites require planning approval to allow a Masters store to operate and given such an approval is not guaranteed on either, we are pursuing both at this point.*

*The Parkview site on Station Street is desirable for Masters, as it is central to the catchment, will be easily accessible and is adjacent to the Centro Nepean shopping centre which is a complementary retail use.*

Masters has recently submitted a development application to Penrith Council for the development of the Mulgoa Road site for a home improvement store including some additional bulky goods tenancies. The lodgement of this DA by Masters should not be construed as an intention of Masters to not further pursue locating on the subject site, nor that all of the previously known site constraints of the Mulgoa Road site have been overcome as yet. In this regard:

- Further testing and a separate development application will be required to be lodged for remediation of the site, based on a preliminary environmental site assessment.
- Negotiations are underway with the RMS to achieve direct access for northbound traffic, but the outcome of this is also unknown at this time.

Accordingly, it is considered that the recent DA lodgement on the Mulgoa Road site has no material bearing on the assessment of the subject proposal. Indeed the proposal should be assessed on the basis of its site suitability for the proposed use.



## 4.2 SUITABILITY OF SITE FOR RETAIL USE

The proposed use of part of the site for hardware and building supplies/bulky goods retail is considered appropriate, having regard to the following:

- The site is situated directly adjacent to the Centro Nepean sub regional shopping centre. Hence there is likely to be significant benefits from the co-location of these like uses and a sharing of vehicle trips.
- The northern section of the site has been previously identified as being suitable to accommodate retail development as permitted under the Penrith City Centre LEP. The large format retail floor space now proposed as part of this application is however more desirable than core retail which is permitted in the zone and will be less competitive with the Penrith City Centre.
- 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 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.
- The retail development can occur without any adverse off-site impact on nearby residential properties (current and future planned).

In addition, the achievement of this land use outcome will not compromise other important planning objectives for the site noting that 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.

## 4.3 CAPACITY FOR ALTERNATIVE RETAIL OPPORTUNITIES

Notwithstanding the final outcome in terms of the location of Masters in Penrith, it is submitted that there is capacity to absorb additional retail floor space in the trade area.

The Economic Impact Assessment supporting the application identified a significant demand for large format retail floor space noting the following:

- Home improvement “spending” from the non-household sector is estimated to be at **\$339.7** in 2015, including **\$100m** by the non-household market.
- If projected growth within the non-residential market is included, then the net additional spend on “home improvement products” within the Main Trade Area between 2012-2015 is expected to be **\$32m** over the period.

Accordingly, with continuing residential growth in the area, this demand is expected to grow. This may come in the form of larger format retailers or smaller retailers such as paint, carpet, lighting, bathroom supplies companies such as Reece Plumbing, Dulux Trade Centres, Beacon Lighting etc which all fall under the ‘hardware and building supplies’ definition together with other smaller bulky goods users such as Petbarn, Super Cheap Auto, Freedom, just to list some examples.

## 4.4 CATALYST FOR REDEVELOPMENT

Finally, it should be recognised that the partial retail use of the site is an important catalyst for the redevelopment of the subject land. While the site is identified strategically as being suitable for high density residential development, this is not viable in the short to medium term. Put simply, the market is not sufficiently mature to absorb high density residential in Penrith at this time at the take up required to make a staged development viable. This is illustrated by the Defence lands immediately north of the City

Centre being developed for essentially low to medium density, reflecting the current and expected market demand in the short to medium term.

It is estimated that the site if required to remain predominantly residential at the densities required, it will take 20-30 years to viably develop. Therefore, the proposed part use of the site for large format retailing provides a viable short term development option and a catalyst to progress initial stages of the residential component. The alternative being of course that the site remains completely undeveloped, which is not considered an acceptable planning or commercial outcome.

## 5 Response to Stakeholder and Public Submissions

The submissions received and associated responses are provided in the following section.

### 5.1 PENRITH CITY COUNCIL

Penrith City Council prepared a submission dated 2 August 2013 in response to the public exhibition of the PPR. The key issues identified by Council in the main body and attachment comprising their submission are as follows:

- Inconsistency with repeal of Part 3A legislation.
- Inconsistency with strategic direction for site.
- Draft LEP and DCP considerations.
- Incompatible design.
- Lack of design excellence.
- Other available sites.
- Traffic impacts.

Further detailed/technical comments were provided in attachment 1 regarding the following matters:

- Access, traffic and transport.
- Engineering matters.
- Environmental matters.

The proponent's responses to each of the issues identified in Council's submission are provided in the **Appendix E**.

### 5.2 AGENCY SUBMISSIONS

Five stakeholder submissions were received during and following the public exhibition of the Concept Plan and Stage 1 works from:

- NSW Roads and Maritime Services.
- Transport for NSW.
- NSW Office of Water.
- NSW Office of Environment and Heritage.
- Penrith Local Area Command.

The key issues raised by these agencies include:

- Impact of bus services.
- Crime Prevention through Environmental Design issues.
- Impact of the tavern on the local community.

A response to each of the issues identified by agency submissions is provided in **Appendix E**.

### 5.3 PUBLIC SUBMISSIONS

A total of nine public submissions were received during the exhibition period. The key issues raised in the public submissions include the following:

- Part 3A process.
- Traffic and parking.
- Net community benefit.
- Stormwater.
- Pedestrian safety.
- Water supply.
- View loss.
- Permissibility and strategic alignment.
- Urban design.
- Amenity.
- Delivery of housing.

An analysis of these issues has been undertaken and a response to these has been provided in **Appendix E**.

## 6 Revised Statement of Commitments

### 6.1 OVERVIEW

The Statement of Commitments details the measures that the Proponent will implement as part of the development to mitigate potential residual environmental impacts associated with the proposal.

A draft Statement of Commitments was included as part of the original Environmental Assessment. To reflect the proposed amendments to the design for the Concept plan and Stage 1 works revised and consolidated draft Statement of Commitments was prepared as part of the PPR.

The draft Statement of Commitments has now been amended to incorporate issues raised as part of the submissions from the public exhibition of the PPR document.

### 6.2 CONCEPT PLAN

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

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

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

- Shadow diagrams demonstrating the potential overshadowing impacts of the proposed buildings on 21 June, 21 December and 21 March/September at 9.00am, 12.00 noon and 3.00pm are to be prepared and lodged with the future Development Applications.
- The detailed design of the development proposed in the future Development Applications is to incorporate the following recommendations to avoid adverse wind impacts:
  - The inclusion of proposed densely foliating trees along Station Street, Jamison Road, Woodriff Street and the proposed roads within the development. These 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 in wind mitigation during the winter period.
  - The inclusion of the proposed densely foliating trees and vegetation within the outdoor public plaza, the various central landscape communal areas and retail car-parking site.
  - To be effective in wind mitigation during the winter period, these trees should 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.
- Internal noise for future residential units will be assessed under separate Development Applications for Stages 2 to 6.

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

- ESD principles and measures will be implemented for the project in accordance with the ESD Strategy prepared by Cundall.

- 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**

- The recommendations of the Stormwater Report prepared by Mott Macdonald will be implemented 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.
  - Preparation of Earthworks Management plans to coincide with the construction stages as part of the design development. This would minimise the double handling of excavated material or exporting surplus and importing deficit material from independent stages thereby providing cost savings.
  - 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.
  - Further investigation of the type, size and location of the site stormwater quantity and quality strategies needed to satisfy Council's statutory requirements.
  - Further investigation of the site flooding requirements pending results of the Council commissioned flood study.
- WSUD measures will be implemented in accordance with the Stormwater Management Report and ESD Report.
- Appropriate stormwater quality treatment measures are to be finalised and incorporated in the detailed development.
- Runoff from any car wash bay will be directed to the sewer or appropriate treatment devices will be connected.
- An Earthworks Management plans including Erosion and Sedimentation Plans will be prepared to coincide with the construction stages as part of the design development.
- A detailed Stormwater Treatment Measure Maintenance Plan is to be submitted prior to construction for all applications.

### **Staging**

- Further Development Application will be lodged to seek approval for Stages 2 -6.

### **Transport and Accessibility Impacts**

- 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.
- 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.
- The project will provide for bicycle facilities and parking in accordance with Council's standards.
- 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.
- 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.
- All bicycle path construction is to be in accordance with the RTA's Bicycle Guidelines.
- All residential internal access roads and drainage works for Stages 2-6 will be in accordance with Penrith City Council's Guidelines.

### **Noise and Vibration**

- 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.
- A further Acoustic Report will be prepared to assess the impact of the proposed Tavern on the proposed residents.

### **Heritage**

- The Aboriginal Heritage Assessment prepared by AHMS will be distributed as follows:
  - One hard and one electronic copy should be forwarded to the AHIMS Registrar (Office of Environment and Heritage, PO Box 1967, Hurstville NSW 1481 *(as amended by OEH request)*).
  - 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**

- 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.

### **Waste**

- A Waste Management Plan relating to demolition, construction and operation will be prepared for each of the proposed buildings in the Concept Plan.
- Any waste storage for residential and non-residential development will be separated.
- Suitable waste conveying systems serving every storey of each building to a central storage area at basement level will be considered in the design of multi-storey residential buildings.
- Separate collection points for garbage and recyclables will be incorporated in the building design at ground level within 20m of the street kerb.
- Separate storage space must be provided in each building for temporary storage of bulky waste prior to arrangements being made for its disposal.
- Waste storage rooms and rooms for collection points will be adequate and comply with Council's requirements for access, floor area, lighting and ventilation.

### **Social Impacts**

- 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.
- A further more detailed CPTED assessment will be prepared in the final design of the development improve crime and safety outcomes.
- A Social Impact Assessment will be provided as part of a Development Application for the Tavern as part of Stage 3 works.

### **Landscaping**

- Landscaping within future road reserves or public areas shall be in accordance with Council's specifications.

### **Construction**

- Construction will be carried out in accordance with the Construction Management Plan.
- 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**

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

### **Contributions**



- 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 stage.

## 6.3 STAGE 1 WORKS

### **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 dated June 2013.
- Acoustic report prepared by Acoustic Logic dated 3 June 2013.
- Waste Management Plan dated July 2012.
- ESD report prepared by Aecom dated 9 July 2012.
- Civil, Infrastructure and Stormwater Report prepared by Mott MacDonald dated 31 May 2013.
- Stormwater Report preparing by Mott MacDonald dated 31 May 2013.
- Landscape Plans prepared by Site Image dated June 2013.
- Traffic Report prepared by CBHK dated May 2013 and October 2013.
- Accessibility Report prepared by Access Design Solutions dated 6 June 2013.

### **Construction**

- 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.
- Any found remains of the grandstand are to be archived and recorded to Penrith Council's standards and a copy deposited in Penrith Council's Library.
- A Traffic Management Plan Study in relation to construction traffic management will be prepared prior to commencement of works.
- No works will be carried out in Council's Road Reserve without the written approval of Council (acting as the Roads Authority) in accordance with Sections 138 and 139 of the Roads Act.

### **Site Contamination and Geotechnical**

- Soil contamination testing and offsite disposal of excavated soils are to be carried out following demolition of buildings and removal of concrete pads in accordance with the Geo-Logix report dated 8/6/2012.

### **Acoustic**

- The recommendations of the Noise Impact Assessment prepared by Acoustic Logic are to be implemented into the design and operation of the proposed loading dock:
  - Bail and/or garbage compactors are to be used only within the building fabric.
  - Loading dock receiver area walls to fully enclosed from external environment access doors will be opened only for deliveries entry and exit and will be closed while goods are being moved within the facility without a truck serving the area.

- Neoprene rubber buffers should be installed on the vertical face of the loading dock where vehicles park to absorb impacts.
- A detailed assessment of noise emissions from plant and equipment associated with the loading dock is required to be conducted prior to installation in conjunction with Penrith council requirements.
- Vehicle engines should be switched off during loading and unloading within the dock.
- A detailed mechanical noise assessment is to be conducted once plant selections and services have been finalised as part of the construction documentation to ensure noise levels comply with the criteria detailed in the Noise Impact Assessment.

#### **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 screening adjacent to Woodriff Street.

#### **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.

#### **Traffic**

- The following works will be undertaken in accordance with the Traffic and Access Impact Study prepared by CBHK as follows:
  - The intersection of Station Street with Ransley Street will be signalised, with a fourth approach providing access to the Masters site.
  - Give way controls at the t-intersections of the new internal road with Station Street and Woodriff Street.
- Parking and cycleway provisions are to be maintained along Station Street, with a 2.5m-3m wide shared use path on Jamison Road provided to Council's specifications.

#### **Waste**

- Waste management storage rooms for the Masters Home Improvement centre and car wash area are to include treatment devices to avoid contamination of stormwater.

#### **Car Parking**

- 375 car parking spaces will be provided with appropriate disabled facilities in accordance with the Traffic Report.
- Speed humps and multiple zebra crossings are to be provided within the Masters car park where required.
- All car parking will be in accordance with relevant Australian Standards.

### **Cafe**

- A separate application will be submitted for fitout and use of the food premises including details of activities to be carried out, floor plan, sectional elevation drawings and details of mechanical ventilation, waste and recycling management.
- Food outlets will comply with the requirements of AS 4767-2004 and the Food Safety Standards

