

APPENDIX A RELEVANT SUPPORTING INFORMATION

The supporting documents and supporting information to this assessment report, comprising:

1. Environmental Assessment
2. Submissions
3. Proponent's Response to Submissions
4. Preferred Project Report
5. Political Donation Disclosure [if relevant]

Can be found on the Department of Planning and Infrastructure website as follows:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=3586

APPENDIX B CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS

State Environmental Planning Policy No. 33 – Hazardous and Offensive Development

The SEPP deals with development proposals for potentially hazardous and offensive industry or storage, and sets out specific assessment requirements for such proposals. The proposed home improvement store will include the storage and sale of hardware and building supplies, including items such as chlorine and kerosene in retail quantities. The proponent has advised that it does not include processing and bulk quantity storage, transportation or distribution of dangerous goods and therefore the proposal is not considered as potentially hazardous or offensive.

State Environmental Planning Policy No. 55 – Remediation of Land

This SEPP requires consideration of whether the subject land is contaminated prior to determination of a proposal for the development of the land

A contamination assessment of the site was undertaken in 2005 and 2008 by Geotechnique Pty Limited. Based on the history of the site's previous land uses, the potential for land contamination was found to originate from market gardening; from Panasonic's operations including minor storage and use of chemicals and from importation and use of uncontrolled contaminated fill. Geotechnique undertook a systematic investigation of surface soils, including soil sampling and analysis, adjusted for some sample locations to target potential contamination hot spots. Three groundwater samples were also collected and analysed. No contamination was identified that would pose a risk to human health under proposed land uses. As soil sampling was limited to areas outside the existing buildings on the northern portion of the site, further work would be required to establish the contamination status of soils beneath the existing buildings.

An independent review of the contamination assessment, its findings and recommendations was undertaken in June 2012 for the proponent EA by Geo-Logix. This found that the Geotechnique contamination assessment remains valid. The risk of contamination under the existing building footprints is considered to be low, but to facilitate the development of the northern portion of the site further contamination assessment works are recommended following demolition of buildings and removal of concrete pads. It is however indicated that there is sufficient information to conclude the subject site will be suitable for the proposed mixed use development.

State Environmental Planning Policy No. 64 – Advertising & Signage

The stage 1 Masters Home Improvement store will include the following business identification signage:

- Internally illuminated signage over main entry on western elevation
 - 25m x 3.6m (reading 'Masters')
 - 9.3m x 0.72m (reading 'Home Improvement')
- A 12m x 3.95m internally illuminated pylon sign adjacent to the Station Street access (reading 'Masters - home improvement')
- trade and garden identification signage, non-illuminated, located on the western elevation of the building
 - 6.23m x 1.52m (reading 'Garden')
 - 4.72m x 1.52m (reading 'Trade')
- Ancillary information signs within the car park and loading dock areas

The following provisions of SEPP 64 are relevant to the proposed signage:

Aims & objectives	
<p>The relevant aims of the SEPP are to ensure that signage (including advertising):</p> <ul style="list-style-type: none"> • is compatible with the desired amenity and visual character of an area, and • provides effective communication in suitable locations, and • is of high quality design and finish. 	<p>It is considered that the proposed signage will meet these aims. It will not be incompatible with the mixed use and commercial character of the area, which includes Centro shopping centre, Penrith stadium and Penrith showground. The signage will be appropriately located on site and on the facade of the proposed building, and will</p>

	have a suitable quality of design and finish.
Schedule 1 - Assessment criteria	
1 Character of the area <ul style="list-style-type: none"> Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located? Is the proposal consistent with a particular theme for outdoor advertising in the area or locality? 	<p>The proposed signage is generally compatible with the retail/commercial character of the Centro shopping centre to the north of the site and not incompatible with the Penrith stadium and showground uses opposite the site. The signage will also be generally consistent with the mixed use future character of the precinct and will not significantly detract from the proposed residential component of the proposed development to be separately located on the southern portion of the site. There is no particular outdoor advertising theme applicable to this area.</p>
2 Special areas <ul style="list-style-type: none"> Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas? 	<p>The proposed signage does not detract from special or sensitive areas. There are two heritage listed buildings along the Station Street frontage of the adjacent Centro shopping centre. These heritage buildings are used for commercial purposes and have been incorporated within visual environment of the shopping centre, and impacted by existing signage at the shopping centre. The proposed signage at the subject site would not further detract from the heritage significance of these buildings.</p>
3 Views and vistas <ul style="list-style-type: none"> Does the proposal obscure or compromise important views? Does the proposal dominate the skyline and reduce the quality of vistas? Does the proposal respect the viewing rights of other advertisers? 	<p>The proposed signage is not expected to have adverse impacts on views or vistas, nor would it impact the viewing rights of other advertisers.</p>
4 Streetscape, setting or landscape <ul style="list-style-type: none"> Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape? Does the proposal contribute to the visual interest of the streetscape, setting or landscape? Does the proposal reduce clutter by rationalising and simplifying existing advertising? Does the proposal screen unsightliness? Does the proposal protrude above buildings, structures or tree canopies in the area or locality? Does the proposal require ongoing vegetation management? 	<p>The proposed pylon sign would protrude 1m to 3m above the height of the proposed Masters building (but will be at least 80m away from the proposed building, towards the Station street frontage of the site). The sign is also expected to protrude above the canopies of trees adjacent the site and along Station Street. Despite this the pylon sign is not considered to be inconsistent with the setting and size of the site and existing signage at the adjacent Centro shopping centre. The proposed pylon sign may require ongoing vegetation management of landscaped areas within its vicinity so maintain its visibility</p>
5 Site and building <ul style="list-style-type: none"> Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and 	<p>The proposed signage will be integrated with the proposed building and compatible to the scale and proportion of the site and proposed building,. The height of the proposed pylon sign (12m) is considered satisfactory having regard to the scale of the site with appropriate landscaping and</p>

imagination in its relationship to the site or building, or both?	setbacks, as well as having consideration to the overall height of the proposed building (approximately 9m to 11m). The proposed signage will be consistent with the corporate branding of Masters stores.
6 Associated devices and logos with advertisements and advertising structures <ul style="list-style-type: none"> Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed? 	N/A
7 Illumination <ul style="list-style-type: none"> Would illumination result in unacceptable glare? Would illumination affect safety for pedestrians, vehicles or aircraft? Would illumination detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary? Is the illumination subject to a curfew? 	The illumination of the signage is not expected to result in unacceptable glare or illumination impacts. Signage would be illuminated during the hours of operation of the store up to 10pm on weekdays.
8 Safety <ul style="list-style-type: none"> Would the proposal reduce the safety for any public road? Would the proposal reduce the safety for pedestrians or bicyclists? Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas? 	The proposed signage is not expected to result in any safety impacts for public roads, pedestrians or bicyclists, nor obscure sightlines.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Buildings

This SEPP aims to improve the design of residential flat buildings. The concept plan provides for the residential development on the southern portion of the site with proposed residential flat buildings to which the provisions of the SEPP will apply.

The design quality of the concept plan and the residential component of the development has also been addressed with the assessment of the proposal in relation to the provisions of SEPP 65. Consistent with the design verification requirements of the E P & A Regulation, the concept plan and the residential component (Stages 2 to 6) has been designed by registered architects from Turner and Associates (Turner and associates architects also designed the 2008 Master plan for the site). Turner and Associates have assessed the proposal in relation to the design principles set out in Part 2 of the SEPP (refer to Appendix Y of the PPR), and consider the proposal will be consistent with these principles. In this regard they have made the following comments regarding the design quality and merits of the proposal:

- *the proposal responds to the surrounding urban area whilst developing a new and appropriate high density residential centre;*
- *the alignment, scale, articulation and separation of all building envelopes work together to reinforce streetscape, create perceptible urban spaces and provide a variety of urban experiences;*
- *the buildings are arranged so as to give a varied skyline and to prevent overshadowing;*
- *the new street 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;*

- the new plaza to Station Street provides open space for use by the wider community as well as giving a sense of openness at the edge of the development, and ties the site into local street network;
- appropriate building separations and setbacks have been applied and building envelopes are aligned and scaled to reinforce streetscapes and the public domain;
- the use of appropriate built form generates a minimum 60% cross ventilated apartments that results in slender buildings with a range of typologies;
- the massing and orientation of buildings has been organised so as to provide good natural day-lighting and solar access into primary living spaces, external living areas and courtyards. A minimum of 70% of apartments are targeted to receive more than 2 hours of sunlight to living room glazing during the winter solstice;
- communal courtyards of the residential buildings will offer amenity for residents as well as providing an outlook;
- the edges to the Masters store will have a landscaped buffer to provide quality edges to the development; and
- the plan employs a public space framework incorporating generous street widths, coupled with good building separation to maximise the relationship of built form to the public realm.

The department is satisfied that the residential component of the concept plan can appropriately meet the design principles set out in SEPP 65 and these buildings will be subject of further detailed design as part of the final plans submitted with subsequent development applications for stages 2 to 6, which will have further consideration to the provisions of SEPP 65

Residential Flat Design Code

The Residential Flat Design Code (RFDC) has been established under the provisions of SEPP 65 to provide parameters for good design of residential flat development assessed against certain development guidelines. The residential component of the concept plan has been assessed against key guidelines the RFDC as set out in Table 1.

Table 1: Compliance Table - Key Guidelines - Residential Flat Design Code (SEPP 65)

Design Element	Standard	Proposed	Complies
Building Separation	Min. separation distance (between habitable rooms/balconies) 3/4 storey = 12 metres 5 – 8 storeys = 18 metres 9 storeys/above = 24 metres	Minimum separation of approx 18 to 20 metres for buildings up to 7 storeys Exceeds 24m for proposed 10 storey building (corner Station St and Jamison Rd)	Yes
Building depth (general)	10-18 metres maximum	Achievable, proposed buildings generally up to max. approx 18 metres	Yes with qualifications (refer comments below)
Dwelling depth (single aspect)	8 metres Wall to opening.	Achievable, subject to future detailed design	Yes
Open Space (OS)	Minimum 25-30% = 1.125 to 1.35ha of 4.5ha site area (excluding Stage 1 Masters Home Improvement store)	1.27ha or 28.2% (communal open space and setbacks, excluding plaza) 1.63ha or 36% (including public plaza 3,660m ²)	Yes
Deep Soil Zone	25% of open space area	46%+ (5,850m ² excluding	Yes,

	(25% of 1.27ha = 3,175m ²)	deep soil within plaza area)	with qualifications (refer comments below)
Vehicle Access	Driveways access max 6 metres	6 metres achievable	Yes
Kitchen rear to abode window	8 metres minimum distance	Achievable subject to future detailed design	Yes
Apartment size	50, 70 and 95m ² Guideline	Achievable subject to future detailed design	Yes
Balcony depths	2 metres minimum	Achievable subject to future detailed design	Yes
Ceiling Heights	2.4 - 2.7 metres preferred	Achievable	Yes
Internal Circulation	8 units off single corridor	Achievable	Yes with qualifications (refer comments below)
Storage	6m ³ to 10m ³	Achievable, subject to future detailed design	Yes
Daylight Access	70% of dwellings with minimum 2 - 3 hours of winter sunlight between 9am-3pm	Minimum 70% achievable	Yes
Cross Ventilation	60% minimum	Minimum 60% achievable	Yes
Specific Ventilation	Achievable for 25% of Kitchens	Achievable subject to future detailed design	Yes

It is expected that general compliance with the RFDC will be achieved for the residential component of the concept plan (Stage 2 to 6), subject to the further more detailed design phase for the buildings as part of future development applications. While there is substantial compliance with the RFDC, there are some qualifications related to the achievement of the following key guidelines:

- **Building Depth:**

All of the proposed residential buildings would be able to comply with the maximum building depths, except the taller gateway building to be located at the corner of Station Street and Jamison Road. This will be designed to provide for key entry feature building where in this case building depths could exceed 25m. This would not create any adverse amenity impacts as there would open aspects on the east, west and south of the this building.

- **Deep soil zones**

While the concept plan provides for deep soil zones that meet RFDC guidelines the department raised some issues with the proponent, as there will be limited deep soil zones overlapping into communal open space in particular within stage 2. The department suggested deep soil zones could be increased with a reduction in the extent of the basement for stage 2 (outside of the apartment building footprints). In response to this the proponent advised that stage 2 includes the tallest building and generates the greatest requirement for parking. On this basis the proponent considered that it would not be possible to reduce the extent of the basement as it would not be appropriate or feasible to provide parking in 2 basement levels nor reduce the number of parking spaces. The proponent has suggested that 'set downs' of 1m within the basement podium slab can provide for suitable planter beds with soil depths for landscaped planting.

The department accepts that issues identified by the proponent may limit the potential to increase deep soil zones within communal open space. In order to ensure that adequate landscaping can be provided within these areas, including a range of tree sizes, the relevant RFDC guidelines can be included in the landscape design, with soil depths of up to minimum 1.2m, soil volumes of minimum 150m³ and soil areas of minimum 10m x 10m.

- Internal Circulation

The RFDC requires circulation corridors servicing a maximum of 8 dwellings. The proponent's architects have indicated that the proposed 4 storey buildings will exceed this on some levels, but in this instance the exceptions allowed under the RFDC will be achieved as the corridors on the face of the building have views of the courtyards on one side and the apartments will be dual aspect.

Despite the above matters, the department is satisfied that the residential component of the concept plan will substantially achieve the design parameters and guidelines in the RFDC, subject to further detailed design with subsequent development applications for stages 2-6, and therefore will result in a satisfactory design outcome.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

This SEPP provides for certification in order to encourage sustainable residential development. The required BASIX certification will be required in relation to any future development applications for stages 2 to 5.

State Environmental Planning Policy (Infrastructure) 2007

This SEPP aims to facilitate the effective delivery of infrastructure and includes provisions relating to traffic generating development relevant to this proposal. The proposal is traffic generating development under the provisions of schedule 3 of the SEPP as it involves development for apartments or residential flat building with more than 300 dwellings and it involves development with parking for 200 or more vehicles and a shop or retail premises of more than 2,000m². In accordance with the provisions of clause 104 of the SEPP the application was referred to the RMS and the application was considered by the RMS' Sydney Regional Development Advisory Committee (SRDAC) on 24 October 2012. Issues raised in the submission received from the SRDAC are detailed in section 3 and considered in section 4 of this report.

Clause 104 requires that before determining the application consideration is to be given to the issues raised in the SRDAC submission, and as well as consideration of the following matters:

- the accessibility of the site including:
 - the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
 - the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
- any potential traffic safety, road congestion or parking implications of the development.

The EA is accompanied by a traffic and accessibility impact study. The findings and conclusions of the study along with the above matters and issues raised in the submissions are considered in the section 5 of the assessment report.

Draft State Environmental Planning Policy (Competition)

The draft SEPP was exhibited in July and August 2010. It aims to promote economic growth and competition and remove anti-competitive barriers in environmental planning and assessment. The draft SEPP proposes that:

- the commercial viability of a proposed development may not be taken into consideration by a consent authority when determining development applications;
- the likely impact of a proposed development on the commercial viability of other individual businesses may also not be considered; except
 - if the proposed development is likely to have an overall adverse impact on the extent and adequacy of local community services and facilities, taking into account those to be provided by the proposed development itself; and
 - any restrictions in local planning instruments on the number of a particular type of retail store in an area, or the distance between stores of the same type, will have no effect.

The draft SEPP also includes provisions to negate any provisions in a planning instrument of DC restricting the number of a particular type of retail premises or the proximity of a particular

While the commercial viability of the proposed development or its impact on the commercial viability of other individual businesses may not be a consideration under this draft SEPP, the overall impact of the proposed development on the extent and adequacy of local community services and facilities and in

particular the impact of additional retail floor space (beyond that permissible under Penrith City Centre LEP 2008) is a relevant consideration. A retail economic impact assessment has been submitted with the EA in accordance with the key issues raised in the DGRs, and the economic impact of the proposal is considered in section 5 of the assessment report.

Penrith City Centre Local Environmental Plan 2008

Penrith City Centre Local Environmental Plan 2008 (LEP 2008)	
Relevant provisions of LEP 2008	Comments
<p>Clause 2 – Aims of the Plan</p> <p>The aims of the plan are as follows:</p> <ul style="list-style-type: none"> (a) to strengthen the regional position of the Penrith city centre as a multifunctional and innovative centre that encourages employment and economic growth, (b) to provide a planning framework for Penrith to fulfill its role as a regional city in the Sydney Metropolitan Region, (c) to promote employment, residential, recreational and leisure, cultural, social and tourism opportunities within the Penrith city centre, (d) to respond to the economic and social needs of the region by providing centrally located services and facilities, (e) to facilitate new commercial and residential development in the Penrith city centre that is consistent with the desired future character of the area as described in the <i>Penrith City Centre Development Control Plan 2007</i>, (f) to protect and enhance the cultural identity and diversity of the Penrith city centre, (g) to encourage development that contributes to the provision of alternative and sustainable access to the city centre, (h) to enhance access to the city centre, particularly by public transport, walking and cycling, (i) to facilitate the development of building design excellence appropriate for a regional city and improve the quality of urban design and ensure the public domain is safe and attractive, (j) to encourage responsible management, development and conservation of resources and to ensure that the Penrith city centre achieves sustainable social, economic and environmental outcomes, (k) to protect and enhance environmentally sensitive areas, and the natural and cultural heritage, of Penrith city centre for the benefit of present and future generations. 	<p>The proposed development is generally consistent with the aims of the plan in that it provides for new commercial and residential development in the Penrith city centre that is generally consistent with the desired future character of the area as described in the <i>Penrith City Centre Development Control Plan 2007</i>. The proposed development provides for a mixed use development of the site with a significant focus upon high density residential development consistent with the vision for the precinct.</p> <p>The department considers that the proposed will exhibit design excellence appropriate for a regional city and improve the quality of urban design and ensure the public domain is safe and attractive,</p> <p>The development will encourage responsible management, development and conservation of resources and to ensure that the Penrith city centre achieves sustainable social, economic and environmental outcomes,</p>
<p>Clause 13 - Zone objectives and land use table</p> <p>R4 High Density Residential zone</p> <p>Zone Objectives</p> <ul style="list-style-type: none"> • 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 	<p>The proposed development will be consistent with the zone objectives as it will provide for high density housing to meet the needs of the community, including a range of apartments, with retail facilities to meet the day to day needs of the residents, apart</p>

<p>or services to meet the day to day needs of residents.</p> <ul style="list-style-type: none"> to encourage the provision of affordable housing. <p>Land Use Table</p> <p><u>Permitted without consent</u></p> <p>Exempt development</p> <p><u>Permitted with consent</u></p> <p>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 100m²); 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</p> <p><u>Prohibited</u></p> <p>Retail premises (except retail premises of a kind specified in item 3); Any other development not otherwise specified in item 2 or 3.</p> <p>(Schedule 1 of the LEP provides for additional permissible uses on the site, refer below)</p>	<p>from the site's location adjacent to the existing Centro shopping centre.</p> <p>The proposed terms and requirements of the concept plan approval require that there is provision of affordable housing.</p> <p>The proposed apartments within stages 2 to 6 of the development are permissible as 'residential flat buildings'. The proposed tavern in stage 3 is permissible as a 'pub'.</p> <p>Schedule 1 of the LEP, which is addressed below, permits certain other additional uses including retail premises. The gross floor area of proposed retail floor space (total 14,636m²) including the Masters Home Improvement store (13,641m²) will exceed the maximum 3,000m² permissible under Schedule 1. Also the location of these additional uses and in particular the Masters Home Improvement store will extend beyond the specified areas of the site.</p> <p>Matters related to this additional retail floor space and are addressed in section 5 of the assessment report. The department considers that there will be no significant economic impacts arising from the additional retail floor space and that the concept plan as amended by the PPR exhibits satisfactory design merit.</p>
<p>Clause 16 - Subdivision</p> <p>This clause provides for development consent for the subdivision of land.</p>	<p>The proposal includes the subdivision of the land into 3 lots, as described in section 2.1, Table 1. This proposed subdivision is permissible.</p>
<p>Clause 21 – Height of buildings</p> <p>This clause requires that the height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map attached to the LEP. This map specifies a maximum building height of 20m for most of the site with a 24m building height identified along the Station Street frontage of the site.</p>	<p>The maximum building heights of the proposed development will vary from and partially exceed the maximums specified for the site under clause 21.</p> <p>The proponent has justified the variation in accordance with the provisions of clause 32 which is discussed below.</p> <p>The department considers that the building height variations are reasonable, as the building heights are consistent with the expected high density residential development of the site</p>
<p>Clause 24 – Floor space ratio</p> <p>This clause requires that the floor space ratio (FSR) of a building on any land is not to exceed the maximum FSR shown for the land on the Floor Space Ratio Map attached to the LEP.</p>	<p>The proposal provides for a floor space ratio of approximately 0.98:1 over the whole site (7.855ha), which is well within the maximum 2:1 specified on the floor space ratio map under the LEP.</p>
<p>Clause 26 – Design Excellence</p>	

<p>This clause requires that the consent authority is satisfied that the proposed development exhibits design excellence in regard to the following matters:</p> <ul style="list-style-type: none"> (a) <i>whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved,</i> (b) <i>whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</i> (c) <i>whether the proposed development detrimentally impacts on view corridors,</i> (d) <i>whether the proposed development detrimentally impacts on any land referred to in clause 23 (this relates to sun access to specified public spaces and is not relevant to this site),</i> (e) <i>the requirements of the City Centre Development Control Plan,</i> (f) <i>how the proposed development addresses the following matters:</i> <ul style="list-style-type: none"> (i) <i>the suitability of the land for development,</i> (ii) <i>existing and proposed uses and use mix,</i> (iii) <i>heritage issues and streetscape constraints,</i> (iv) <i>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,</i> (v) <i>bulk, massing and modulation of buildings,</i> (vi) <i>street frontage heights,</i> (vii) <i>environmental impacts such as sustainable design, overshadowing, wind and reflectivity,</i> (viii) <i>the achievement of the principles of ecologically sustainable development,</i> (ix) <i>pedestrian, cycle, vehicular and service access, circulation and requirements,</i> (x) <i>the impact on, and any proposed improvements to, the public domain.</i> <p>The clause also requires that consent not be granted unless an architectural design competition is held in relation to the proposed development (consistent with the City Centre Development Control Plan) as this site is identified a key site in the LEP. The Director-General may certify that the development is one for which an architectural design competition is not required.</p>	<p>These provisions are discussed in detail below, and the design merits of the proposal, are also considered in section 5 of the report.</p> <p>The design competition requirements in this clause are addressed in section 5 of the assessment report. a design review and competition process is recommended for stages 2 to 6 of the concept plan and the department considers will ensure that design excellence standards can be met, at these subsequent application stages.</p>
<p>Clause 27 – Car parking</p> <p>This clause requires that development for the purpose of car parking is to be provided in accordance with the relevant development control plan provisions.</p>	<p>An assessment of the parking provision for the proposed development is dealt with in section 5 of the report.</p> <p>The 73 parking spaces proposed for the tavern as considered ot be insufficient and provision of additional parking will need to be considered as part of the terms and requirements of the recommended concept plan approval. Proposed parking for other components of the proposed development will be generally satisfactory.</p>
<p>Clause 29 – Building separation</p> <p>This clause requires that buildings on land to which this Plan applies must be erected so that the separation distance:</p> <ul style="list-style-type: none"> (a) from neighbouring buildings, and (b) between separate parts or other separate raised parts of the same building, 	<p>The proponent has identified potential non compliance with the building separation or setbacks to Station Street and Woodriff Street. The proposed setbacks to these streets are however generally compliant with the street alignment requirements in the DCP. Also setbacks elsewhere within the development would comply with the DCP. Separation between the buildings within the site is also</p>

<p>is not less than that provided for in the City Centre Development Control Plan.</p>	<p>appropriately considered in relation to SEPP 65 and the Residential Flat Design Code (RFDC) and will be generally consistent with the recommended standards.</p>
<p>Clause 30 – Ecologically Sustainable Development</p> <p>This clause requires that the consent authority must have regard to the principles of ecologically sustainable development as they relate to the proposed development based on a "whole of building" approach by considering each of the following:</p> <ul style="list-style-type: none"> (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. 	<p>ESD in relation to the proposed development has been appropriately addressed by the proponent in the EA (Appendices K & L) and PPR (Appendix F) with submission of ESD reports for the Stage 1 home improvement store and for stage 2 – 6 (reviewed for the PPR amendments)</p> <p>The adoption of the measures as set out in these reports forms part of the recommended terms and conditions of approval.</p>
<p>Clause 32 – Exceptions to development standards</p> <p>This clause allows for variations of development standards of the LEP, in order to provide for flexibility in their application and achieve better outcomes. Justification is required demonstrating that compliance is unreasonable or unnecessary in the circumstances of the case and that there are sufficient environmental planning grounds to justify contravention. Consideration is required as to whether the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the site zoning. The Director-General's concurrence is required having regard to whether contravention of the development standard raises any matter of State or regional environmental planning significance, and the public benefit of maintaining the development standard.</p>	<p>-Variations to building height standards that apply to the site have been addressed by the proponent and are considered below.</p> <p>The building height variations are also considered to be consistent with the provisions of clause 32 allowing for variations of the standard to provide an appropriate degree of flexibility and achieve better outcomes.</p>
<p>Clause 37 – Classified roads</p> <p>development of land with frontage to a classified road:</p> <ul style="list-style-type: none"> (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the proposed development as a result of: <ul style="list-style-type: none"> (i) the design of the vehicular access to the land, or (ii) the emission of smoke or dust from the proposed development, or (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the proposed development. 	<p>Jamison Road is a regional road, but the development as amended by the PPR no longer provide for access off this road. The CBHK traffic assessments submitted with the PPR, have established that satisfactory levels of service will be maintained for the relevant intersections on Jamison Road, with the proposed development in operation. An acoustic assessment submitted with the PPR addresses the noise impacts am measured required to be implemented, which are to be adopted as part of the terms and requirements of approval.</p> <p>Construction management will deal with the emission of smoke or dust, while no operational impacts are expected.</p>

<p>This clause requires development consent for the removal of prescribed vegetation (prescribed under the relevant DCP) in order to preserve the amenity of the area through the preservation of trees and vegetation.</p>	<p>A tree preservation order applies under DCP 2006 to trees having a height greater than 3m. There are trees surrounding the former Panasonic buildings on the northern part of the site.</p> <p>Existing trees are to be removed from the site, and this can be appropriately compensated for with landscaping planting to be provided as part of the redevelopment of the site. Provision of appropriate final landscaping details forms part of the recommended terms and conditions of approval.</p>
<p>Clause 40 - Heritage conservation</p> <p>This clause requires the preparation of a heritage impact statement to assess the impact of development on land which affects a heritage item, is within a heritage conservation area or within the vicinity of a heritage item or conservation area. The clause also requires consideration of the effect of proposed development on a place of Aboriginal heritage significance and any Aboriginal object known or reasonably likely to be located at the place.</p>	<p>There are 2 heritage items within the vicinity of the site, as identified in schedule 5 of the LEP at 146 Station Street ("Kentucky") and 148 Station Street (Victorian House) which are located along the Station Street frontage of the Centro Nepean shopping centre to the north of the site. A heritage impact statement has been submitted with the EA, which concludes that the distance and buildings between the items and the proposal are such that no detrimental impact is able to be discerned.</p> <p>A separate assessment of Aboriginal heritage has been undertaken on the proponent's behalf in accordance with the requirements in OEH guidelines for these assessment (including community consultation). This identified the southern portion of the site (subject to the stage 1 Master's store) as a potential area of archaeological deposits. This is discussed further in section 5 of the assessment report.</p>
<p>Schedule 1</p> <p>This schedule provides for additional permissible uses on the site, including retail premises with gross floor area not exceeding 3,000m². The additional uses must be located in the northern portion of the site, as identified on the Design Principles Map applying in the City Centre Development Control Plan, and that the development must be consistent with the design principles contained in that Plan.</p>	<p>The total retail floor space in the proposed development will be 14,598m² (13,410m² in the Master's stage 1 and additional 995m² of retail within stage 3), which will be located outside the northern portion of the site, as specified under the DCP.</p> <p>Matters related to this additional retail floor space and are addressed in section 5 of the assessment report. The department considers that there will be no significant economic impacts arising from the additional retail floor space and that the concept plan as amended by the PPR exhibits satisfactory design merit.</p>

Clause 21 – Height of Buildings

This clause provides that the building heights should not exceed the maximum height shown on the height of buildings map. This generally provides for a maximum height limit across the site of 20 metres; with a strip of land along the site frontage to Station Street having a maximum height of 24 metres. It is noted that the height of buildings was raised as an issue in some of the public submissions objecting to the proposal.

The proposed stage 1 Masters Home Improvement store will have a building height of generally 9.47m with a parapet height to the main elevation of up to 11m. These heights will not exceed the maximum building height for the site. The concept plan however includes buildings of 6 to 10 storeys within the residential component of the development on the southern portion of the site, with heights exceeding the maximums specified. This comprises two x 6 storey buildings of 23m height, a 7 storey building of 26m height and a 10 storey building of 35.5m height. Building height variations were addressed by the proponent in the EA, and remain relevant to the proposal as amended with the PPR. The proponent considers that non-compliance with the height limits is appropriate on the site as:

- *the proposed building heights provide a varied and animated skyline;*
- *lower buildings generally to the perimeter of the site, along Jamison Road and Woodriff Street, to respond to the existing residential development of one to four storeys; and*
- *the range of building heights provide for acceptable privacy and solar access.*

The department considers that the building height variations are reasonable, as the building heights are consistent with the expected high density residential development of the site will not compromise the attainment of appropriate internal site amenity nor result in any significant adverse amenity impacts for existing residential development opposite the site. It is also noted that the masterplan approved in 2008 provided for building heights of up to 47m and 54m, which were greater than now proposed. The building height variations are also considered to be consistent with the provisions of clause 32 of the LEP which allows for variations of standards, to provide an appropriate degree of flexibility to particular development, and to achieve better outcomes.

Clause 26 - Design excellence considerations

As the site has been identified as a key redevelopment precinct with the strategic aims of achieving high density residential development and design excellence, the proponent was required to address the design excellence provisions of *Penrith City Centre LEP 2008* (clause 26). The proponent has reviewed the key matters and considers the proposal will provide for appropriate design excellence including the following comments

- *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 form and external appearance of the proposed future residential buildings will be designed to improve the quality of the public domain.*
- *The proposed development does not detrimentally impact on view corridors.*

Clause 26(3) of LEP requires that in considering whether development exhibits design excellence. The department considers that the proposal will be satisfactory when assessed against the matters listed in clause 26:

- *a high standard of architectural design, materials and detailing appropriate to the building type and location;*

Comment:

The residential component of the development has been designed by registered architects, with the concept plan layout providing the basis for a high standard of architectural design. Further design development as part of future development applications for stages 2 to 6 can ensure a high standard of architectural design, materials and detailing are provided. The proposed Stage 1 Masters Home Improvement store will include variations to external elevations with appropriate detailing for the building type and its location.

- *the form and external appearance of the proposed development will improve the quality and amenity of the public domain;*

Comment:

The form and appearance of the proposed development with new retail and residential apartment buildings, a public plaza, new internal streets and landscaped areas has the ability to improve the amenity of the public domain by removing redundant industrial buildings from the site and activating the site and surrounding public domain and street frontages of the site.

- *any detrimental impacts on view corridors;*

Comment

There are no significant view corridors which would be detrimentally impacted, and breaks between the proposed buildings and variations in building heights will allow retention of distant and district views through the site and through the internal streets.

- *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;*

Comment

- The proposed internal road running through the site, connecting Station and Woodriff Street, will provide for suitable separation between the residential apartment buildings and the Masters Home Improvement store with an appropriate interface including landscaped buffers and setbacks. The proposed siting and layout of the apartment buildings has been designed largely in

accordance with the design guidelines in the Residential Flat Design Code and will provide for appropriate separation, setbacks, amenity and urban form (refer to discussion below).

- *bulk, massing and modulation of buildings;*

Comment

The bulk, massing and modulation of the apartment buildings will be consistent with the higher density residential development targeted for the site, while the proposed Masters Home Improvement store will not be inconsistent with the bulk and scale of the Centro shopping centre development to the north of the site.

- *street frontage heights;*

Comment

The buildings will have landscaped setbacks to the street frontages, with building heights appropriate to the density and scale of development. Other than the 10 storey gateway building, the apartment buildings will be scaled down to four storey building heights to Jamison Road and Woodriff Street frontages, where these buildings will relate to existing residential development adjacent to the site.

- *environmental impacts such as sustainable design, overshadowing, wind and reflectivity, and the achievement of the principles of ecologically sustainable development;*

Comment

A detailed ecological sustainable development (ESD) assessment was submitted with the EA and updated with the PPR, including a separate report for the Stage 1 Masters Home Improvement store (refer to Appendices K and L of the EA and Appendix E to the PPR). These reports outline strategies to be implemented for the project including passive design, energy efficient systems and service, sustainable water and waste management, indoor environmental quality, transport, materials and operational management. The department considers that such measures will appropriately provide for sustainable design. These measures therefore will be required to be implemented, in accordance with recommended terms and conditions of approval, as part of the stage 1 Master store and with future applications for stage 2 to 6.

There will be no significant impacts arising from overshadowing, refer to Section 5.6.1 and shadow diagrams. Potential wind impacts can be ameliorated with the use of landscaped including dense canopy trees, refer to Section 5.6.2. No reflectivity impacts are expected as there will be limited glazed external elevations associated with the development, with details required for future development applications. Also the Stage1 Master store does not include any significant glazed areas.

- *pedestrian, cycle, vehicular and service access, circulation and requirements; and*

Comment

Appropriate access and circulation is to be provided into and through the site with provision of new access points and internal streets, this matter is discussed further in Section 5.5.7.4. Appropriate service access has been considered and provided as part of the concept plan and separate service access is to be provided off Woodriff Street to the Masters store, refer to Section 2.3.

- *impact on, and any proposed improvements to, the public domain.*

Comment

The redevelopment of the site will provide for its integration into the surrounding public domain, with new internal streets, pedestrian links, public plaza, and main vehicular access to Master store off Station Street.

Penrith City Centre Development Control Plan	
City Centre Character Areas – High Density Residential precinct	
<p>This precinct comprises the former industrial site, which is unique given its location in the city centre, size and that it is under a single ownership. The site forms the southern gateway to the city centre, and is identified as a key site under the Plan.</p>	<p>The concept plan provides for a range of apartments and a density of development similar to a highly urbanized city.</p>
<p>The redevelopment opportunities of this precinct should result in a wide range of housing types at a density</p>	<p>The interface with the existing residential development abutting its eastern boundary and to a limited extent, its southern boundary is respected with generally lower 4</p>

<p>similar to a highly urbanized city. Such redevelopment needs to clearly address the interface with the much lower residential environment abutting its eastern boundary and to a limited extent, its southern boundary. Its proximity to services and facilities including transport nodes makes it ideally placed to encourage opportunities for live-work environments and affordable housing.</p> <p>It is envisaged that this precinct will be primarily residential in land use, there will be opportunities for a range of commercial and retail uses to be located here, adjacent to the City South (mixed use) precinct.</p>	<p>storey buildings. Recommended terms of the concept plan approval required the provision of affordable housing.</p> <p>The significant focus of the proposed development will be residential high density apartments, with the main retail use located adjacent to the City South (mixed use) precinct.</p>
Controls for Special Areas – Precinct 2 – “Panasonic”	
Development of the site must adhere to the following design principles:	
<ul style="list-style-type: none"> • provide good east-west and north-south connectivity with new public streets that are clearly integrated with the existing street network; • Provide new public open space for the recreational needs of residents; • Locate non-residential uses towards the northern end of the site where they will be in closer proximity to the city centre; • Provide high quality public domain interface with existing public streets; and • Consider interface with heritage conservation area on the eastern side of Woodriff Street. 	<p>The concept plan will provide for appropriate connectivity in particular a new east west street through the site which will be integrated with the existing street network.</p> <p>Public open space of 2300m² will be provided within a plaza area located off Station Street.</p> <p>The non residential uses are predominantly location in the northern portion of the site adjacent to the existing Centro shopping centre and in closer proximity to the city centre.</p> <p>A high quality public domain interfaces will be provided with appropriately landscaped setbacks.</p>
Development of the site must provide the following outcomes	
<p>a) Streets and pedestrian connections</p> <ul style="list-style-type: none"> • Provide at least two new public streets across the site with direct connections between Station and Woodriff Streets; • Provide a new pedestrian connection, parallel to Station Street, as illustrated; and • Additional public streets, lanes and thoroughfare will be required to provide residential address, access, servicing and circulation within the site for vehicles, bicycles and pedestrians. 	<p>This matter is discussed below refer to comments below this table.</p> <p>The department is satisfied that the street access, road and pedestrian connections through the site will be appropriate to the current proposal including the Masters home improvement store, and will provide for appropriate site connections and access.</p>
<p>b) Open space</p> <ul style="list-style-type: none"> • Provide public open space at a rate of 1.64 hectares per 1,000 people. This does not include the requirements for open space that serves a drainage function, biodiversity corridors, natural areas or land for other community uses. The rate per dwelling is 2.7 persons • The passive open space area does not include drainage reserves, riparian corridors and the like. • All public open spaces will be clearly defined and easily accessible for both residents and visitor to the precinct. 	<p>The concept plan will not provide for the area of public open space required under the Penrith City Centre DCP. This matter is discussed below refer to comments below this table.</p> <p>The department is satisfied that the proposed plaza in conjunction with communal open space areas can provide for the needs of the residents, albeit that the communal open space areas will not be dedicated as public open space. Existing parks can provide for demands for active recreation, subject to future development contributions under section 94 or via relevant planning agreements.</p>
<p>c) Land Uses</p> <ul style="list-style-type: none"> • Locate a mix of retail, commercial, tourist accommodation and residential land uses in Area A (as indicated). The quantum of non-residential land uses permissible in Area A are identified in Schedule 1 of the Penrith City Centre Local Environmental Plan 2008 	<p>The total retail floor space in the proposed development will be 14,598m² (13,410m² in the Master's stage 1 and additional 995m² of retail within stage 3), which will be located outside the northern portion of the site, as specified under the DCP.</p> <p>Matters related to this additional retail floor space and are addressed in section 5 of the assessment report. The department considers that there will be no significant economic impacts arising from the additional retail floor space and that the concept plan as amended</p>

	by the PPR exhibits satisfactory design merit.
d) Public domain interface <ul style="list-style-type: none"> • Front building setbacks, as indicated; • Distinctive corners treatments, at the locations indicated. • A landscaped corridor of mature trees on the northern side of Woodriff Street. 	Appropriate building setbacks are provided along with a distinctive corner treatment at Station Street and Jamison Road with a 10 storey building which is to be subject to further design refinement as part of a design competition. Landscaped setbacks along Woodriff Street will provide for a corridor of landscaped planting and trees

Remaining DCP provisions

Many of the remaining relevant provisions of the DCP concern more detailed design requirements, which will relate primarily to future development applications. These DCP provisions have been adequately reviewed by the proponent in the EA and revised for the amendments to the concept plan with the PPR (refer to Appendix J of the EA and Appendix E of the PPR). Areas where there will be substantial variations or non compliance with the DCP provisions are considered below.

Building depths

The Penrith City Centre DCP requires that buildings above 12m in height have maximum floor plate sizes of 750m² and maximum building depths of 18m (excluding balconies). Also buildings above a height of 24m should not have a building length exceeding 50m. The concept plan (stages 2-6) includes residential buildings with floor plates of up to 1300m² and the stage 3 building adjacent to the plaza with a floor plate of 1,700m². Two of the proposed buildings with stages 2 to 6 are above 24m in height, with one having a building length in excess of 50m with a maximum length of 54m. The proponent has justified the variations on the following basis:

- 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 depth of the buildings has been assessed as meeting the requirements of the Residential Flat Design Code;
- the proposed buildings generally comply with the Residential Flat Design Code and the building depths are considered appropriate in terms of day lighting and natural ventilation;
- building length in excess of 50m are appropriate in context of the proposed height of residential buildings; and
- The proposed buildings allow for appropriate residential amenity in accordance with SEPP65 and have been assessed against CPTED principles.

The department is satisfied that the building depths and floor plates will be suitable subject to the appropriate final design of the residential buildings and their elevations, to break up the building lengths. As discussed in section 5.5.1 an architectural design review and competition can be undertaken for stages 2 to 6 of the concept plan, as part of the assessment of the development applications which will be required for these stages.

Public open space

The concept plan will not provide for the area of public open space required under the Penrith City Centre DCP. Under the provisions of the DCP public open space at a rate of 1.64ha per 1,000 people is required, which would equate to 2.52ha or for the proposed development. This is based on 570 dwellings at a rate of 2.7 persons per dwelling, as specified in the DCP. Public open space of 2,300m² is proposed within the plaza adjacent to the tavern (stage 3 of the concept plan).

The proponent has justified the variation from the open space requirement based upon the extent of existing open space within the vicinity of the site, including Howell Oval and Penrith Park to the west of the site and Jamison Park to the south east; and as well based upon the areas of communal open space for the residents of the site exceeding the requirements of the Residential Flat Design Code. These areas of open space within stages 2-6 will be 12,700m², within communal open space and building setback areas.

The 2008 Masterplan with 1100 dwellings would have required approximately 4.87ha of public open space, whereas three areas of public open space were proposed with total area of 1.07ha, comprising

a civic plaza of 2128m², an adjoining civic park of 5001m² and a local park of 3582m². The DCP does not necessarily require that open space should be provided on site. Provision of the full extent of open space required under the DCP on the site would potentially compromise the achievement high density residential development, without provision of taller buildings occupying reduced site area/s. The proponent has indicated that a planning agreement may be entered into at future stages of the concept plan (stage 2-6) to address open space requirements and relevant contributions.

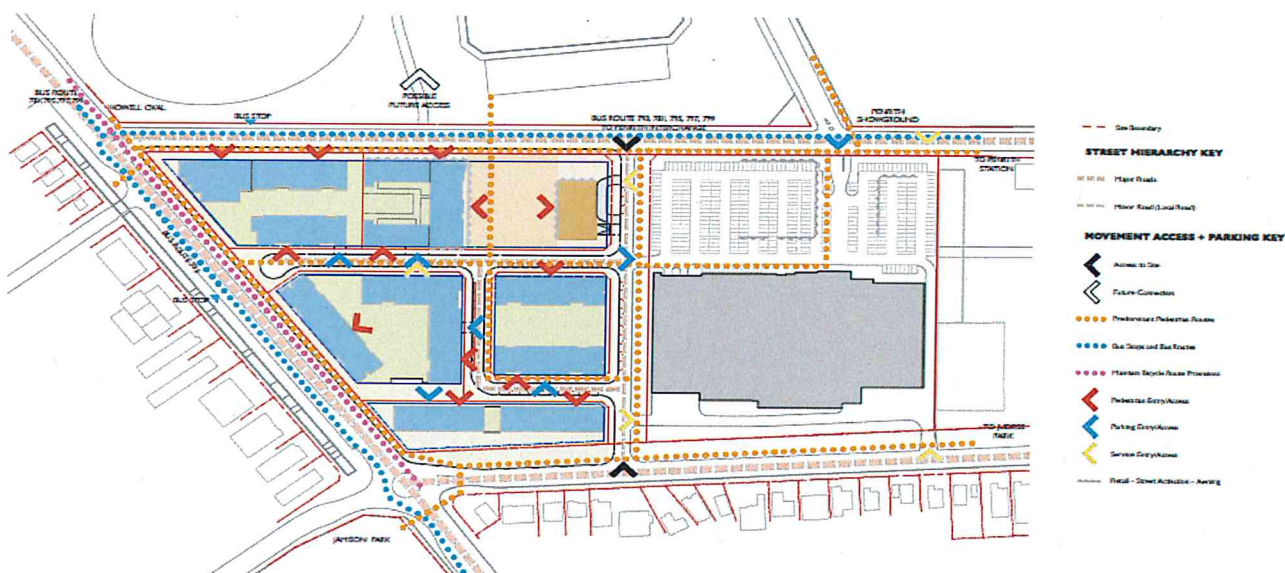
The department is satisfied that the proposed plaza in conjunction with communal open space areas can provide for the needs of the residents, albeit that the communal open space areas will not be dedicated as public open space. Existing parks can provide for demands for active recreation, subject to future development contributions under section 94 or via relevant planning agreements.

Street connections

The DCP controls and design principles map for the site specify the provision of at least two new public streets across the site, with direct connections between Station and Woodriff Streets, refer to Figure 12 in section 3.3. The concept plan provide for one new public street as a direct connection through the site between Station Street and Woodriff Street, this forms a boundary between the northern and southern components of the proposed development.

The second public street, as identified in the DCP and the design principles map, will not be provided, as this is within the northern part of the site where the stage 1 Masters store is to be located. The main proposed driveway access into the Masters store car park, opposite Ransley Street, provides for entry into the site at the general location nominated for this northern through or connecting road.

The DCP also specifies the provision of a new pedestrian connection parallel to Station Street; refer to the figure below. This connection is provided through the residential component of the concept plan (stage 2-6) and can also extend into the site of the stage 1 proposed Masters store.



Street and pedestrian connections (source PPR)

The department is satisfied that the street access, road and pedestrian connections through the site will be appropriate to the current proposal including the Masters store, and will provide for appropriate site connections and access.

NSW Draft Centres Policy (April 2009)

Assessment of Net Community Benefit		
Evaluation Criteria	Comments	Comply
Will the LEP be compatible with agreed State and regional strategic direction for	The concept plan will provide for a mixed use development of the site with a significant focus on high	Yes

development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	density residential development consistent with the vision and strategic directions for the site and the precinct.	
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	The site is within a regional city, and the development will include a significant component of high density residential development which will contribute to the	Yes
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The proposed development would not create a precedent due to the very specific characteristics of this large site with redundant industrial uses, located within the Penrith CBD.	Yes
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	The department has considered the cumulative effects of the recent rezoning of the Penrith Panthers site, and determined that the bulky goods/home improvement style retailing proposed subject site will not adversely compete with the brand outlet retailing and ancillary retailing proposed at the Panthers site. The department notes further that proposed medium/high density residential development at the Panthers site will offset any reduction of residential development from the subject site, albeit that there is no specific dwelling target for the site and the number of dwellings now proposed is not inconsistent with the MDP expectations for the site.	Yes
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposed development will not result in the loss of employment lands but will provide for permanent employment, 130-150 jobs fulltime. Part time and casual, in the proposed Stage 1 Masters home improvement store. As the proposed bulky good/home improvement retailing is not expected to compete with existing retail activities nor significantly impacts on other existing bulky goods retailing, the employment generation will be expected to be a net gain.	Yes
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The proposed development with the Stage 1 Master store results in a reduction in the area of the site potentially available for residential development, compared to the current planning controls. There is no specific target for the number of dwellings to be provided on the site but the proposal will retain a significant component of high density residential with approximately 570 dwellings. This will assist in increasing housing supply and affordability within the area. The proponent contends that the Masters store will be a catalyst for the subsequent residential stages.	Yes
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	The site is serviced by existing public utility infrastructure which is capable of suitably servicing the development. The traffic assessments with the EA and PPR have addressed impacts of the development on surrounding roads, and a satisfactory level of service for critical intersections can be maintained, subject to the provision of suitable traffic control measures at Station Street and Ransley Street (this is the subject of recommended deferred commencement requirements for the stage 1 project approval). The site is generally well served by existing public transport and is located 1km to 1.5km to the south of Penrith train station, via direct access along Station Street.	Yes
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?	The site is well located with the Penrith CBD and close to existing bulky goods premises along Mulgoa Road, and is therefore not expected to result in any significant changes in car distances	Yes
Are there significant Government investments in infrastructure or services	No infrastructure investment is expected to be required, given that the site is well located within Penrith CBD with	Yes

in the area where patronage will be affected by the proposal? If so, what is the expected impact?	infrastructure services that are expected to accommodate the development.	
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?	The site is subject to localised flooding impacts, which are be dealt with by appropriate stormwater management measures to ensure the development does not result in on site and downstream impacts. Final details will be required as part of the recommended terms and condition of approval. There is no land that is required to be protected, due to any biodiversity significance or other environmental constraints	Yes
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?	The mixed use redevelopment of the site is consistent with its location within the Penrith CBD. It activates the precinct by removing existing redundant industrial buildings, and by opening up and integrating the site with the remainder of the Penrith CBD, improving the public domain. The proposal will be compatible with adjoining land uses as the main retail activity will be located on the northern portion of the site adjacent to the exiting Centro shopping centre, while the residential apartments will be located on the southern portion of the site proximate to neighbouring residential development.	Yes
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposed development increase retail activity on the site and is expected to increase competition within the bulky goods/home improvement sector with the main or primary trade areas identified with the economic impact assessment submitted with the EA	Yes
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	The proposed development is a stand-alone proposal and is not expected to develop into a centre.	Yes
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	The public interest can be served by mixed use redevelopment of the site, which will assist in activating the precinct by removing existing redundant industrial buildings, and by opening up and integrating the site with the remainder of the Penrith CBD. This will provide a significant focus upon high density residential development providing consistent with the vision and strategic intent for the site. The development will provide for housing , investment and local jobs.	Yes

APPENDIX C GLOSSARY

Accredited Assessment under the EPBC Act.

If the project involves a "controlled action" under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), the project can be assessed as an accredited assessment under the EPBC Act. This means that separate assessment processes are not required under both the EPBC Act and the EP&A Act, and the NSW assessment process has been accredited by the Commonwealth. However, the Commonwealth Minister for the Environment maintains an independent approval role, and the Commonwealth provides input to certain stages of the assessment process.

Where a controlled action is involved the Department has consulted with the Commonwealth Department of Sustainability, Environment, Water, Population and Communities (SEWPaC) throughout the assessment process. The Department's assessment of the specified Commonwealth matters is detailed in Sections 2 and 4 of this report.

Delegated Authority

On 14 September 2011, the Minister for Planning delegated responsibility for the determination of transitional Part 3A concept plan and project applications, including functions under sections 75J, 75O, and 75P of the *Environmental Planning and Assessment Act 1979* to the Planning and Assessment Commission (PAC). This Minister's delegation to the PAC applies, instead of the Ministers' delegation to the department's senior staff also made on 14 September, where:

- the local council has made an objection,
- a political donation disclosure statement has been made, or
- there are 25 or more public submissions received in the nature of objections.

Ecologically Sustainable Development can be achieved through the implementation of:

- (a) *the precautionary principle - namely, that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In the application of the precautionary principle, public and private decisions should be guided by:*
 - (i) *careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and*
 - (ii) *an assessment of the risk-weighted consequences of various options,*
- (b) *inter-generational equity—namely, that the present generation should ensure that the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations,*
- (c) *conservation of biological diversity and ecological integrity—namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,*
- (d) *improved valuation, pricing and incentive mechanisms—namely, that environmental factors should be included in the valuation of assets and services, such as:*
 - (i) *polluter pays—that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,*
 - (ii) *the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,*
 - (iii) *environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

Objects of the Act

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*

- (iii) *the protection, provision and co-ordination of communication and utility services,*
- (iv) *the provision of land for public purposes,*
- (v) *the provision and co-ordination of community services and facilities, and*
- (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) *ecologically sustainable development, and*
- (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

Relevant Environmental Planning Instruments.

Under Sections 75(2)(d) and 75(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

Transitional provisions

These are the detailed provisions that comprehensively set out the requirements for enabling Part 3A to continue to apply to a major project application or a Concept Plan. The provisions are at **Schedule 6A Transitional arrangements - repeal of Part 3A**, in the Environmental Planning and Assessment Act, 1979. Despite its repeal on 1 October 2011, Part 3A continues to apply to this project, described as a transitional Part 3A project, pursuant to Schedule 6A of the Act since DGRs had been issued and an Environmental Assessment received before the 8 April 2011 cut off date for continuation as a transitional Part 3A project.
