



**Planning &  
Infrastructure**

***TRANSITIONAL PART 3A PROJECT  
ASSESSMENT:***

***Concept Plan for a staged Mixed Use  
Development, with stage 1 Masters Home  
Improvement store, at 164 Station Street,  
Penrith***

***Proposed by: Parkview Penrith Pty  
Limited***

***MP09\_0192***



AERIAL VIEW FROM THE WEST

Director-General's  
Environmental Assessment Report  
Section 75I of the  
*Environmental Planning and Assessment Act 1979*  
January 2014

## ABBREVIATIONS

---

CIV	Capital Investment Value
Department	Department of Planning and Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning and Infrastructure, or his delegate.
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
LEP	Local Environmental Plan
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning and Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Penrith Parkview Pty Limited
RtS	Response to Submissions
SEPP	State Environmental Planning Policy

### Cover:

Aerial view of the site, from the west (source: Turner & Associates Architects, Revised Concept Plans, Appendix C, Preferred Project Report, June 2013)

© Crown copyright 2014

Published January 2014

NSW Department of Planning and Infrastructure

[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

### Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agents and employees, disclaim any and all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.



## EXECUTIVE SUMMARY

The proponent, Penrith Parkview Pty Limited, is seeking overall concept plan approval as well as stage 1 project approval for a transitional Part 3A project, at 164 Station Street, Penrith (Lot 12 DP 234581). The overall concept plan is for a residential and retail mixed use development of the site, to be undertaken in six stages. Project approval is sought for stage 1, based on the level of detail provided and the provisions of section 75P(1)(c) of the Act that no further environmental assessment is required and project approval can be issued for this stage. Stage 1 will involve subdivision of the land into three lots and construction and operation of a Master's Home Improvement store on the northern portion of the site.

The proposal is a transitional major project under Part 3A of the Act because it is development for the purpose of a residential, commercial or retail project with a capital investment of more than \$100 million, under the former clause 13 of Schedule 1 of *State Environmental Planning Policy (Major Development) 2005*. The estimated capital investment value (CIV) of the project is \$219,262,270, including \$20,716,019 for the stage 1 works for the Masters Home Improvement store.

The proposed development and the construction and operation of the Masters Home Improvement store will create 180 full time equivalent construction jobs and 130-150 full time equivalent operational jobs.

The environmental assessment (EA) was publicly exhibited from 17 October 2012 to 16 November 2012 and 21 submissions were received from members of the public, public authorities, Penrith City Council and the local State Member of Parliament. Thirteen (13) submissions objected to the proposal, including strong objections to the proposal from Penrith City Council and the local State member.

Key issues raised in the submissions to the proposal included:

- inconsistency with the strategic context and directions for the site;
- an incompatible and prohibited land use (stage 1 Masters Home Improvement store);
- inappropriate consideration of the proposal under transitional Part 3A provisions of the *Environmental Planning & Assessment Act 1979* (EP&A Act), and changes to the concept plan since its original declaration;
- lack of design excellence and merit;
- availability of alternative sites for the stage 1 Masters Home Improvement Store;
- amenity impacts, including adverse impacts from the proposed tavern; and
- traffic assessment issues

On 11 June 2013, the proponent amended the proposal via a Preferred Project Report (PPR), which included changes to the concept plan with the residential, plaza and tavern development relocated from the northern portion to the southern portion of the site, and the Masters Store (and associated stage 1 works) relocated from the southern portion to the northern portion of the site. The PPR was publicly exhibited from 20 June 2013 to 18 July 2013, including notification to those who made submissions following the original public exhibition. Fourteen (14) further submissions were received from public authorities and members of the public, including the local State Member of Parliament.

The department has assessed the merits of the concept plan, including the stage 1 project. The department engaged independent consultants to review the EA and PPR and to provide advice to the department in relation to the key issues of the potential economic impacts of the proposal and the traffic and parking impacts. Based on its assessment of the proposal, as informed by this independent advice, the department has concluded that the proposal provides for an appropriate mixed use redevelopment, consistent with the vision and strategic intent for the site. It will have no significant adverse economic impacts and retains a significant focus upon high density residential redevelopment.

The provision of suitable traffic management measures at the intersection of Station Street, Ransley Street and the main access to the stage 1 Masters store are proposed to be dealt with by means of a deferred commencement approval. This will require that the proponent obtains agreement for the installation of traffic lights or alternative arrangements to suitably and effectively control traffic movements at the intersection as well as provide for safe and effective pedestrian access, prior to any project approval operating.

On these grounds, the department is satisfied that the site is suitable for the proposed development, subject to recommended terms and conditions, and that the concept plan and stage 1 project approval will provide social and economic benefits to the city and region, including local jobs and investment.

The Planning Assessment Commission (PAC) is the approval authority for this application, under the terms of the delegation from the Minister as there was an objection from Penrith City Council to the proposal and a political donations disclosure has been made by a submitter.



# 1. BACKGROUND

Penrith Parkview Pty Limited is seeking approval for a transitional Part 3A project, at 164 Station Street, Penrith, (Lot 12 DP 234581). The application comprises an overall concept plan for a residential and retail mixed use development of the site, to be undertaken in six stages. Project approval is sought for stage 1 involving subdivision of the land into three lots and the construction and operation of a Masters Home Improvement Store. The proposal has a capital investment value (CIV) of \$219,262,270, including \$20,716,019 CIV for the stage 1 Masters Home Improvement store. The Masters store will provide approximately 180 construction jobs, and subsequently 130 to 150 operational jobs.

## 1.1 Site Context and Surrounding Land Uses

The site context is illustrated in **Figure 1**. The site is surrounded by a range of land uses, comprising:

- Centro Nepean shopping centre (Nepean Square) which is located to the north of the site. This is a fully enclosed sub-regional single storey shopping centre with 20,856m<sup>2</sup> of gross (lettable) floor area and 64 specialty retailers anchored by a Coles supermarket and a K Mart store. There are 802 at grade parking spaces, accessed off Station Street and Woodriff Street. Apart from the main shopping centre building, the centre also comprises freestanding single storey buildings adjacent to the site boundary with 164 Station Street, with uses including a liquor outlet and car servicing facilities.
- Penrith Stadium (Centrebet stadium), Penrith Park, Howell oval, Penrith showgrounds and paceway are located to the west and north west of the site on the opposite side of Station Street.
- Residential development to the east and south of the site comprises predominantly detached dwellings along Woodriff Street and predominantly medium density multi-unit dwellings along Jamison Road, ranging from 2 to 4 storeys.
- There are three child care centres located in Woodriff Street opposite the site, at 110, 118 and 120 Woodriff Street.



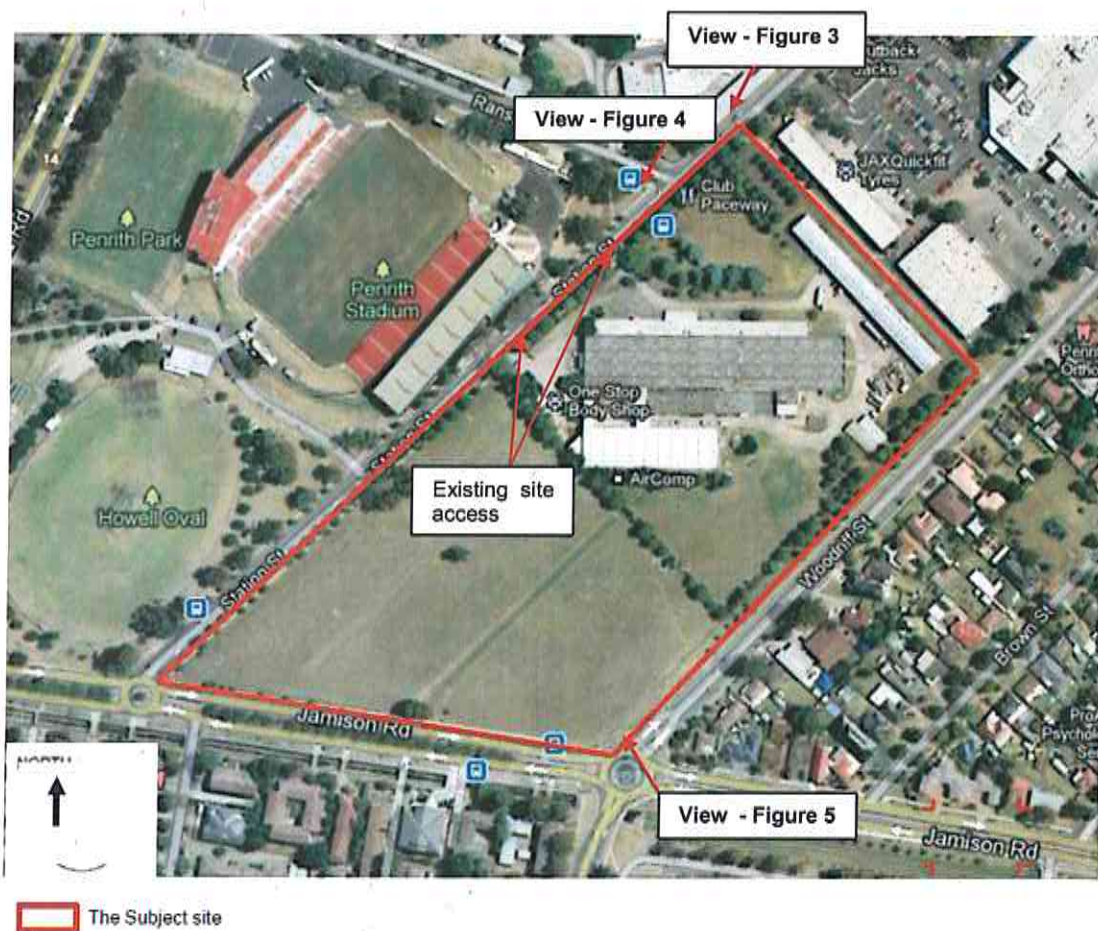
Figure 1: Site Context



## 1.2 The Site

The site is located at the southern extremity of the Penrith city centre, approximately one kilometre (at the closest point) south of the Penrith train station (refer to **Figure 1**).

- The site (Lot 12 DP234581, 164 Station Street, Penrith) has an area of around 7.85ha and frontages to three streets; Woodriff Street to the east, Jamison Street to the south, and Station Street to the west (refer to **Figure 2**).
- The topography of the site is generally flat. At its highest point, towards the south-east at its frontage to Jamison Road/ Woodriff Street, it is approximately RL 28.50. It grades down to the north-west at Station Street where it is approximately RL 27.70.
- The northern part of the site is occupied by single storey industrial buildings which were used from the late 1960s until 2006 by Panasonic (AVC Networks) Australia Pty Limited for the assembly of televisions. These buildings are now used for various light industrial purposes. The southern portion of the site has remained vacant and undeveloped.
- There are two existing driveway access points into the site off Station Street. These provide vehicular access to the northern portion of the site and the existing industrial buildings (refer to **Figure 2**).
- Existing trees on the site are located primarily around the existing buildings located on the northern portion of the site (primarily exotic trees, including conifers), around the perimeter of this northern portion of the site, and across the centre of the site (primarily native trees). There are few trees on the southern part of the site which is an open, grassed and undeveloped area, except for a small group of native trees adjacent to the Station Street frontage.



**Figure 2: Subject Site**

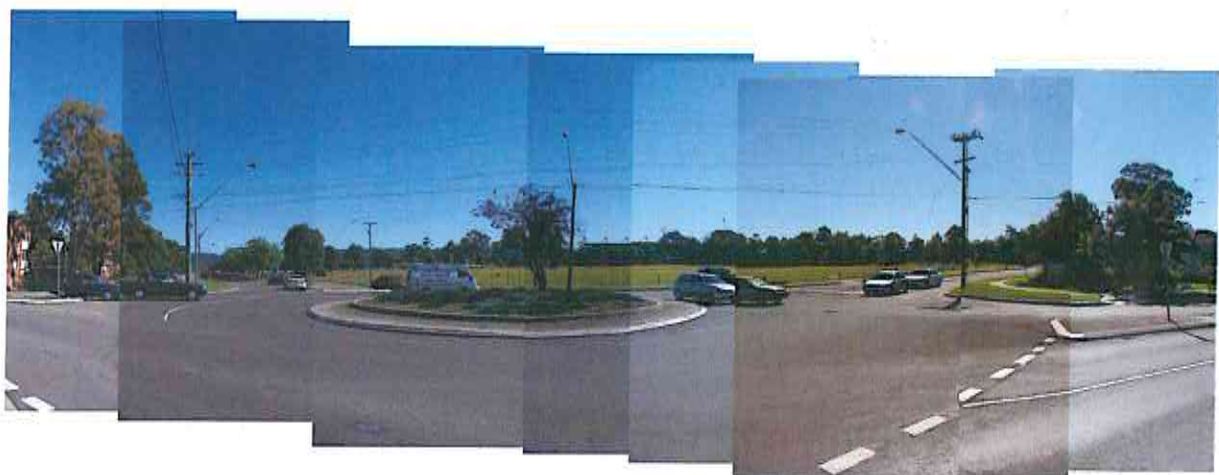




**Figure 3: View of the site looking south along Station Street**



**Figure 4: View of the site, on the left, looking south along Station Street from Ransley Street**



**Figure 5: View of the site looking North West from the intersection of Jamison Road at Woodriff Street**

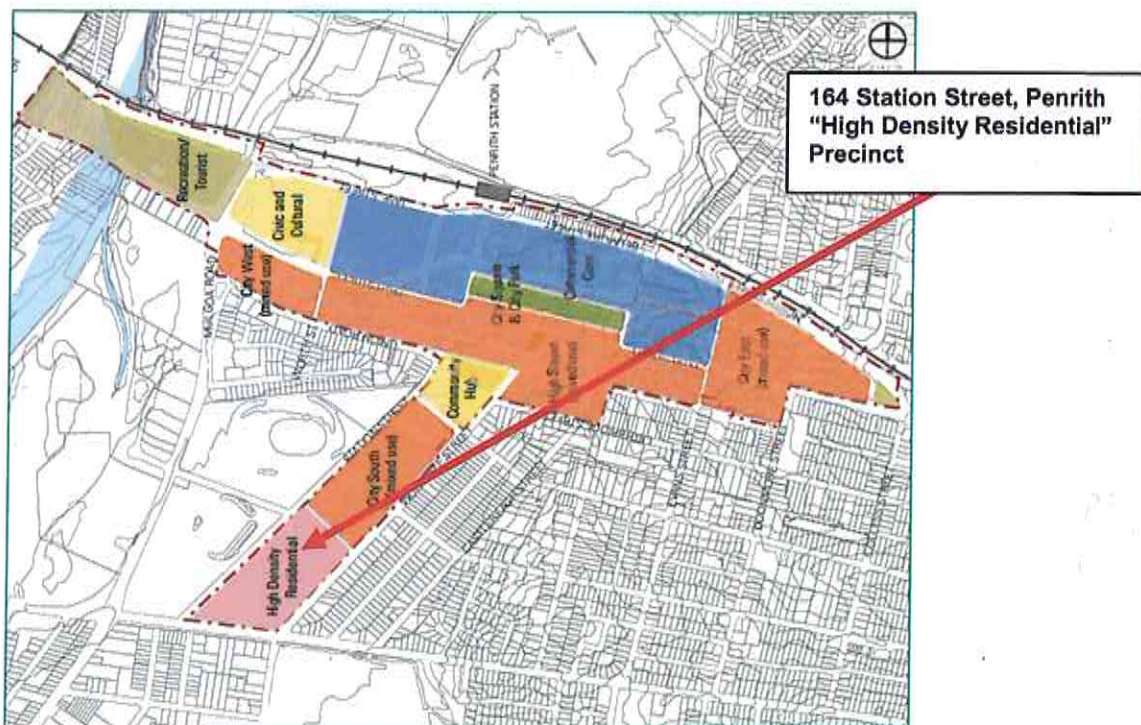


### 1.3 Recent site history

#### 1.3.1: City of Cities Strategy, Cities Taskforce and Penrith City Centre Vision

In December 2005, Penrith was nominated as one of the key regional cities in the metropolitan strategy – *City of Cities: A Plan for Sydney's Future*. A Cities Taskforce was established by the State government in 2006 to prepare planning visions and detailed planning and improvement strategies for the regional cities. During the latter part of 2006, the Cities Taskforce comprising representatives from the department and council prepared detailed plans and documents, including the Penrith City Centre Vision.

The Penrith City Centre Vision (2007) identified the subject site as a high density residential precinct, which is described as being unique given its location in the city centre, its size and single ownership (refer to **Figure 6**). The precinct would be primarily residential with opportunities for a range of commercial and retail uses.



**Figure 6: City Centre precinct characters, Penrith City Centre Vision 2007**

The means for establishing this vision for the Penrith city centre were embodied in supporting planning controls. The Vision document, along with the Penrith City Centre Local Environment Plan (LEP), Development Control Plan (DCP) and a Civic Improvements Plan were gazetted and adopted in late 2008. The City of Cities strategies and the identification of Penrith as a key regional city also formed a basis for the North West Subregion: Draft Subregional Plan and Metropolitan Plan for Sydney 2036.

#### 1.3.2: Council approved Masterplan (2008)

On 18 December 2008, Council issued development consent for a Masterplan application (DA 08/0652) for a mixed use development and 6 lot subdivision of the site, to be undertaken in 10 stages (refer to **Figure 7**). This consent was due to lapse in December 2013. The masterplan arose out of development options for the site considered as part of the Penrith City Centre Vision. The proponent's architects undertook further development of the masterplan in accordance with the outcomes of the Vision and having regard to the controls within the adopted Penrith City Centre DCP 2007 and Penrith City Centre LEP 2008. The approved masterplan provided for:

- gross floor area of 157,100m<sup>2</sup>, resulting in an FSR of 2:1 over the site;
- 1,100 dwellings with a total floor area of 106,700m<sup>2</sup>;



- 3,000m<sup>2</sup> of retail floor space;
- 20,000m<sup>2</sup> of commercial floor space;
- 27,400m<sup>2</sup> of floor space for other uses (including a tavern and hotel neighbourhood shops, restaurants, entertainment facilities, medical and child care facilities); and
- Building heights from 2 storeys (12m) to 16 storeys (54.5m).

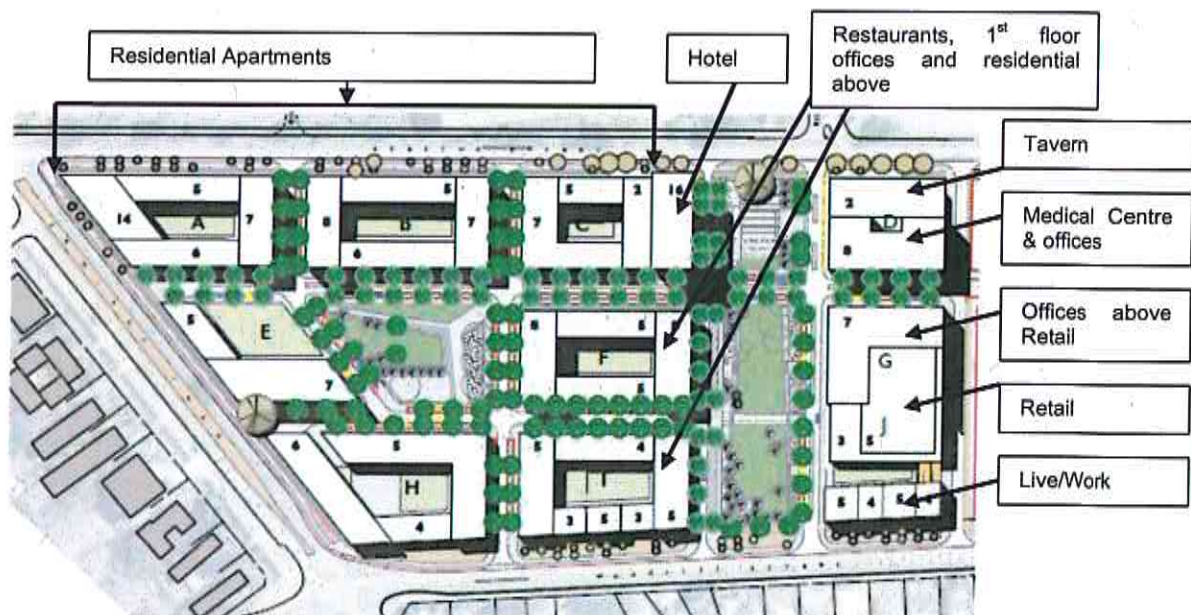
Development consent was issued for stage 1 which approved in principle the following aspects of the masterplan:

- gross floor area;
- land uses;
- building heights and envelopes;
- road hierarchy and access points;
- open space network; and
- development staging.

Key principles to be incorporated in the preparation of subsequent staged development applications for the site would include:

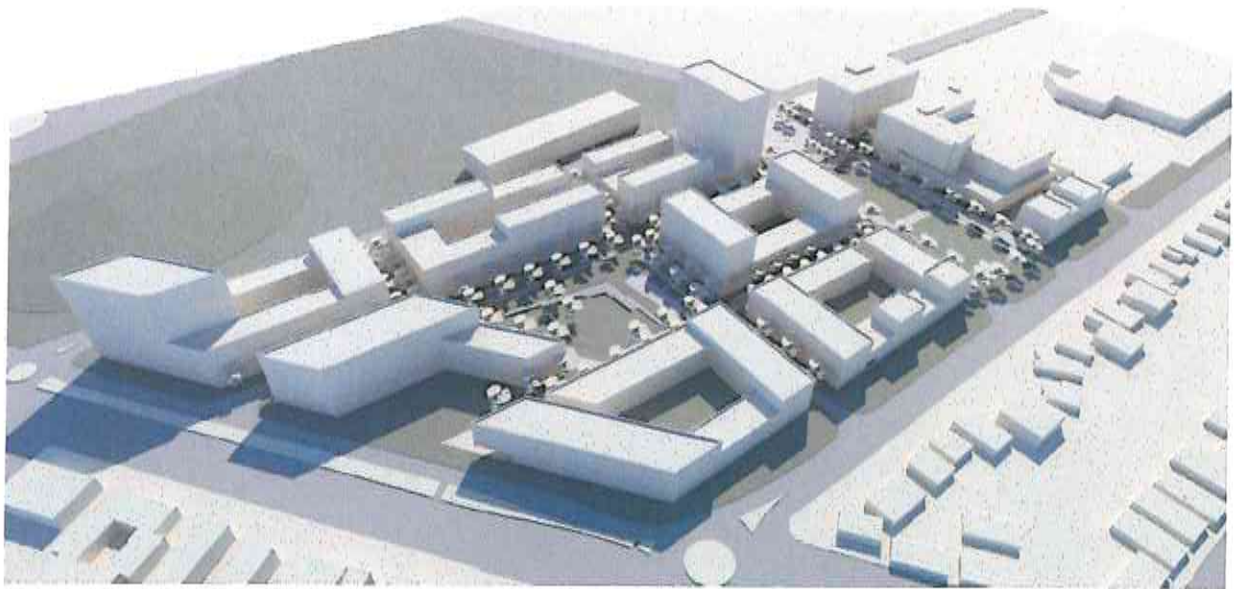
- an economic impact assessment to determine the public benefit of the proposal;
- 3% of future residential development on each allotment provided as affordable housing;
- all ground level public frontages to be activated and provide a transition between public and private domain;
- at least 80% of the proposed local park to receive winter sun from 9am to 4pm;
- building designed for energy efficiency and green house gas reduction; and
- submission of a security management plan, to include the hotel and/or tavern facilities.

Prior to the submission of the first development application, the proponent was also required to establish a panel of 5 recognised architectural firms to assess and provide urban design and architectural review for each stage of the development.



**Figure 7: Approved Masterplan layout for the site**





**Figure 8: 2008 master plan (viewed from the south-east at Jamison Road and Woodriff Street)**

### **1.3.3: Background to the current proposal**

The proponent sought to amend the proposed development of the site, and have it dealt with as a major project under the former provisions of Part 3A of the EP&A Act. On 7 July 2010, the then Minister of Planning formed the opinion that an amended proposal was a project to which Part 3A of the Act applied, under non-discretionary provisions of the Major Development SEPP. Director-General's environmental assessment requirements (DGRs) were issued by the department on 8 September 2010 for:

- a mixed use development (residential, retail, hotel and tavern); and
- stage 1 works involving construction of 11,600m<sup>2</sup> of retail, 5,987m<sup>2</sup> of residential floor space (47 apartments and 12 duplex dwellings) and 524 parking spaces.

In May 2011 and again in March 2012, the proponent met with the department seeking to further amend the proposed development to provide for a bulky goods/home improvement store retail outlet, of approximately 13,500m<sup>2</sup> as stage 1, to replace general retail floor space and residential floor space. The proponent indicated that there was no current market demand for high density residential in Penrith. The proponent was of the view that the stage 1 bulky goods/home improvement store would finance and facilitate the residential development of the remainder of the site.

The department accepted this position and accordingly on 6 June 2012, the department issued supplementary DGRs for the revised proposal comprising:

- a mixed use development (residential, neighbourhood shops, bulky goods, hardware and building supplies and garden centre, food and drink premises, hotel and tavern); and
- stage 1 works involving construction of 13,500m<sup>2</sup> of hardware and building supplies/garden centre/bulky goods retail and a maximum 400 parking spaces.

The DGRs were further amended on 6 September 2012 to clarify the status of the stage 1 project, as part of the concept plan. The Environmental Assessment was lodged on 28 September 2012.

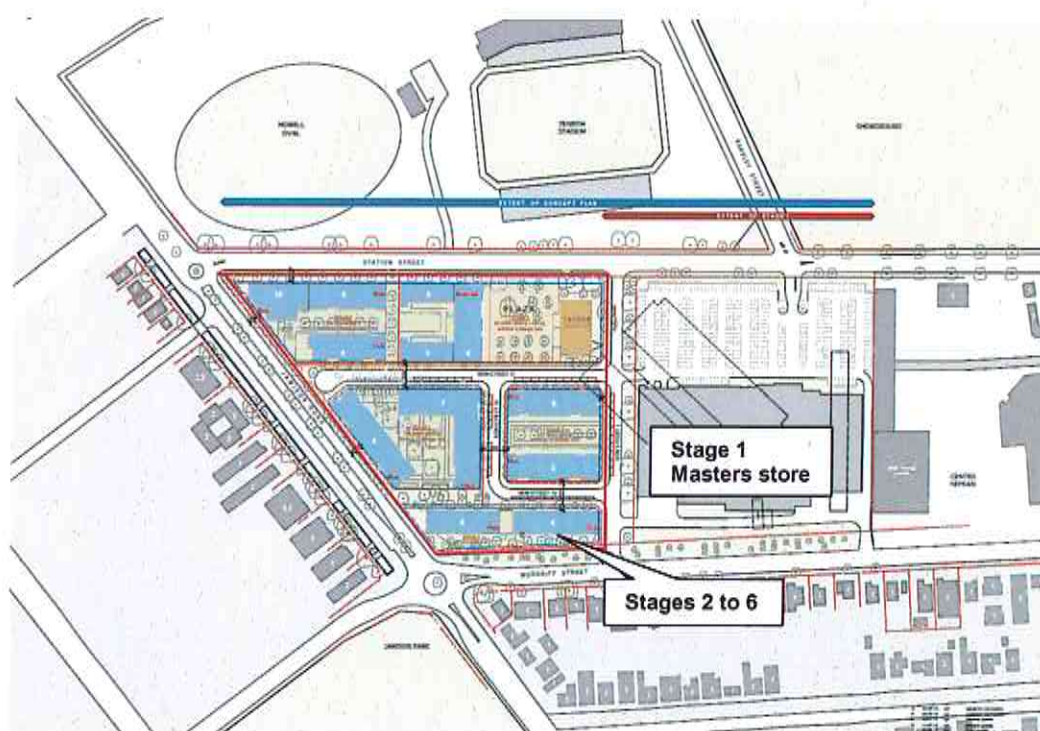


## 2. PROJECT DESCRIPTION

### 2.1 Concept Plan - Preferred Project

The concept plan as set out in the proponent's Preferred Project Report (PPR) provides for a mixed use retail and residential development of the site in 6 stages, including approximately 570 residential apartments (60,000m<sup>2</sup>), a Masters Home Improvement store (13,641m<sup>2</sup>), and ancillary retail floor space (995m<sup>2</sup>) and a tavern (1900m<sup>2</sup>), with an overall floor space ratio of approximately 0.98:1 (refer to **Figure 9**).

The proponent has provided a level of detail in regard to the stage 1 Masters Home Improvement store, so that it may be determined by the Minister (or his delegate/s) under the provisions of section 75P(1)(c) of the Act that no further environmental assessment will be required and project approval can be issued for this stage under section 75J, without the need for further application, environmental assessment or reports.



**Figure 9: Concept plan – Preferred Project**

**Tables 1 and 2** provide a summary of the details of staging of the proposal. The proposed staging is illustrated in **Figure 10**.

**Table 1: Stage 1 – Components and Details**

<b>Stage 1 (Project Approval)</b>	
Components of stage 1	Details of components of stage 1
<ul style="list-style-type: none"> <li>demolition</li> </ul>	<ul style="list-style-type: none"> <li>demolition of the existing buildings on the northern portion of the site.</li> </ul>
<ul style="list-style-type: none"> <li>subdivision of the site to create 3 separate lots.</li> </ul>	<ul style="list-style-type: none"> <li>proposed lot 11 - (4.058ha) - for stages 2 to 6 of the concept plan;</li> <li>proposed lot 13 - (0.46ha) - for the proposed new road through the centre of the site; and</li> <li>proposed lot 12 - (3.325ha) - for the stage 1 Masters Home Improvement store.</li> </ul>
<ul style="list-style-type: none"> <li>construction and operation of a Masters Home Improvement store</li> </ul>	<ul style="list-style-type: none"> <li>general sales area for hardware and building supplies of 7,616m<sup>2</sup>;</li> </ul>



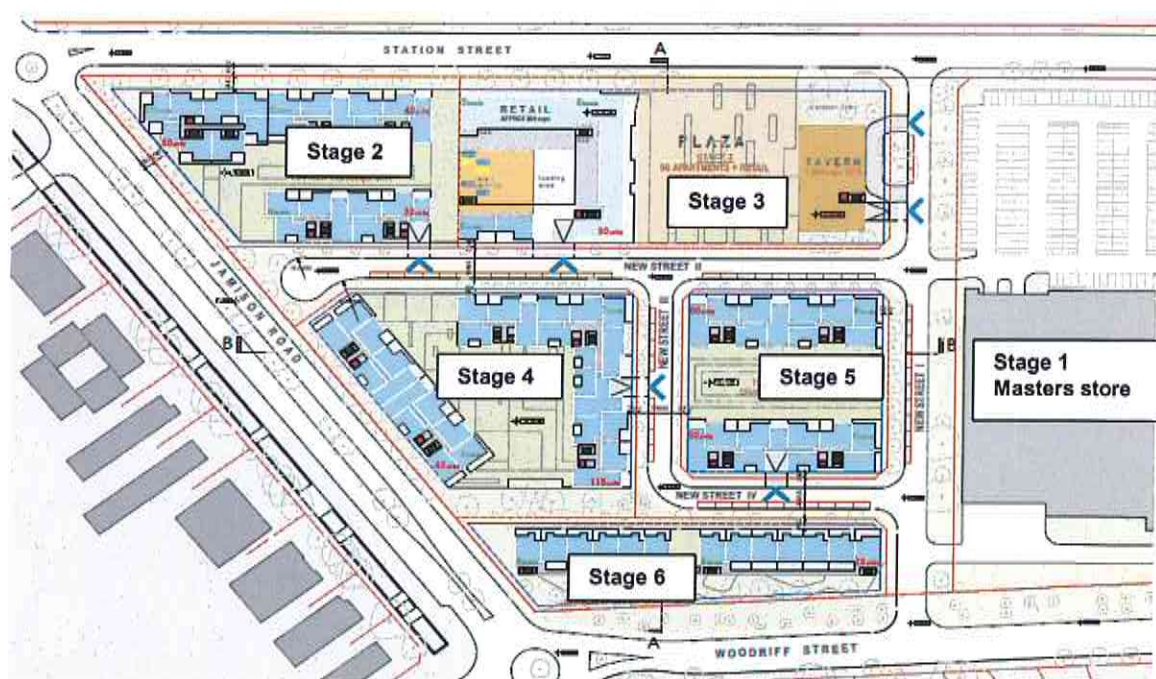
(13,641m <sup>2</sup> ).	<ul style="list-style-type: none"> <li>o garden and plants sales area of 2,218m<sup>2</sup>;</li> <li>o trade sales area (with drive-unloading system) of 2,305m<sup>2</sup>;</li> <li>o 'back of house' deliveries and loading area of 840m<sup>2</sup>;</li> <li>o office and amenities 502m<sup>2</sup>;</li> <li>o café 160m<sup>2</sup> (fit-out of the café is to be subject to a future development application);</li> <li>o car parking for 375 cars, including eight accessible spaces (as well as 30 bicycle racks); and</li> <li>o signage comprising; one main entry sign and two trade and garden identification signs located on the western elevation; and a 12m high pylon sign adjacent to the car park entry off Station Street.</li> </ul>
<ul style="list-style-type: none"> <li>• proposed hours of operation for the stage 1 Masters Home Improvement store.</li> </ul>	<ul style="list-style-type: none"> <li>o Monday to Friday: 6am to 10pm;</li> <li>o Saturday/Sunday: 6am to 8pm; and</li> <li>o all loading and servicing will be carried out within these retail hours.</li> </ul>
<ul style="list-style-type: none"> <li>• traffic and access arrangements for stage 1 and the Masters Home Improvement store, including separate customer and general servicing entries into the stage 1 Masters Home Improvement store.</li> </ul>	<ul style="list-style-type: none"> <li>o construction of internal road link between Station Street and Woodriff Street;</li> <li>o main customer access and access to car park, from Station Street;</li> <li>o two way secondary customer access on to the new proposed road through the centre of the site (over proposed lot 12); and</li> <li>o service entry/access off Woodriff Street.</li> </ul>
<ul style="list-style-type: none"> <li>• stormwater infrastructure works.</li> </ul>	

Table 2: Stages 2 to 6 – Components and Details

Stages 2 to 6 (Concept Plan)	
Components of stages	Details of stages
<u>Stage 2</u> approximately 15,950m <sup>2</sup> of residential development (152 apartments)	<ul style="list-style-type: none"> <li>o a four storey building containing 32 apartments;</li> <li>o a five to ten storey building containing 120 apartments;</li> <li>o communal open space for residents of the buildings;</li> <li>o 163 parking spaces (152 residents spaces, eight visitor spaces and three car wash bays); and</li> <li>o internal road network, civil and stormwater infrastructure works relevant to stage 2.</li> </ul>
<u>Stage 3</u> approximately 8,550m <sup>2</sup> of residential and retail/commercial development (90 apartments)	<ul style="list-style-type: none"> <li>o a five to six storey building containing 90 apartments, and ground floor retail floor space</li> <li>o communal open space for residents of the building</li> <li>o neighbourhood shops/cafes of approximately 995m<sup>2</sup></li> <li>o a tavern of approximately 1,800m<sup>2</sup></li> <li>o public open space with a plaza of approximately 2,300m<sup>2</sup></li> <li>o 166 parking spaces (90 resident spaces, five visitor spaces, ten retail (staff) spaces, 73 tavern spaces, two car wash bays)</li> <li>o internal road network, civil and stormwater infrastructure works relevant to stage 3.</li> </ul>
<u>Stage 4</u> approximately 17,450m <sup>2</sup> of residential development (166 apartments)	<ul style="list-style-type: none"> <li>o a four storey building containing 48 apartments</li> <li>o a seven storey building containing 118 apartments</li> <li>o communal open space for residents of the buildings</li> <li>o 178 parking spaces (166 resident spaces, nine visitor spaces, three car wash bays)</li> <li>o internal road network, civil and stormwater infrastructure works relevant to stage 4.</li> </ul>



<p><b>Stage 5</b> approximately 12,600m<sup>2</sup> of residential development (110 apartments)</p>	<ul style="list-style-type: none"> <li>o a six storey building containing 60 apartments</li> <li>o a five storey building containing 50 apartments</li> <li>o communal open space for residents of the buildings</li> <li>o 118 parking spaces (110 resident spaces, six visitor spaces, two car wash bays)</li> <li>o internal road network, civil and stormwater infrastructure works relevant to stage 5.</li> </ul>
<p><b>Stage 6</b> approximately 5,450m<sup>2</sup> of residential development (52 apartments)</p>	<ul style="list-style-type: none"> <li>o two x four storey, one with 24 apartments and one with 28 apartments</li> <li>o communal open space for residents of the buildings</li> <li>o 56 parking spaces (52 resident spaces, three visitor spaces and a car wash bay)</li> <li>o internal road network, civil and stormwater infrastructure works relevant to stage 6.</li> </ul>



**Figure 10: Concept Plan – proposed staging**

## 2.2 Preferred Project Report – June 2013

On 11 June 2013, the proponent submitted a Preferred Project Report (PPR), amending the Concept Plan in response to issues raised in submissions. The key changes are illustrated in Figure 11 and are summarised as follows:

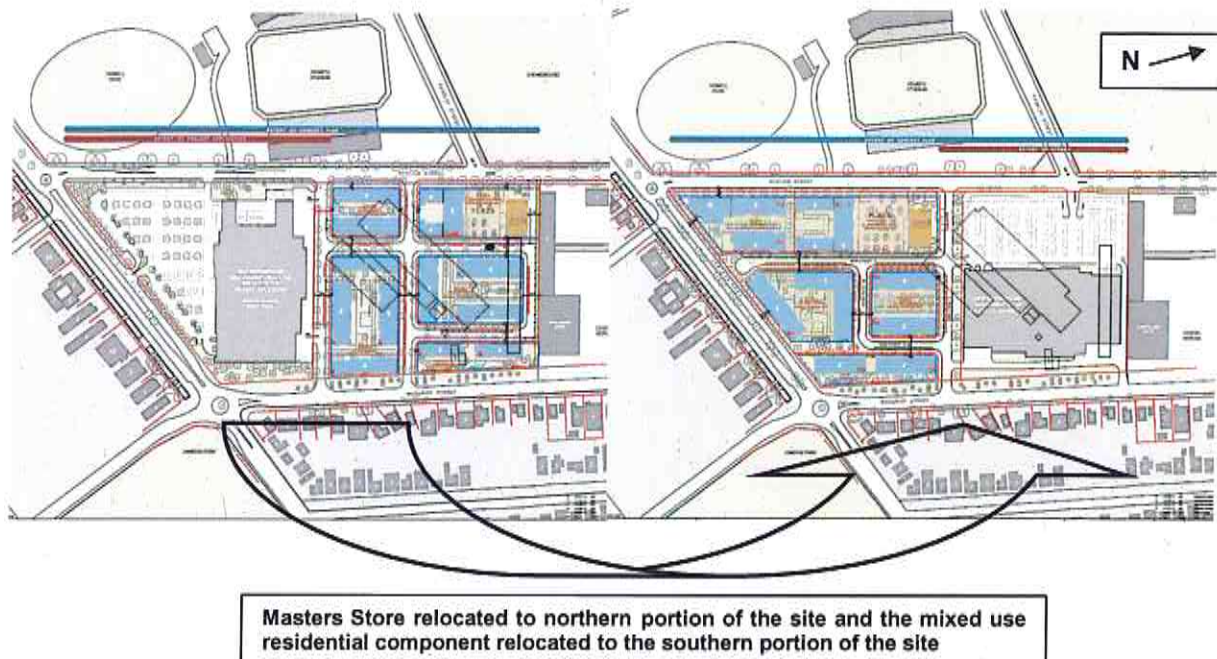
- the residential, plaza and tavern development are relocated from the northern portion to the southern portion of the site, and the Masters Home Improvement store (and associated stage 1 works) relocated from the southern portion to the northern portion of the site;
- the relocated Masters Home Improvement store is orientated to the west and addresses Station Street with the delivery/loading areas accessed off Woodriff Street;
- the amended residential layout provides for nine residential flat buildings with heights from four to ten storeys compared to the previous ten buildings of four to eight storeys. Building heights are reallocated with the greatest building height at the corner of Jamison Road and Station Street, to create a gateway entry to the City Centre; and
- the internal street layout is revised, including provision of a cul-de-sac and relocation further to the north of the new road between Station Street and Woodriff Street, reflecting the division of the site between the stage 1 Masters Home Improvement store on the northern part of the site and the residential component in stages 2 to 6 on the southern part of the site.



In regard to the residential component of the concept plan, the total residential apartment yield remains unchanged at 570 dwellings and the gross floor area remains unchanged. The apartments will be housed in fewer buildings, however the highest building which is up to 10 storeys, exceeds the previous scheme by 4 levels. It is noted however that all other buildings are between 4 and 6 storeys.

Original Concept Plan in the exhibited EA

Amended Concept Plan in the exhibited PPR



**Figure 11: Comparison of Original (EA) and Amended (PPR) Concept Plans**

The proponent has identified the following key benefits of the amendment and revised scheme, as set out in the PPR:

- co-location of like uses, with the residential component of the development now located alongside existing residential uses on Jamison Road to the south and Woodriff Street to the east; and the stage 1 Masters Home Improvement store located adjacent to the existing Centro shopping centre immediately to the north of the site;
- the interface between the residential development and the proposed Masters Home Improvement store appropriately treated to maximise residential amenity with buildings oriented so that few apartments directly overlook the Masters Home Improvement store, and with the majority of apartments overlooking internal open space;
- separation of the residential uses and the Masters Home Improvement store by the new road connecting Station Street and Woodriff Street; and
- creation of a higher density gateway entry to Penrith City Centre through the inclusion of a ten storey residential building at the corner of Station Street and Jamison Road.

### 2.3 PPR Submission Report – November 2013

On 8 November 2013, the proponent submitted a PPR Submissions Report addressing issues arising from the exhibition of the PPR. This included concerns raised by the department about potential traffic conflicts between residential and service traffic using the internal road. Accordingly, access for deliveries and loading and unloading at the rear or eastern side of the Masters Home Improvement store has been amended, to provide separate access, as is illustrated in **Figure 12**.



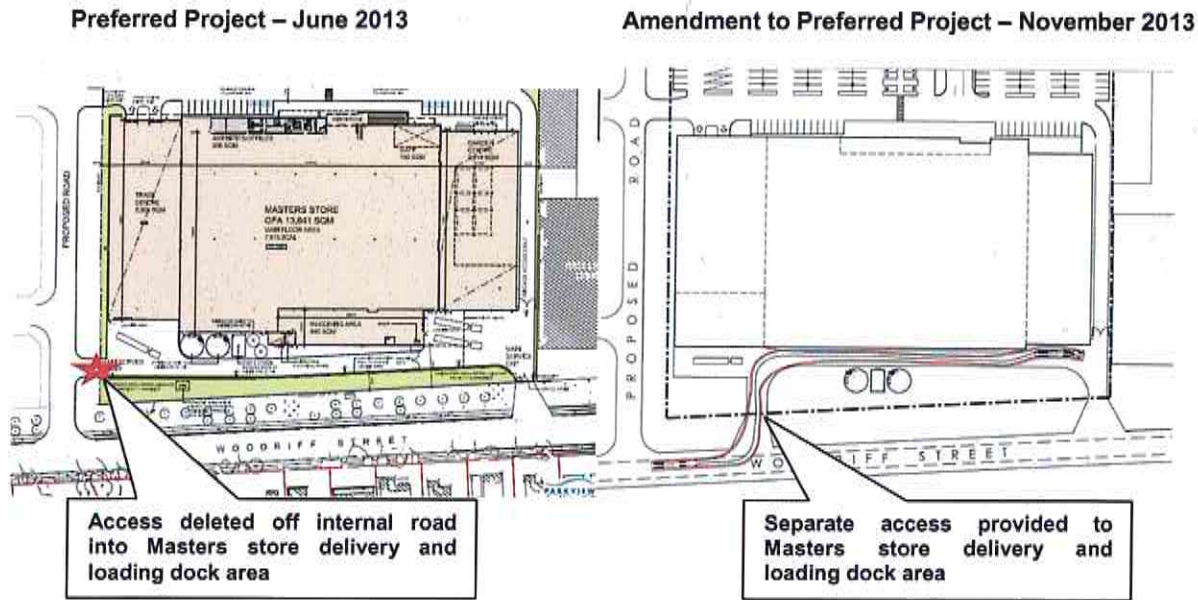


Figure 12: Amendments to Preferred Project – November 2013

### 3. STATUTORY AND STRATEGIC CONTEXT

#### 3.1 Major Project

The proposal is classified as a Major Project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) because it meets the criteria in clause 13 of Schedule 1 (residential, commercial or retail projects) of *State Environmental Planning Policy (Major Development) 2005*, that was in force when the then Minister for Planning declared the proposal to be a Part 3A project in July 2010. It is development for the purpose of a residential, commercial or retail project with a capital investment of more than \$100 million.

#### 3.2 Continuing Operation of Part 3A

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the EP&A Act, continues to apply to transitional Part 3A Projects. Director-General's environmental assessment requirements (DGRs) were issued in respect of this project prior to 1 October 2011 and the project is therefore a transitional Part 3A Project.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disapprove of the carrying out of the Project under Section 75J of the EP&A Act.

Objections to the continued consideration of the proposal under the transitional Part 3A provisions have been raised by council and in public submissions. In June 2011 and again in February 2013, the department received legal advice that confirmed that the application was saved under the transitional provisions following amendments to the MD SEPP and that it was also saved following subsequent amendments to the Act with the repeal of Part 3A. This also confirmed that the application could be amended as proposed, and remain as a transitional Part 3A project. The advice indicated that even if the concept plan application is amended, as long as it remained a proposal for a mixed use development as declared by the Minister in 2010, then Part 3A continued to operate.

The transitional Part 3A provisions of the EP&A Act continue to apply to the proposal and the department considers that it is appropriate for the assessment of the application to continue under these provisions. It would be inappropriate to now discontinue the assessment of the proposed development, particularly given its advanced stage in the assessment process.



### 3.3 Approval Authority

On 14 September 2011, the Minister for Planning and Infrastructure delegated responsibility for the determination of concept plan and project applications under Part 3A of the *Environmental Planning and Assessment Act 1979* to the Planning Assessment Commission (PAC). This delegation to the PAC applies, instead of delegation to the department's senior staff, 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.

The proposal complies with the terms of the delegation (refer to **Appendix C**). The application is being referred to the PAC for determination as Penrith City Council objects to the proposal and as a submitter (Penrith Panthers) has made a political donation disclosure.

### 3.4 Permissibility and Zoning under Penrith City Centre Local Environmental Plan 2008

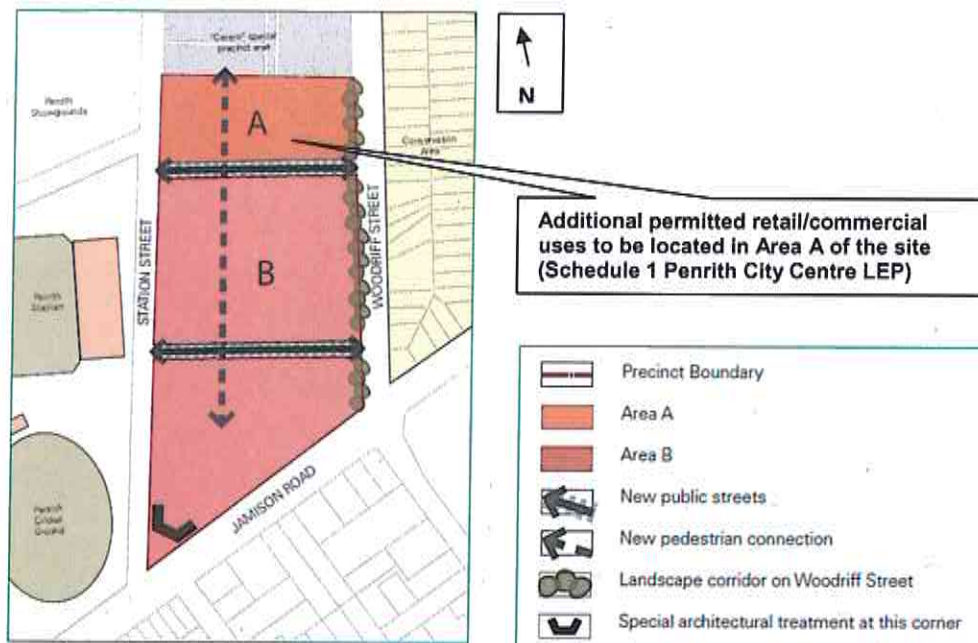
Under the Penrith City Centre Local Environmental Plan 2008, the site is zoned R4 High Density Residential. Residential flat buildings, pubs, and neighbourhood shops (with a gross floor area not exceeding 100m<sup>2</sup>) are amongst uses that are permissible with consent within this zone. Additional uses are also permissible on this site, as listed in Schedule 1 of the LEP. These additional uses are:

- business premises (excluding restricted premises);
- entertainment facility;
- function centre;
- hotel accommodation;
- office premises; and
- retail premises (excluding restricted premises).

In regard to these additional permitted uses, Schedule 1 of the LEP also requires that:

- development must be located in the northern portion of the site, identified as Area A on the Design Principles Map applying to Precinct 2 – Panasonic, contained in the City Centre Development Control Plan (refer to Figure 13);
- development must be consistent with the design principles applying to that Precinct contained in that Plan;
- the gross floor area of development for the purpose of business premises or office premises, or a combination of those uses, must not exceed 20,000m<sup>2</sup>;
- the gross floor area of development for the purpose of entertainment facilities, hotel accommodation, a function centre, or a combination of those uses, must not exceed 20,000m<sup>2</sup>; and
- the gross floor area of development for the purpose of retail premises must not exceed 3,000m<sup>2</sup>.





**Figure 13: Precinct Design Principles Map - Penrith City Centre DCP (as adopted by Penrith City Centre LEP 2008)**

The concept plan does not comply with these provisions of the Penrith City Centre LEP 2008, in that the gross floor area of the proposed retail premises (total 14,636m<sup>2</sup>) including the Masters Home Improvement store (13,641m<sup>2</sup>) will exceed the maximum 3,000m<sup>2</sup>. Also the location of these additional uses and in particular the Masters store will extend beyond the northern portion of the site identified as Area A on the Design Principles Map.

Section 75O(3) of the EP & A Act states that in deciding whether or not to give approval for a concept plan, the Minister may (but is not required to) take into account the provisions of any environmental planning instrument that would not (because of section 75R) apply to the project if approved. Permissibility is therefore not strictly relevant as the proposal seeks approval of a concept plan under section 75O of the Act. The department has however considered the merits of the project as part of its assessment of the application. The relationship of the concept plan, as amended, to the provisions of the LEP is also considered in **Appendix B**, and the design competition requirements of the LEP are considered in section 5 as part of the assessment of the design merits of the proposal.

### 3.5 Other Environmental Planning Instruments (EPIs)

Under sections 75(2)(d) and (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 instrument (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.

Other key EPIs or SEPPs that are relevant to the concept plan are:

- State Environmental Planning Policy No. 33 – Hazardous and Offensive Development;
- State Environmental Planning Policy No. 55 – Remediation of Land;
- State Environmental Planning Policy No. 64 – Advertising and Signage;
- State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Infrastructure) 2007; and
- Draft State Environmental Planning Policy (Competition).



An assessment of the proposal against the provisions of these EPIs is provided in **Appendix B**. Issues relevant to these SEPPs including the design quality of the residential apartments, contamination and remediation, and advertising and signage, are also discussed in section 5. The department is satisfied that the proposal is generally consistent with the provisions of these other key relevant EPIs or SEPPs.

### 3.6 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (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.*

The proposal is considered to be consistent with the objects of the EP & A Act as it will allow for the orderly and economic redevelopment and use of the land and redevelopment for mixed use purposes of a redundant former industrial site for mixed use purposes, with the provision of new residential development to meet housing demands in the area and the region.

### 3.7 Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991* (PEA Act). Section 6(2) of the PEA Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity, and*
- (d) *improved valuation, pricing and incentive mechanisms.*

The department has considered the principles of ESD in its assessment of the proposal and considers the development will be consistent with these principles, as listed above. A detailed assessment of the potential impacts associated with the proposal is discussed in section 5 of this report. The precautionary and inter-generational and equity principles have been applied in the decision making process via a thorough assessment of environmental impacts of the proposal. Biological diversity and ecological principles have little applicability to the site which has been substantially cleared of native vegetation and has been used for



industrial purposes. The valuation principles will be applied with removal of redundant industrial buildings and the redevelopment of the site for a mixed use development.

### 3.8 NSW 2021 - A plan to make NSW number one

NSW 2021 is a 10 year plan for NSW with specific priorities and targets to be delivered by the NSW government. Priorities include measures to improve the performance of the NSW economy and enhance and protect the natural environment. The department considers that the proposal is consistent with NSW 2021, with the creation of high density housing, and investment in employment generation with a CIV \$219,262,270, including \$20,716,019 for the stage 1 Master's home improvement store, including job creation through approximately 180 construction jobs, and 130 to 150 operational jobs with stage 1.

### 3.9 Draft Metropolitan Strategy for Sydney 2031 (draft Metro Strategy 2031)

The draft Metro Strategy 2031 identifies Penrith as a regional city. The proposal is generally consistent with the goals and priorities of the draft Metro Strategy 2031, particularly as the proposal will strengthen Penrith's role as a regional city identified under the strategy, with investment in the CBD and redevelopment of a key CBD precinct providing for urban renewal, additional housing and jobs.

## 4. CONSULTATION AND SUBMISSIONS

### 4.1 Exhibitions of the Environmental Assessment (EA) and the Preferred Project Report (PPR)

Under Section 75H(3) of the EP&A Act, the Director-General is required to make the environmental assessment (EA) of an application publicly available for at least 30 days. In addition while not required under the Act, the Preferred Project Report (PPR) was also exhibited, due to the extent of amendments to the original proposal exhibited with the EA. The exhibition and notification details are set out in the following **Table 3**.

**Table 3: EA and PPR - Exhibition and Notification Details**

Exhibition/Notification	Appearing	Dates
EA and PPR publicly exhibited	Both the EA and PPR appeared on the DPI website and were exhibited at the DPI offices Bridge St, Sydney and at the Penrith City Council offices	EA - 17 October 2012 to 16 November 2012 PPR - 20 June 2013 to 18 July 2013
EA and PPR Newspaper notices	In Sydney Morning Herald, Daily Telegraph, Penrith Press & Penrith Star	EA - 16 and 17 October 2012 PPR - 20, 21 and 26 June 2013
EA and PPR written notices to	Public authorities and landowners	EA - 8 & 15 October 2012 PPR - 17 & 19 June 2013

The department received 21 submissions during the exhibition of the EA, including six submissions from council and public authorities, and 15 public submissions. A further 14 submission were received following the exhibition of the PPR, including six submissions from public authorities and eight public submissions.

A summary of the issues raised in submissions to the EA and PPR is provided below.



## 4.2 Public Authority Submissions

### Penrith City Council (Council)

Council made submissions to both the EA and PPR and strongly objected to the proposal. Council raised the following key concerns:

- Consideration of the proposal under transitional Part 3A provisions of the EP & A Act  
The proposal is inconsistent with the intent of the repeal of Part 3A and arrangements for SSD and concurrent rezoning. This proposal would constitute a rezoning of the site, but the application does not accommodate the necessary considerations for rezoning of a key strategic site. There is no assurance that stages of the development, after stage 1, will ever be brought forward. The current concept plan is not substantially the same as the plan which was originally lodged with the department and should not proceed under the transitional Part 3A provisions.
- Inconsistency with the strategic direction for the site  
The proposed home improvement store is inconsistent with strategic directions which envisage the site will be primarily residential with a range of limited commercial and retail uses. The site is considered a key entry into the Penrith city centre, and the approved 2008 masterplan incorporated a public square and iconic buildings on key locations within the site. The concept plan is inconsistent with current planning policies to provide a suitable interface between existing residential development to the south and existing commercial/retail development to the north.
- Loss of future city centre housing supply  
The approved 2008 masterplan included 1,100 dwellings, and the site is targeted to deliver a substantial component of the proposed 10,000 new residents in planning for Penrith City Centre to 2031. Reduction to approximately 570 dwellings will undermine delivery of dwelling targets.
- LEP considerations  
The proposed home improvement store significantly exceeds the maximum 3,000m<sup>2</sup> retail floor space permissible under the Penrith City Centre LEP 2008, and this part of the proposal is therefore prohibited.
- Incompatible design  
The 'big box' nature of the home improvement store along with the external parking is out of context with the neighbourhood and residential precincts to the east and south. As a southern gateway site (to Penrith city centre) the proposed development is a missed opportunity.
- Lack of design excellence  
The interface between proposed residential and commercial development on the site is poor, including overlooking of 'back of house' areas of the Masters Home Improvement store. Residential development would be 'pressed' between primary access points of adjacent streets and the proposed Masters Home Improvement store and would provide poor residential amenity compared to the 2008 Masterplan approved by council. This threatens future likelihood of any residential development of the site. Penrith CBD is too large and extending the retail along Station Street is to the CBD's detriment. The proposal has not satisfied LEP requirements for design excellence and design competition.
- Other available sites  
The proposed home improvement store could be more appropriately located on other land in the area which is zoned for bulky goods/retail hardware premises and is currently vacant.
- Traffic impacts  
Traffic volumes from the home improvement store will place significant pressures on existing intersections and result in significant amenity impacts on existing and future residents, with a lack of commitment to intersection upgrades, footpath and cycleway provision.



Council has also raised additional issues in relation to:

- Poor site design
- Access, traffic and transport impacts
- Engineering issues
- Stormwater quality treatment
- Safety security and crime prevention
- Environmental matters, including waste management

***Roads & Maritime Services (including Sydney Regional Development Advisory Authority - SRDAC)***

The application and EA was considered by the SRDAC at its meeting of 24 October 2012, and advised as follows:

- RMS would only support provision of traffic signals (traffic lights) at access points into the site if projected traffic volumes indicate 'warrants' (such as sufficient traffic volumes) are met;
- the design of the internal roads and intersections to maintain existing parking levels;
- the internal road system and intersections to cater for 19m long service vehicles;
- the layout of parking, and associated manoeuvring areas in accordance with relevant Australian Standards;
- provision of a construction transport management plan;
- vehicle swept paths in accordance with Austroads standards; and
- provision of bicycle parking facilities.

The PPR was subsequently considered by the RMS and the main outstanding issue relates to the need for the proponent to demonstrate that 'warrants' for installation of traffic lights at Ransley Street and Station Street (at the main entry to the Masters Home Improvement store car park) would be met. The proponent's traffic consultants had not demonstrated to RMS' satisfaction that traffic generation related to an average day (not being a Friday or Saturday) warranted the installation of traffic signals. Details of the proponent's consideration of alternative options, such as sign controls and/or roundabout were also required.

***Office of Environment & Heritage (OEH)***

The OEH did not object to the proposal but raised the following issues in relation to the EA:

- Testing had not been undertaken of a potential area of Aboriginal archaeological deposits identified by the archaeological assessment reports submitted with the EA. There has therefore been no assessment of significance and no management and/or mitigation recommendations;
- Preliminary results from council's overland flood study for Penrith CBD suggest that the site is subject to minor isolated overland flooding. The EA approach that this be addressed through stormwater and site layout is a reasonable approach;
- Overland flow path should be designed to ensure public safety and divert flow away from building entrances; and
- Basement car parks access should be above the flood planning level, and have separate safe pedestrian flood egress. Emergency management should consider Probable Maximum Flood levels.

Further advice was received from OEH in regard to the PPR which confirmed that the matters they had previously raised were resolved.

***Transport for NSW***

Transport for NSW raised issues in respect of both the EA and PPR regarding potential impacts to bus services and bus stops within the vicinity of the site, and in particular, along Station Street, due to increased traffic generation. It considered any measures required should be identified as part of the concept plan including relocation of bus stops, as well as improved pedestrian access and crossings to existing or relocated bus stops on the opposite sides of Station Street and Jamison Road. It considered that the Masters Home



Improvement store would have suitable pedestrian access to an existing bus stop on the opposite side of Station Street. It also raised the need for any project approval for stage 1 to include a condition requiring a construction traffic management plan (the need for a construction traffic management plan was also raised by the RMS).

#### **NSW Office of Water**

The NSW Office of Water (NoW) provided comments on the PPR regarding groundwater impacts and monitoring. Proposed bulk excavation levels, footings and services are not expected to be impacted by ground water, but if groundwater is intercepted or extracted a licence from NoW may be required, depending upon volumes encountered and duration of pumping. NoW supports the proposed installation of groundwater monitoring wells, prior to the detailed design phase.

#### **NSW Police (Crime Management Unit Penrith Local Area Command)**

The Penrith Local Area Command made a submission in relation to the PPR and opposed the proposed development for the following key reasons:

- Public disorder and anti-social behaviour potentially associated with the proposed tavern, which would add to a cluster of existing licensed premises and venues in the CBD and surrounding area. This would place a strain on Police resources. It would also lead to potential problems for residents from noise, loitering and anti social behaviour in the adjacent plaza with measures such as appropriate lighting, signage and CCTV being critical;
- The area has a high crime risk, with major incidents reported within the vicinity during 2012, including alcohol related incidents; and,
- The Masters Home Improvement store will lead to traffic congestion in adjacent streets, requiring redesign and traffic signals at intersections such as a Station and Ransley Streets, and pedestrian refuge islands and upgrade of footpaths. A more suitable site should be investigated to deal with the size of the store and traffic flows.

The submission also provided detailed comments on crime prevention measures, based upon a CPTED analysis (Crime Prevention through Environmental Design), which should be incorporated within the development, including lighting, signage, security measures and landscape design.

#### **Sydney Water**

Sydney Water did not object to the proposal and advised that a notice of requirements was issued to the proponent on 10 August 2012. The future requirements of Sydney Water may include the need for construction of water and waste water main extensions to service the development.

#### **Environment Protection Authority (EPA)**

The EPA reviewed the EA and raised no objections or issues.

### **4.3 Public Submissions**

15 submissions were received from the public to the EA and a further 8 submissions to the PPR, including submissions from the local state Member of Parliament for Penrith, Mr Stuart Ayres MP, as well as submissions on behalf of the following or organisations or companies:

- The Panthers Group;
- Ingham Planning on behalf of Westfield Limited and GPT Limited (owners of Westfield Penrith);
- BBC Consulting Planners, on behalf of Calardu Penrith Pty Limited (owner of land at Penrith Homemakers centre); and
- McKenzie Group Consulting, on behalf of Federation Centres (formerly Centro shopping centres).

Of the 15 public submissions to the EA, 12 objected to the project, while three did not object but raised concerns. Of the eight public submissions to the PPR, seven objected while one



did not object but raised concerns. The key issues raised in public submissions are summarised in **Table 4**.

**Table 4: Summary of key issues raised in public submissions**

<b>Strategic Context</b>	The proposal is inconsistent with agreed strategic directions for the area and fails to achieve regional targets for residential development.
<b>Permissibility and incompatible land use</b>	The proposal is prohibited and inconsistent with planning controls and the proposed Masters Home Improvement store is incompatible with surrounding land uses.
<b>Staging</b>	The staging of the proposal lacks a commitment to residential development of the site and increases potential for the site to transgress into retail based shopping precinct.
<b>Urban Design</b>	The proposal would result in poor urban design outcomes for a town centre gateway location. The heights, bulk and scale of the proposal are out of keeping with surrounding residential development, and will result in view loss.
<b>Consideration under Part 3A</b>	The amended proposal bears no resemblance to the original submitted to the department and should now be dealt by council and not under the transitional Part 3A provisions.
<b>Alternative sites</b>	Consideration of suitable alternative sites for the Masters Home Improvement store has not been adequately and objectively addressed and it will be located outside identified bulky goods zones areas.
<b>Amenity impacts</b>	The proposal will result in adverse amenity impacts, including overcrowding, increased crime, increased traffic and heavy vehicle movements, and noise associated with trucks and service deliveries.
<b>Traffic and parking issues</b>	There will be adverse traffic outcomes with higher traffic volumes on surrounding streets exacerbated by events such as football games and local market days.  The traffic analysis has underestimated traffic generation, and lacks suitable consideration of key intersections, traffic queue lengths on adjacent streets and impacts of background traffic growth.
<b>Proposed tavern</b>	The proposed tavern is close to other licensed venues and close to sporting venues with a risk of alcohol related violence. Incorporation of a tavern in the concept plan lacks any social impact assessment that deals with the need for the tavern at this site.
<b>Stormwater impacts</b>	Impacts of stormwater runoff on existing infrastructure need to be fully assessed.
<b>Net Community Benefits</b>	The proposed development lacks any net community benefit, in accordance with the parameters as set out in the department's draft Centres Policy.

#### 4.4 Preferred Project Report

On 11 June 2013 the proponent provided a response to the issues raised in submissions, (refer to **Appendix A**). The response to submissions includes the Preferred Project Report (PPR), which has amended the concept plan in response to the issues raised by the department and in submissions. The changes to the concept plan in the PPR are detailed in Section 2 of this report. The PPR and amended proposal was publicly exhibited



#### 4.5 Preferred Project Submissions Report

On 8 November 2013 the proponent provided a Submissions Report in response to submissions and issues raised following exhibition of the PPR and amended concept plan, (refer to **Appendix A**). This Submissions Report included amendments to the preferred project as described in Section 2.3 and as shown in **Figure 12**.

### 5. ASSESSMENT

---

In assessing the merits of the Project, the Department has considered:

- the EA, submissions and the Proponent's response to submissions on the Project (refer to Appendices B, C and D);
- the relevant environmental planning instruments, guidelines and policies;
- the objects of the EP&A Act, including the object to encourage ecologically sustainable development; and
- the relevant statutory requirements of the EP&A Act & Regulation.

The Department considers the key issues relate to:

- strategic context
- economic impacts
- alternative sites
- access, traffic and parking
- design, bulk and scale

Other issues, including contamination, stormwater management and aboriginal cultural heritage are considered in **Table 7**.

#### 5.1 Strategic context

Penrith was nominated as one of the key regional cities in the metropolitan strategy – *City of Cities: A Plan for Sydney's Future* (2005). Arising out of this strategy, the Penrith City Centre Vision (2007) identified the subject site as a high density residential precinct, which would be primarily residential but with opportunities for other uses including some limited retail floor space, refer to **Figure 6** in Section 1.3 of this report. This has been embodied in the planning controls for the site under the Penrith LEP 2008 and in the Penrith City Centre DCP.

Objections were made to the concept plan in council's and public submissions in regards to inconsistency of the proposal with strategic directions for the site and the area, including:

- inconsistency with controls and requirements for the site, as set out in the Penrith LEP 2008 and the Penrith City Centre DCP, limiting the extent of retail floor space;
- that additional retail floor space will compromise the primary development of the site for residential purposes;
- loss of residential development on the site impacting upon achievement of strategic regional targets for residential development in Penrith, as set out in metropolitan and subregional plans; and
- that the proposal effectively constituted a rezoning but without the necessary considerations that this would ordinarily entail, such as net community benefit, social and economic impacts.

There are five key components to the objections raised, including:

- the extent of retail floor space;
- residential development and housing supply;
- metropolitan and subregional housing targets;
- residential market analysis; and
- net benefits.



The department has undertaken an assessment of each issue to ensure that the strategic context of the proposal is appropriate.

#### **5.1.1 Extent of retail floor space**

The concept plan provides for 14,636m<sup>2</sup> of retail floor space, with the major component comprising the stage 1 Masters Home Improvement store (13,641m<sup>2</sup>), compared to a maximum of 3,000m<sup>2</sup> permissible under the Penrith City Centre LEP 2008 (Schedule 1). While the strategic vision for the site and the planning controls in Penrith City Centre LEP 2008 envisage that it will be primarily residential, a mix of retail, commercial, tourist accommodation and residential land uses are also permissible within the northern part of the site, located within Area A as identified in the precinct design principles map in the Penrith City Centre DCP, as outlined in **Figure 13** and as previously discussed in section 3.3 of this report.

Under the provisions of Penrith City Centre LEP 2008 (Schedule 1) substantially more non-residential floor space is permissible than is now proposed. Apart from 3,000m<sup>2</sup> of retail floor space, up to 20,000m<sup>2</sup> of business and/or offices and up to 20,000m<sup>2</sup> of entertainment facilities/hotel accommodation/ function centre or combination of these are also permissible on the site. In this context the department considers that the extent of retail floor space proposed in the concept plan is supportable.

#### **5.1.2 Residential development and housing supply**

The concept plan as amended by the PPR provides for approximately 51% of the site (4.058ha) to be developed for residential purposes, and approximately 42.4% (3.325ha) to be developed as the stage 1 Masters Home Improvement store, including associated parking and service areas. The extent of the site area provided for the Masters Home Improvement store has potentially reduced the site area available for residential development. In this regard, while the concept plan proposes approximately 570 dwellings with approximately 60,000m<sup>2</sup> of residential floor space, this compares with the 2008 Masterplan, where approximately 1100 dwellings and 106,700m<sup>2</sup> of residential floor space was approved over a larger portion of the site.

Council raised concerns about the reduction of 530 dwellings on the site compared to the 2008 Masterplan, as the site is targeted to deliver a substantial component of a proposed 10,000 new residents earmarked in planning for Penrith up to 2031. There is no specific dwelling yield established for the site. It is, however, identified as a 'major site' within the Metropolitan Development Program (MDP, the state government program for managing land and housing supply). This program has identified a capacity of 650 dwellings for the site, with an expectation of 159 dwellings to be produced up to 2014/15 and a further 491 dwellings up to 2019/20. The proposed yield of 570 dwellings, as provided for in the concept plan, is therefore generally in line with MDP expectations for the site's dwelling yield.

The proponent considers that, due to a lack of current market demand for this extent of high density residential development, a staged development of the site is appropriate, with stage 1 providing the economic catalyst for the future staged release of residential development to meet market demand, potentially over the next 10 to 20 years.

#### **5.1.3 Metropolitan and subregional housing targets**

Council indicated that a reduction of dwellings on the site would undermine delivery of dwelling targets in the Metropolitan Strategy and draft Regional Plan for Penrith City as well as have implications in relation to vision for the site as a high density residential redevelopment and future housing demands in the area

The Metro Plan 2036 included a recommended target of 169,000 new dwellings within the North West subregion (including Penrith LGA) between 2006 and 2036, however well over 50% of these new dwellings were within the North West growth centre (outside Penrith LGA). A draft sub-regional strategy (North West Subregion: Draft Subregional Strategy) was



previously prepared under the 2005 Metropolitan Strategy (this will need to be updated and finalised following the Draft Metropolitan Strategy for Sydney to 2031). The draft sub-regional strategy identified a target of 25,000 new dwellings between 2004 and 2031 in Penrith LGA. As indicated above there is no specific dwelling yield established for the site and the proposed yield of 570 dwellings is generally in line with MDP expectations for the site's dwelling yield.

The department notes that apart from the subject site, there are other significant medium/higher density sites in Penrith. The former North Penrith Defence site (Thornton) which is approximately 1.5km to the north of the subject site is currently being developed and will have up to 1,000 dwellings. The proposed Penrith Panthers precinct redevelopment which is approximately 0.5km to the west of the subject site (as outlined in section 5.2.1 and shown in **Figure 16**) includes an anticipated dwelling yield of approximately 500 higher density dwelling units and 250 senior's living units. The anticipated future housing at Thornton and at the Penrith Panthers precinct, along with housing at the subject site, will enable the achievement of housing targets.

#### **5.1.4 Residential Market Analysis**

As part of the DGRs the proponent was required to address the adequacy of housing supply on the site having regard to the local planning controls and the objectives/aims of the relevant State and regional strategies for the locality. The proponent was also required to consider the impact of the proposal on providing high density residential development in the Penrith City Centre and any broader implications for meeting Council's housing targets in the Penrith City Centre under the Metropolitan Plan, as well as justification for the lack of residential development within Stage 1 of the proposal.

Urbis, on behalf of the proponent, undertook a Residential Market Analysis (July 2012) for the EA, which included a review of the proposal in relation to relevant state and local housing strategies, targets, and capacities. This concluded that dwelling completions over the five years (preceding the analysis) had been below forecasts and there has been under-utilisation of development site capacity. As a result, a higher potential development capacity remained than was originally anticipated, equating to an additional 2,931 dwellings. Urbis provided an update of this analysis as part of the PPR, to identify any changes. This identified that having regard to new development proposals and reduced yields of existing projects, the potential development capacity had been increased by 348 apartments compared to the previous analysis.

Based on the findings of the Urbis residential market analysis and having regard to other medium and high density residential precincts within the vicinity of the site, the department considers that a reduction in the residential development yield from 1,100 in the 2008 Masterplan to 570 dwellings now proposed, would not limit or impact on the provision of future dwelling supply in Penrith LGA.

#### **5.1.5 Net Benefits**

The department has also reviewed the net community benefit of the proposal in relation to assessment criteria set out in the NSW Draft Centres Policy (refer to **Appendix B**) and considers there are net community benefits from the proposed development. In particular, the department notes the proponent's contention that the Masters Home Improvement store can act as a catalyst to facilitate the early redevelopment of the site, including the removal of redundant industrial buildings. The proposed redevelopment of the site will include a major component of high density residential development, with over approximately 52% of the site and approximately 78.5% of the proposed floor space being provided for residential development purposes. This would therefore not compromise the strategic intent for development of the site with a significant focus on high density residential development.

The department is satisfied that despite the additional retail floor space proposed (compared to current LEP controls) strategic targets relevant to the site and precinct can still be met.

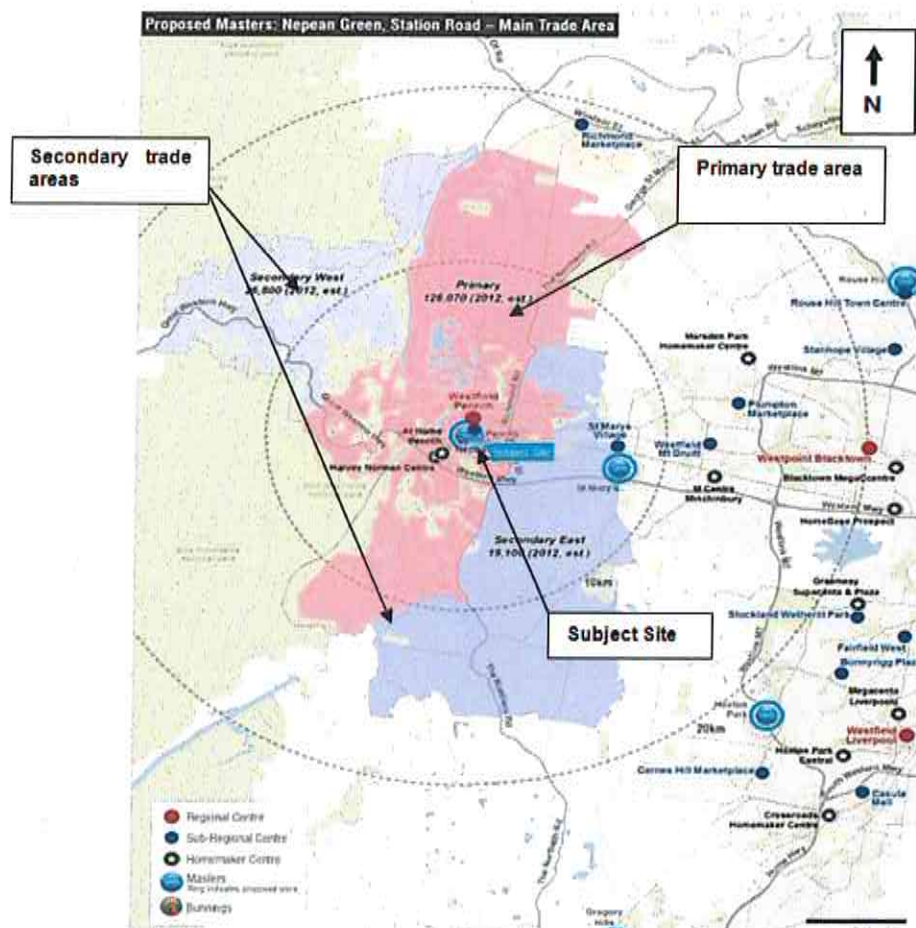


The department considers that the concept plan provides for an appropriate mixed use redevelopment of the site, which will assist in activating the precinct by removing existing redundant industrial buildings, and opening up and integrating the site with the remainder of the Penrith CBD.

## 5.2 Economic impacts

### 5.2.1 Economic Impacts Assessment

The DGRs provided that the proponent address the economic impact of the proposal and the additional retail gross floor area and include an investigation into any impacts upon the existing retail function of Penrith town centre. Urbis addressed these matters in a retail economic impact assessment (EIA), on behalf of the proponent, which was submitted with the EA. Primary and secondary trade areas were identified based on their distance from the proposed store or their proximity to other existing or proposed Masters Home Improvement stores, refer to **Figure 14**.

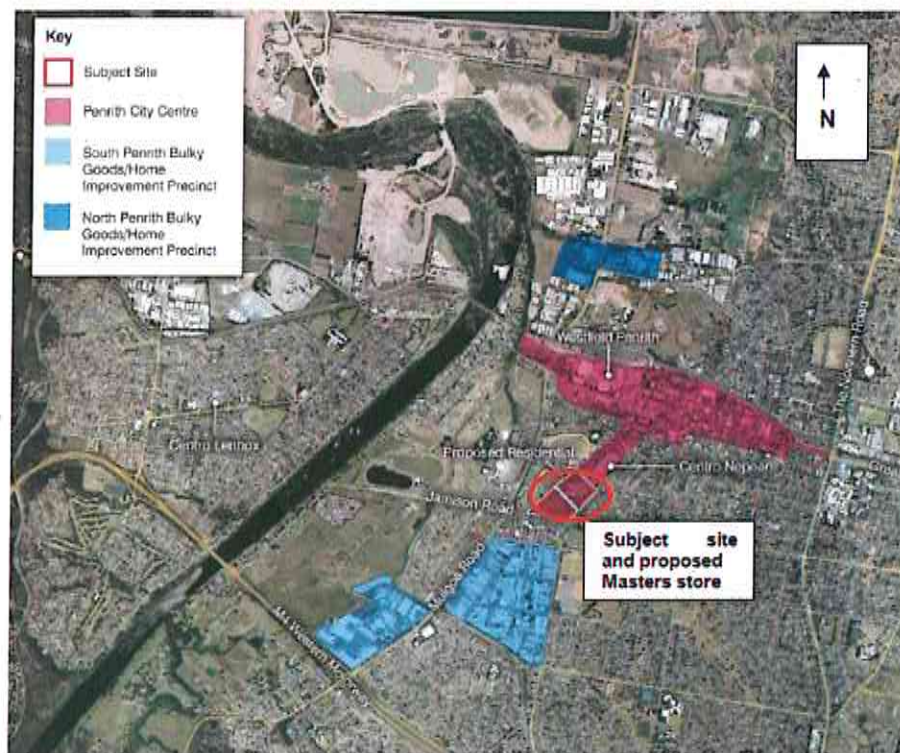


**Figure 14: Primary and Secondary trade areas for the proposed Masters Home Improvement store as established in the Urbis EIA prepared on behalf of the proponent (source: Urbis EIA, 2012)**

The Urbis EIA estimates that the population of the main trade area will increase an average of 1.3% per annum. The following matters were considered as part of the Urbis assessment:

- retail spending estimates covering key spending categories relevant to the home improvement store;
- assessment of potential economic impacts on Penrith CBD retailing; and
- retailing associated with the existing home improvement precincts within the Main Trade Area (MTA) including the Penrith Homemaker and Bulky Goods precinct adjacent to Mulgoa Road and home improvement uses at North Penrith around Castlereagh Road at North Penrith.





**Figure 15: Location of the proposed Masters Home Improvement store in relation to existing bulky goods areas (source: Urbis EIA, 2012)**

Urbis did not identify any significant adverse economic impacts on existing retailing activities as a result of the proposed Masters Home Improvement store. The proponent has also identified the following economic benefits to justify the concept plan and the proposed Masters Home Improvement store:

- increased competition within the home improvement sector, greater choice and price savings for customers;
- reduced travel times for Penrith residents and trades workers seeking to access a range of home improvement products and services; and
- increased expenditure retention within the Main Trade Area (MTA).

The department engaged SGS Economic Planning (SGS) to undertake a peer review of the findings of the proponent's EIA. The SGS peer review found that generally the approaches taken in the EIA in relation to assessment of economic impacts are sound. There were some areas where SGS suggested alternative inputs or methods or where more clarification was needed, but this did not fundamentally affect the findings and conclusions. Additional information was provided by the proponent with the PPR which substantially addressed any outstanding matters and issues raised by SGS

Furthermore, SGS undertook its own independent retail impact assessment of the proposal using retail simulation modelling. SGS found that overall, the economic impact of the proposal on other retail centres and bulky goods precincts would be at a level that is acceptable and within a normal competitive range (up to 10% reduction in total turnover). From the findings of its modelling, SGS suggested that the proposed Masters Home Improvement store would be unlikely to significantly undermine the overall viability of any competing centres and bulky goods precincts. SGS also reviewed the amended proposal submitted with the PPR and agreed with the proponent that swapping the location of the Masters Home Improvement store to the northern part of the site would not have any significant impact on the turnover forecasts or any subsequent impact assessment calculations.

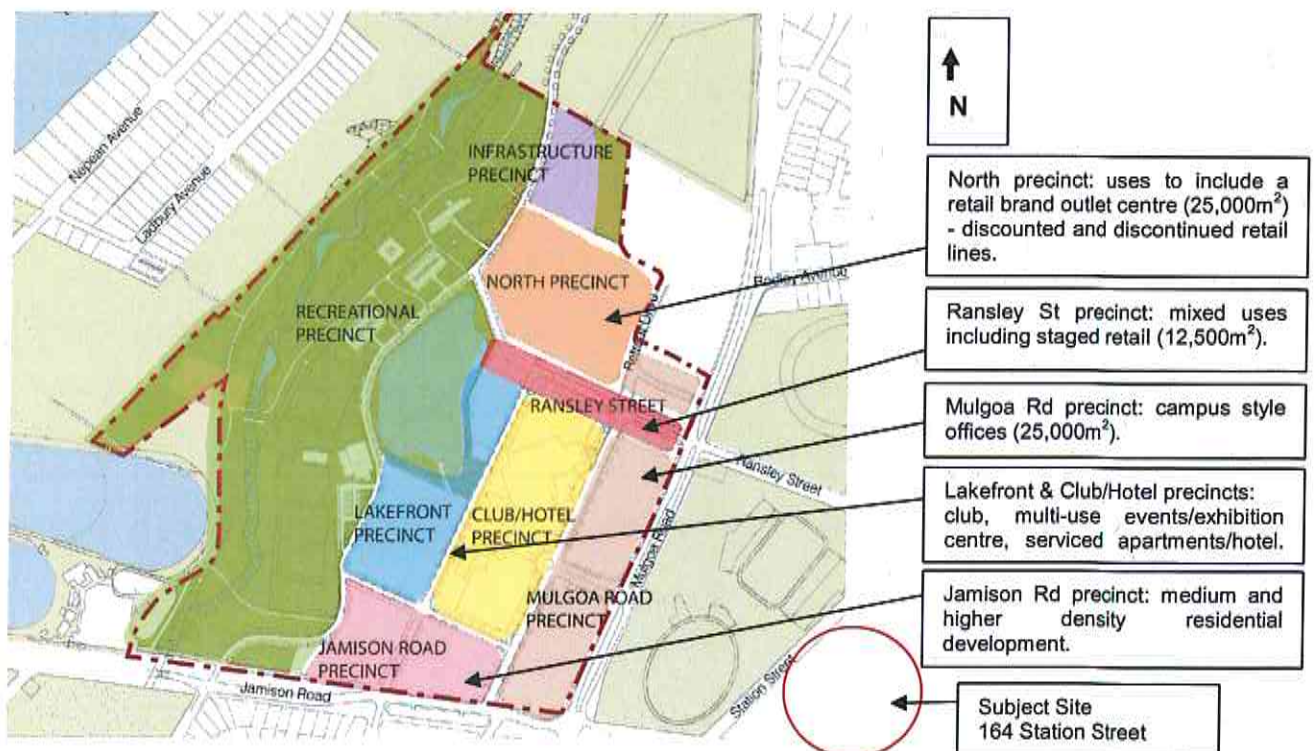


The department is satisfied that there would be no significant adverse economic impacts arising from the proposed Masters Home Improvement store on the site and from the additional retail floor space, above the extent of retail floor space currently permissible under the Penrith City Centre LEP 2008. The major component of the additional retail floor space comprises the master home improvement store which will compete with other home improvement/bulky goods uses but will not result in any significant adverse economic impacts. The additional retail floor space would not be unacceptable in the context of any economic impacts on existing retail and bulky goods precincts.

The department acknowledges the potential economic benefits identified by the proponent and that the stage 1 Masters Home Improvement store can act as a catalyst to facilitate the early redevelopment of the site and the removal of redundant industrial buildings. The department also considers that the Masters Home Improvement store on one large lot and comprising a single large building can be viewed as an interim land use for this part of the site, pending future economic demand and economic viability for further higher density residential development.

### 5.2.2 Impacts of proposed Penrith Panther's redevelopment and additional retail floor space

The Penrith Panther's club is proposing to undertake a significant mixed use redevelopment of part of the land they own (approximately 50ha in area) which is located on Mulgoa Road to the west of this site (refer to **Figure 16**). The rezoning and redevelopment strategies for the Penrith Panther's site came into force at the end of June 2013 (with inclusion of additional provisions within Penrith Local Environmental Plan 2010 and Penrith Development Control Plan 2010). Retail floor space within the Panthers site will include a brand outlet centre ('DFO' style uses) of 25,000m<sup>2</sup> and an additional 12,500m<sup>2</sup> of general retail floor space. This additional general retail floor space is meant to be integrated with other commercial residential/mixed uses on the site and would not be provided as a large stand alone retail building similar to the Masters Home Improvement store.



**Figure 16: Proposed Penrith Panthers redevelopment – sub precincts (source: Penrith Development Control Plan 2010)**



The proponent's economic assessment concludes that the Masters Home Improvement store and Panthers development will service largely separate spending markets; being home improvement spending compared to the brand outlet centre which would draw most of its trade from a regional area with a focus on apparel and home-ware spending. SGS has reviewed these findings and has agreed with the conclusions. On this basis the department is satisfied that the Masters Home Improvement store would not result in any adverse cumulative impacts having regard to the retail floor space now proposed at the Panther's site.

### **5.2.3 Clustering of Bulky Goods Retailing**

An issue which was raised by the department relates to the clustering of bulky good activities. Objective B1 of the Metro Plan 2036 identifies the need for local planning to identify appropriate locations (out of centres) to cluster bulky goods retailing. This is a consideration in reviewing alternative sites, in particular existing bulky goods areas or clusters along and off Mulgoa Road.

The department's draft Centres' Policy - *Planning for Retail and Commercial Development* (April 2009), suggests that bulky goods premises can be accommodated in local centres, commercial cores or within mixed use zones, or where this is not realistic, they can be clustered together in appropriate business development zones in an edge-of-centre location. It is indicated that this would provide customers with the benefit of access to bulky goods premises in one location, but also in a location that supports the nearby centre.

In response, the proponent argues that the site is located within the Penrith CBD within close proximity to other retail uses, and that while the site is not located within a local centre, commercial core or mixed use zone, the range of uses permitted under Schedule 1 of the LEP means that this is akin to a mixed use zone. The proponent considers that the site is an appropriate location for a bulky goods retail outlet, and the site is well positioned to meet the locational demands of the development while not compromising the nature of the city centre within which it is located.

The department recognises that while the site at 164 Station Street is not within the existing bulky goods areas, it is located close by and is also within the Penrith CBD (as identified in Penrith City Centre LEP 2008) and is adjacent to the existing Centro shopping centre. The department considers that locating the Masters Home Improvement store at this site will not significantly compromise the CBD or existing bulky goods areas.

### **5.3 Potential alternative sites for the stage 1 home improvement store**

The proponent was required to consider potential alternative sites for the retail component of the proposal, and the Masters Home Improvement store; and justify the location of the bulky goods retail premises at this site having regard to other suitably zoned sites. There are existing bulky good precincts in Penrith, in particular at South Penrith, where there are potentially alternative sites for the Masters Home Improvement store.

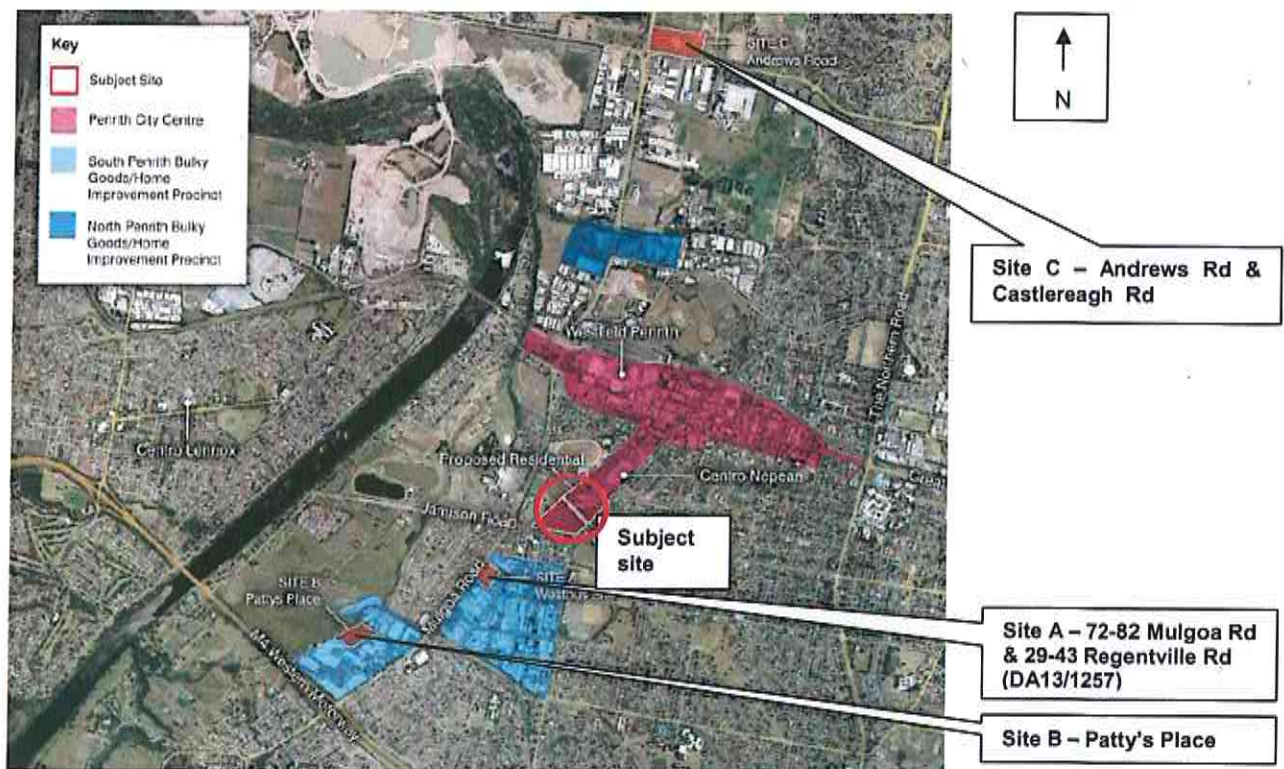
The proponent's assessment focussed upon three alternative sites located within Penrith LGA (refer to **Figure 17**) being:

- Site A - 72-82 Mulgoa Rd & 29-43 Regentville Rd, Jamisontown;
- Site B – Patty's Place, Jamisontown; and
- Site C – Andrews Road & Castlereagh Road, North Penrith.

These sites were identified based on issues such as proximity to the Penrith CBD and the existing bulky goods precincts, and larger site areas. The proponent considered Sites B and C were unsuitable due to their limited size and/or poorer location. Site A, was identified as being constrained due to accessibility issues and potential contamination. The proponent considered the subject site offered superior outcomes in terms of visibility and accessibility as well as being located within the Penrith CBD. The proponent has, however, lodged a development application with Penrith City Council for the establishment of the Masters Home



Improvement store at this alternative site (Site A), which is now being considered concurrently with this Part 3A concept plan application. Details of the development application are outlined in section 5.5.1.



**Figure 17: Location of potential alternative sites for the stage 1 Masters Home Improvement store, considered by the proponent (source: Urbis EIA, 2012)**

### **5.3.1 DA13/1257 - 72-82 Mulgoa Road and 29-43 Regentville Road, Jamisontown (Site A)**

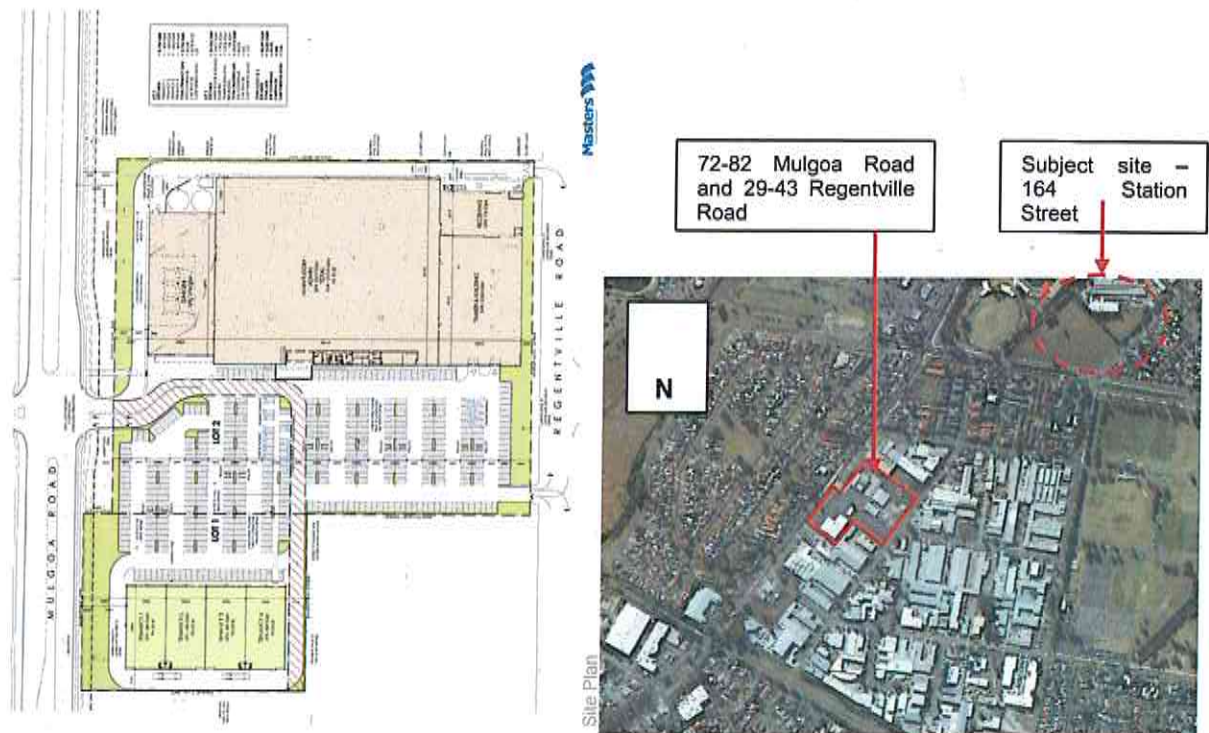
On 30 October 2013, a development application was submitted to Penrith City Council, (by Urbis on behalf of Hydrox nominees) for the construction of a Masters Home Improvement Store and four bulky goods tenancies at Mulgoa Road, Site A (refer to **Figure 18**). The proponent has advised that due to delays and uncertainties with the current site, Masters has been pursuing a multi-faceted acquisition strategy to ensure that they secure a site and are able to establish a store within Penrith. The proponent states that the submission of the development application to council should not be construed as an intention by Masters not to further pursue the proposal for stage 1 of the concept plan for the subject site, nor that previously identified constraints at Site A have yet been overcome, as:

- testing for contamination and a development application for remediation will be required; and
- negotiations are still underway with the RMS in order to achieve access to the site for northbound traffic on Mulgoa Road.

The proponent therefore considers that the development application for Site A has no material bearing upon the assessment of the Part 3A proposal for the subject site, which should be assessed on the basis of its site suitability for the proposed use. The proponent has also identified that there is capacity for alternative retail opportunities at the subject site with both larger or smaller format retailers, which could occupy the proposed retail floor space if the Masters Home Improvement store did not proceed on the site. The department however considers that this scenario would be subject to further assessment with the submission of a separate development application to council (or modification request to the department in relation to any project approval) and it does not form part of this assessment.



In this context the current proposal for stage 1 Masters Home Improvement store alone is considered on its merits without considering the scenario of separate or alternative retail uses if the Masters Improvement store was not to proceed.



**Figure 18: Development application for proposed Masters Home Improvement store and 4 tenancies at 72-82 Mulgoa Road and 29-43 Regentville Road, Jamisontown**

The department accepts that the proponent's assessment of alternative sites has identified the subject site at 164 Station Street as superior in terms of visibility and accessibility as well as being located within the Penrith CBD. The department however acknowledges that the proponent is pursuing a multi-faceted acquisition strategy to secure a site and establish a store within Penrith, and in this context is also pursuing a potential alternative site (Site A).

## 5.4 Access, Traffic & Parking

### 5.4.1 Site Access

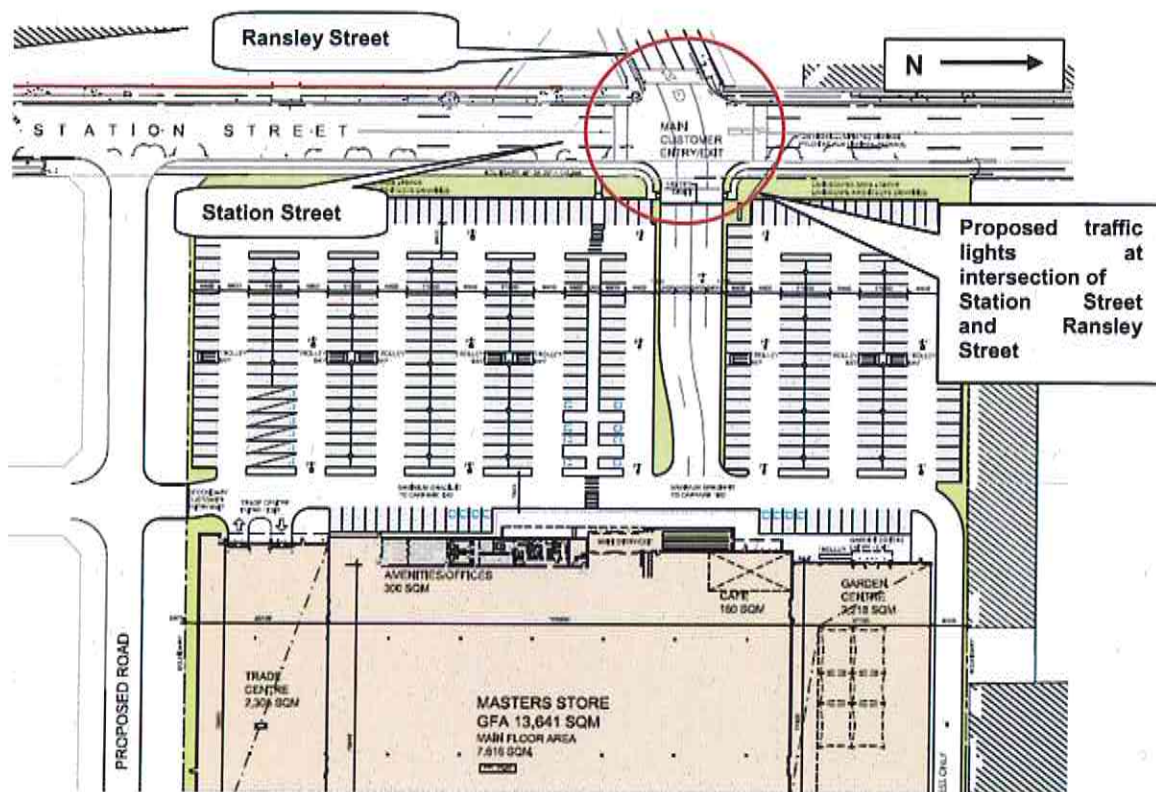
Vehicular access into the site is proposed from both Station Street and Woodriff Street. A new internal road network includes a new central road, running approximately east-west through the site between Station Street and Woodriff Street. This will divide the site between the proposed stage 1 Masters Home Improvement store to the north and stages 2 to 6 to the south. The intersections of the new internal road with Station and Woodriff Streets are to be priority controlled t-intersections (give-way signs). There will be no access to the site from Jamison Road.

#### Access to stage 1 Masters Home Improvement store

Primary access into the Masters Home Improvement store will be off Station St, located at the intersection with Ransley Street. However, access for deliveries, loading and unloading to the store will be off Woodriff Street in order to provide separation between heavy and light vehicles (trucks and cars) accessing the store. The service access off Woodriff Street was amended following concerns raised by the department, as described in Section 2.3.

The proponent proposes that traffic lights be provided at the intersection of Station Street, Ransley Street and the primary access into the Masters Home Improvement store, as the best means to cater for traffic volumes, provide for all traffic movement flows at this intersection, as well as providing for safe pedestrian access and movements (refer to **Figure 19**).





**Figure 19: Location of proposed traffic lights at primary access into Masters Home Improvement store car park**

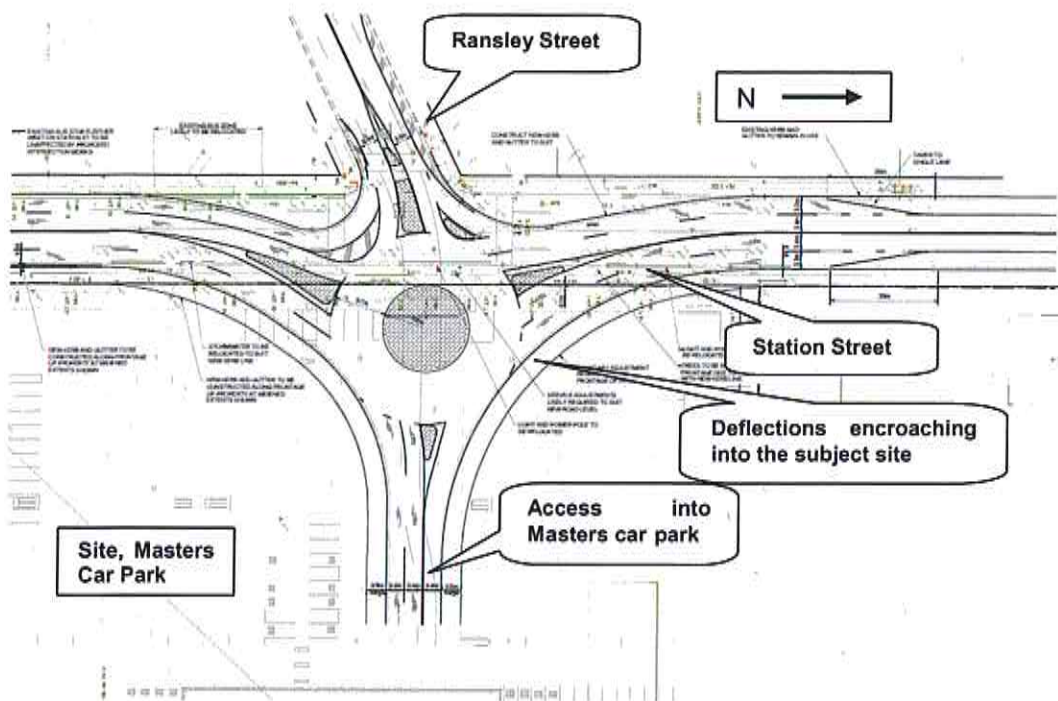
#### Traffic Lights

The installation of any traffic lights requires the consent of the RMS. However under section 87(4) of the *Roads Act, 1993* the RMS has reviewed this matter in relation to its Traffic Signal Design guidelines and the need for traffic signal warrants. Warrants for the installation of traffic lights are based upon traffic demand or volumes at the intersection on each of four one-hour periods on an average day. The proponent has based its justification for installation of traffic lights on projected traffic volumes on a Friday and Saturday, covering the busier times for the proposed home improvement store, whereas the RMS has based its assessment on an average day being a Tuesday or Wednesday, not being during school holidays or on a day with abnormal traffic demands.

The proponent's traffic consultants, Colston Budd Hint and Kafes (CBHK), have considered a number of other options, besides or instead of the installation of traffic lights, including the provision of signage controls at the intersection or the installation of a roundabout. In regard to sign controls, CBHK has advised that these alone would not have capacity to cater for traffic flows through this intersection. It has also confirmed with the RMS, that based on traffic modelling at the intersection that it would not perform appropriately with the proposed development based upon sign controls alone. The department agrees that sign controls alone would likely be inadequate for traffic operations at this intersection (with the development in place) and potentially increase road safety risks.

CBHK considers that the installation of a roundabout would also be impracticable at this intersection. The RMS requested that the proponent justify this statement. Accordingly, the proponent has provided concept drawings for a proposed roundabout as part of the PPR Submissions Report (refer to **Figure 20**). While the proponent has provided these details, at the same time CBHK has again rejected this option. It advises that there is insufficient space within the current road reserve to provide for a suitable roundabout, without a substantial encroachment into the site, and that it would not cater well for pedestrians at the intersection, compared to traffic lights.





**Figure 20: Concept plan for a Roundabout at Station Street and Ransley Street (source: Submissions Report, November 2013, Appendix B, CBHK Additional Traffic and Access Report)**

The department acknowledges that there are constraints in providing an appropriate layout for a roundabout within the road reserve, which would need to be overcome with land acquisition. A suitable roundabout layout with appropriate vehicle path deflection and turning paths for vehicles could be designed and provided. The department, however, agrees that a roundabout would be less safe than traffic lights for pedestrian movements. Moreover, pedestrian operations would not be as efficient at a large roundabout because pedestrians would need to cross some distance away from the actual junction as it is unsafe to cross at the roundabout, which is uncontrolled for pedestrian movements.

The department's independent traffic consultant has advised that the provision of traffic lights at this intersection is considered to be the preferred traffic control option. Traffic lights would be a safer option for pedestrians and general traffic movements, as there is more control over traffic movements resulting in fewer conflicts.

While the proponent has met with the RMS on a number of occasions and also provided additional information, the RMS advised on 16 August 2013 and again on 29 November 2013 that traffic control signals (traffic lights) are not supported as the warrants are not met at this location. The department however notes that the RMS Traffic Signal Design guidelines indicate that signals (traffic lights) are sometimes installed due to public pressure or an administrative directive irrespective of general warrants. Under the guidelines, factors influencing the provision of traffic lights include not only traffic flows and conflicts but also pedestrian requirements, as well as practicality and feasibility. Further the guidelines indicate that the general warrants are a guide and each intersection needs to be considered in more detail.

As there is some flexibility in factors influencing the installation of traffic lights the department considers that there is the possibility for agreement to their installation even if the general RMS warrants cannot be met. Also as this will involve further potentially lengthy negotiations between the RMS and the proponent, the department recommends that project approval for stage 1 be issued on a deferred commencement basis. This would require that the proponent demonstrate that the warrants are met, or alternatively there is an agreement from



the RMS for installation of traffic lights. If this is not possible the proponent will need to establish that alternative arrangements can be provided to suitably and effectively control traffic movements, as well as provide for safe and effective pedestrian access to the development and along Station Street.

#### 5.4.2 Traffic Impacts

An assessment of the traffic impacts of the proposal, as amended by the PPR, was undertaken for the proponent by CBHK (Traffic and Accessibility Impact Study, May 2013, Appendix O, PPR). CBHK has indicated that the traffic generated by the proposed development would have the greatest effect during weekday afternoons and Saturday peak periods when it combines with commuter and other traffic in the surrounding road network.

CBHK has estimated the following traffic generation rates (two-way peak hour traffic) for the various components of the development:

- the 570 residential apartments = 140 vehicle movements per hour (2 way at peak times);
- the tavern = 60 vehicle movements per hour;
- the ancillary retail/commercial areas (995m<sup>2</sup>) = 50 vehicles movements per hour; and
- the home improvement store =
  - weekday afternoon peak hour: 330 vehicles
  - weekend peak hour: 840 vehicles

Based on this expected traffic generation, CBHK reviewed the existing operation and level of service of key intersections and determined that the level of service will remain good or satisfactory, as outlined in **Table 5** below.

**Table 5: Intersections projected operation 'Level of Service' including proposed development (source: CBHK, Traffic and Accessibility Impact Study, May 2013, Appendix O, PPR)**

	Intersections	Existing or proposed traffic controls	Level of Service (LoS)
1	Station & Ransley Streets, with primary access into Masters Home Improvement store	proposed traffic lights	LoS 'C' = satisfactory (this includes the proposed traffic lights) Note: an unsatisfactory level of service is expected without the provision of suitable traffic controls measures, such as traffic lights
2	New proposed road with Station & Woodriff Streets	proposed priority-controlled intersections (give-way signs)	LoS 'B' = good
3	Jamison Road & Station Street	existing roundabout	LoS 'B' = good
4	Jamison Road & Woodriff Street	existing roundabout	LoS 'B' = good
5	Station Street & Derby Street (existing traffic lights)	existing traffic lights	LoS 'A/B' = good
6	Woodriff Street & Derby Street	existing roundabout	LoS 'B' = good
7	Ransley Road & Mulgoa Road	existing traffic lights	LoS 'B' = good
8	Jamison Road & Mulgoa Road	existing traffic lights	LoS 'C' = satisfactory

*Note: the measure of 'Level of Service' (LoS) is based on an assessment of average traffic delays at an intersection where LoS 'A' is good with no delays, LoS 'B' has minimal or acceptable delays through to LoS 'F' where there are significant delays and an unsatisfactory level of service.*



Adverse traffic impacts and congestion arising from the proposal as well as potential inadequacies in the proponent's traffic and accessibility impact studies have been raised in submissions. Accordingly, the department engaged Samsa Consulting to independently review the CBHK traffic assessments. Samsa consulting's independent review of the CBHK traffic assessment is attached at **Appendix E**. The review highlighted the following matters:

#### Traffic generation rates

Concerns were raised about the traffic generation rates used by CBHK for the residential apartments, the tavern and the Masters Home Improvement store. These are addressed below:

- For the residential apartments CBHK used traffic generation rates of 0.24 vehicles per hour (generally used for Sydney CBD environments) compared to 0.29 vehicles per hour (more appropriate for metropolitan sub-regional centres such as Penrith). CBHK advised that the difference in applying a higher rate would be less than 30 vehicles per hour two-way at peak times.

Samsa consulting was satisfied that this level of difference would only marginally add to traffic and that the traffic assessment is not 'sensitive' to this level difference.

- For the tavern, CBHK undertook surveys of a similar sized facility at Ashfield and found a traffic generation rate of peak hour traffic generation of 85 vehicles per hour (two way) being generally consistent with the rate used for the tavern.

Samsa consulting accepted that the use of a rate based upon a similar development is reasonable and is therefore satisfactory.

- For the Masters Home Improvement store CBHK adopted an RMS passing trade discount of 20%, where this would be the percentage of customers passing the store rather than specifically driving to it.

CBHK advised that Station Street and Woodriff Street provide access to and from Penrith CBD and carry through traffic and passing trade. They also clarified that turning movements assessed for each intersection did not include reductions for passing trade.

Samsa consulting considered this approach was reasonable, despite RMS requiring use of passing trade discounts to be generally substantiated. The department accepts that there will be a level of passing trade due to the location of the store next to the existing Centro shopping centre.

#### Impacts of increases in background traffic volumes

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

- CBHK indicated that longer term strategic improvements and background traffic growth was addressed in association with previous broader studies related to projects such as the Penrith Panthers precinct, including allowance for a larger development of the site in traffic generation terms (based on the 2008 Masterplan).
- Samsa consulting indicated that traffic growth does not seem to have been included in the CBHK traffic analysis, and that it is incorrect to assume that previous development proposals adequately assessed what is now proposed. On this basis the department is not satisfied that background traffic growth has been adequately considered.
- It is recommended that for future applications for stages 4 to 6 of the development further traffic assessments are to be undertaken of the traffic impacts at each stage to



assess any additional and cumulative impacts, including the growth in background traffic volumes, and in particular impacts on the performance of various access points into the site and adjacent intersections. Details of any measures that may be required can be detailed with the future applications.

#### Traffic impacts in relation to surrounding uses, and Penrith Stadium

The department raised the issue of traffic impacts from surrounding activities, in particular games at Penrith stadium. Similar issues were also raised in the submissions.

- CBHK undertook surveys of parking demands associated with home games at the stadium, with attendances of up to 18,500 and parking demands up to 4,600 vehicles.
- CBHK traffic counts indicate that traffic conditions were busiest following the conclusion of games, with twelve NRL games being scheduled during 2013 at the stadium, timed in the afternoon or evening. Peak periods following conclusion of games (generally after 3:30pm to 5:30pm) would not generally coincide with general peak times for the home improvement store, which are between 11:00am and 1:00pm weekends. In regard to larger special events CBHK consider it would be inappropriate to design for a small number of special events where there would be some potential congestion and additional parking demands.
- Samsa consulting was satisfied that peak periods for the home improvement store would not generally coincide with peak traffic periods for games and events at the stadium. Moreover it is expected that large stadium events would have specialised traffic management in place to control vehicular and pedestrian movements.

#### Other matters

Other traffic and parking related matters which were raised in submissions are to be dealt with by means of terms and conditions of approval as well as through the proponent's statement of commitments, which will require additional information or resolution for the following issues:

- assessment of geometry and performance of the cross intersections of new streets within the development;
- bicycle parking and associated end-of-trip facilities;
- preparation of a 'travel access guide' and measures that may be required to encourage the use of public transport as well as walking and cycling;
- construction management and preparation of a Construction Traffic Management Plan (CTMP); and
- consideration of any impacts on bus services and need for relocation of bus stops.

#### **5.4.3 Parking provision**

The proposal provides for 1124 parking spaces (including 11 car wash bays), as set out in **Table 6**. The parking for the Master stores will be provided at grade within an open parking area between the building and the Station Street frontage. Parking for the residential apartments, the tavern and other retail floor space will be provided within basement car parking areas. The proponent has determined this parking provision based upon a combination of council's requirements as set out in Penrith City Centre DCP 2007, RMS Guidelines and RMS parking demand surveys and separate surveys carried out by the CBHK.



Table 6: Proposed Parking Provision

Component of Concept plan	Proposed	Required	Acceptable	Comments/ Consideration
Stage 1 Masters Home Improvement store (13,641m <sup>2</sup> )	375 car spaces (including at least 8 accessible spaces); and 30 bicycle spaces/racks	300 to 314 car spaces (based on peak parking demand rates of 2.2 to 2.3 spaces per 100m <sup>2</sup> , on weekends)	Yes	<p>Penrith City Centre DCP does not include a specific parking requirement for a home improvement store, however Penrith DCPs 2006 and 2010 have parking rates for bulky goods premises, which would require at least 273 parking spaces.</p> <p>The number of spaces to be provided is based upon surveys undertaken by RMS of the parking demand of home improvement stores at Bankstown and Minchinbury.</p>
Stages 2 to 6 Residential Apartments	570 resident spaces, plus 30 visitor spaces, and 11 car wash bays.	570 resident spaces, 30 visitor spaces, and 11 car wash bays.	Yes	The number of parking spaces for the Residential Apartments is based upon and generally consistent with requirements of Penrith City Centre DCP 2007.
Stage 3 - Tavern (1800m <sup>2</sup> )	73 spaces	At least 120 spaces are required, based upon DCP requirements.	No	<p>Up to 200 parking spaces are required under council's DCP requirements. The DCP however provides for a reduction of 40% (80 spaces), where the balance is subject to a contribution.</p> <p>Only 70 parking spaces are to be provided based upon on surveys of similar clubs and taverns undertaken by CBHK, but this number includes a reduction of 40%.</p> <p>The department considers that the parking for the tavern will be insufficient. The parking reduction should be used against the DCP parking requirement, which would require at least 120 spaces. The the recommended terms of approval for the concept plan require 120 spaces for the tavern.</p>
Stage 3 - Other ancillary retail/commercial floor space (995m <sup>2</sup> )	10 spaces	25 to 38 spaces would generally be required based upon DCP requirements (one space per 26m <sup>2</sup> to 40m <sup>2</sup> )	Yes	<p>Ten (10) spaces are proposed based on one parking space per 100m<sup>2</sup> of gross floor area. This is less than required under DCP requirements. It is proposed that visitors or customers will park on the street, and within the new local road network.</p> <p>The department accepts that</p>



				<p>most of the customers of the retail tenancies are likely to be drawn from residents within the development who will in the main walk to these facilities.</p> <p>Any additional parking demand could be accommodated within the on street parking spaces.</p>
Additional on street parking	55 spaces	N/A	Yes, subject to the provision of suitable servicing.	<p>Parking spaces along the internal roads will potentially restrict access for service and delivery vehicles. Suitable areas will need to be set aside for servicing and deliveries, including provision for garbage trucks. This matter is discussed further in <b>Table 7</b>.</p> <p>Council has raised concerns about the lack of on street parking suggesting wider roads and 2 lanes of parking. The department is satisfied that the proponent has maximised parking on internal roads, without the need to provide wider internal roads.</p>

As indicated in the above **Table 6**, there will be satisfactory car parking provided for the stage 1 Masters Home Improvement store, for the residential apartments and for the ancillary retail floor space. The department however considers that the 73 parking spaces proposed for the tavern in stage 3 will be insufficient. The provision of additional parking for the tavern is dealt with as part of the recommended terms of approval for the concept plan, requiring provision of at least 120 car parking spaces.

### 5.5 Design, Bulk & Scale

Objections to the proposal have been made by council and in public submissions on the basis that the concept plan lacks design merit and will not meet the design excellence provisions in the Penrith City Centre LEP 2008. Council considers that the interface between the residential component and the Masters Home Improvement store is poor. Council also considers that the proposed residential development will be "pressed" between the primary access points of Jamison Road, Woodriff Street and Station Street and the proposed home improvement store, and that this would not offer a high quality living environment but rather a drastically lower residential amenity compared to the Masterplan that was approved by council in 2008. Council further considers that the 'big box' nature of the proposed Masters Home Improvement store and its extensive external parking is out of context with the grain and scale of the neighbourhood and adjacent residential precincts.

Issues raised in public submissions objecting to the design of the proposal included the density, scale and heights of the proposed buildings being out of scale with adjacent residential areas, and other related matters such as the loss of distant or district views across and through the site.

#### 5.5.1 Department's consideration of design merit of the concept plan

The department has considered the design merit of the concept plan, including advice from the department's urban designer. This consideration has focussed on the location and relationship of the key components of the development as well as more specific design issues. The department viewed the siting of the residential apartments between the existing Centro shopping centre to the north of the site and the Masters Home Improvement store on



the southern portion of the site (as provided for in the EA) as a poor urban design outcome with potentially poor amenity for future residents. The department considered that this did not represent the best long term outcome for the site nor provide for a suitable gateway development. Accordingly, the department strongly favoured the siting of the Masters Home Improvement store on the northern part of the site, adjacent to the Centro Nepean shopping centre and closer to the commercial centre of Penrith and other retail outlets.

The amendments to the concept plan as part of the PPR, refer to **Figure 11** and section 2.2, have incorporated the above changes, as well as locating the tavern and plaza opposite Penrith Stadium. The department supports these amendments to the concept plan. Relocation of the residential component of the proposal to the southern portion of the site means that it is no longer 'sandwiched' between Centro Nepean shopping centre and the proposed Masters Home Improvement store. 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 apartment buildings will be oriented so that few dwellings will directly overlook the Masters Home Improvement store but with the majority overlooking internal open space areas and/or perimeter open space and streets. The department believes that the level of internal amenity for future residents of the development will be substantially improved as a result of the amendments to the concept plan.

The department does not consider that the amended PPR proposal results in the residential development being 'pressed' between the primary access points (as raised by council), but instead allows for the residential component and the apartment buildings to address the key street frontages. It provides for the creation of a 'gateway' entry to the southern end of Penrith CBD with the inclusion of a building up to ten storeys at the corner of Station St and Jamison Rd (which will be similar to the higher gateway buildings that were proposed in the 2008 Masterplan). The density, scale and height will be consistent with the expected future character and higher density zoning of the site. Other than the 'gateway buildings, the apartment buildings will be scaled down to four storey building heights to Jamison Road and Woodriff Street frontages, where these buildings will better relate to existing residential development adjacent to the site. Breaks between buildings and changes in building heights will allow for retention of distant and district views through the site and through the internal streets.

In regard to the Masters Home Improvement store the department recognises the 'big box' nature of this building (as raised by council and in public submissions), however the size and scale of the building are not inconsistent with the scale and footprint of the existing industrial buildings on the site, and also is not inconsistent with the size and scale of the existing Centro shopping centre development to the north of the site. The context of the size and scale of the stadium to the west should also be taken into consideration, in relation to the proposed Masters Home Improvement store.

The external elevations of the Masters Home Improvement store will include appropriate variations to surface treatment including aluminium louvre features, coloured concrete panels and cladding. There will also be some variation in roof treatment to break-up the roof plan including use of shade sails across a portion of the garden centre. The provision of appropriate landscaping to the street frontages and through the Masters Home Improvement store car park will help frame the building and its setbacks, complement the existing avenue of street trees, soften the presentation of the built form and assist in integrating it with the area and existing uses.

The department has also considered the design merits of the proposal in relation to the provisions of SEPP 65, design matters listed in clause 26 of Penrith City Centre LEP 2008 and Penrith City Centre DCP, refer to **Appendix B**. The department considers that the



design of the concept plan, as amended with the PPR, is satisfactory and provides for suitable design merit.

### **5.5.2 Design Competition requirements - Penrith City Centre LEP 2008**

Under Penrith City Centre LEP 2008, the site is identified as a key site where development exceeding \$1 million in value, and development exceeding 24m in height or 6 storeys, requires an architectural design competition be undertaken [clause 26(4)]. The Director-General however may certify that the development is one for which an architectural design competition is not required, under clause 26 (5).

In response to these requirements, the proponent has referred to the DGRs for the project which did not specifically require a competition be undertaken and also that each of the relevant design matters have otherwise been addressed in the environmental assessment.

Despite these comments by the proponent, the department considers that in view of the design development and the changes that have been made to the concept plan with the PPR, a design competition is not required at this stage.

A design excellence competition in relation to stage 1 of the concept plan and the Masters Home Improvement store is also deemed unnecessary as the design of this type of use and building is largely fixed and replicated across sites where they are to be located. The judicious use of landscaping to screen the Masters Home Improvement store building and site to soften car park areas, along with the proposed variation in the exterior finishes to the building is an appropriate means of dealing with design improvements for such a use and building.

Consistent with the approach that was taken with the 2008 Masterplan an architectural design review 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. The conditions of the 2008 Masterplan approval require that the proponent establish in consultation with council and the department a panel of recognised architectural firms to assess and provide an urban design and architectural review for each stage of the development.

Furthermore, the two taller iconic buildings within the Masterplan (including a hotel building up to 14 to 16 storeys) were to be subject to an architectural design competition. This was considered as an appropriate response to building height variations from the controls for the site set out in the Penrith City Centre LEP and DCP, such that the specific height would be subject to achieving design excellence as demonstrated by the design competition process. A competition can also be required in relation to the higher building/s which is now proposed to occupy the key corner site, at Jamison Road and Station Street.

The department considers that a design review and competition process for stages 2 to 6 of the concept plan will ensure that design excellence standards can be met, at these subsequent application stages.

### **5.5.3 Bulk and scale**

The concept plan provides for buildings with a range of heights and scale. The proposed stage 1 Masters Home Improvement store will have a building height of up to approximately 9.5m with a parapet height to the main elevation of up to 11m. While the bulk and scale of the building is large with a footprint over 13,00m<sup>2</sup> it is not dissimilar to the bulk and scale of existing industrial buildings on the site or the neighbouring Centro shopping centre buildings.

#### **Building Heights**

The concept plan includes buildings of 6 to 10 storeys within the residential component of the development on the southern portion of the site, including two x 6 storey buildings of 23m height, a 7 storey building of 26m height and a 10 storey building of 35.5m height. The



department considers that these heights are consistent with the expected high density residential development of the site. They will not compromise the attainment of appropriate internal site amenity. Satisfactory solar access (minimum 2 - 3 hours of winter sunlight between 9am-3pm) can be achieved for a minimum of 70% of dwellings, in accordance with the code guidelines. The department considers the height bulk and scale of the proposed development are satisfactory.

#### Overshadowing

The bulk and scale of the proposed buildings will not result in any significant adverse amenity impacts for existing residential development opposite the site. There will be minimal or no overshadowing impacts for surrounding development with shadows largely falling across perimeter roads, refer to **Figure 21**. There will also be no overshadowing impacts in relation to adjacent open space, in particular Howell Oval. There will however be some marginal overshadowing of residential properties in Jamison Road (336, 338, 338A Jamison Road) between 9am and 10am in mid winter, satisfactory solar access would however retained for these properties after these times.



**Figure 21: Shadow Diagrams – Winter Solstice (21 June) (Source: Turner & Associates architects, Appendix C, PPR)**



## 5.6 Other Issues

Other issues considered by the department in its assessment of the proposal are discussed in **Table 7** below.

Consideration	Recommended Conditions
<b>Aboriginal Cultural Heritage &amp; Archaeology</b>	
<ul style="list-style-type: none"> <li>A cultural heritage and archaeological assessment of the site revealed the site as an area of potential archaeological deposits (PAD).</li> <li>At deeper levels, the entire site was situated on the Cranebrook terrace formation, an underlying geological formation with some potential to contain very early evidence of Aboriginal occupation and archaeology.</li> <li>AHMS carried out a site testing and excavation programme in October 2012 on the southern portion of the site.</li> <li>No Aboriginal objects or artefacts were discovered. AHMS has indicated that the southern portion of the site has low likelihood of containing uncovered or undisturbed Aboriginal objects.</li> <li>A strip of Cranebrook Terrace formation was identified from the excavation works and was subsequently identified as a Richmond unit, dated to between 14 - 8,000 years ago. This formation was considered to also extend into the un-investigated northern portion of the site, however it was concluded that past site development and disturbance in this area is likely to have removed much of the formation.</li> <li>AHMS has advised that the proposed layout will reduce the level of impacts to the parts of the Cranebrook Terrace formation that would be excavated in the northern part of the site, as the formation will be largely overlain with the car park areas for the Masters Home Improvement store. The formation has a limited extent within the southern part of the site where there will be some deeper excavation for basement parking but this will coincide with areas of limited excavation, associated with the proposed plaza.</li> <li>Based upon the information submitted with the PPR the department and OEH consider that Aboriginal heritage has been appropriately addressed and that there is very limited potential for any adverse impacts on Aboriginal cultural and archaeological heritage.</li> </ul>	<p>Conditions of approval require:</p> <ul style="list-style-type: none"> <li>Continuing consultation between the proponent and Registered Aboriginal Parties throughout the design and construction stages;</li> <li>procedures for advising personnel and contractors working on site of relevant archaeological requirements and recommendations; and</li> <li>processes for dealing with objects or remains uncovered during construction, including situations where they need to be removed or disturbed.</li> </ul>
<b>Contamination and Remediation</b>	
<ul style="list-style-type: none"> <li>The northern portion of the site has been used for industrial purposes with the operation of a television assembly plant by Panasonic from the 1960s until 2006. Since that time the existing industrial buildings on the northern portion of the site have been used by a range of light industrial uses, with limited potential for contaminating activities.</li> <li>The southern portion of the site has no history of intensive use other than past rural or grazing activities, and more recent intermittent use for overflow parking (associated with large sporting events at the adjacent stadium).</li> <li>Contamination assessments of the site have confirmed that potential contamination of site soils were either not present or at low concentrations that did not pose a risk for the proposed mixed use development. There was also no indication of contaminated groundwater or contribution to groundwater contamination due to activities within the site.</li> <li>As no contamination assessment has been undertaken beneath the existing buildings it was recommended that once existing buildings are demolished a systematic soil sampling program be undertaken also targeting potential 'hot spots'. It was, however, concluded that the risk presented by unidentified contamination was negligible and there was sufficient information to conclude the subject site would be</li> </ul>	<p>Conditions of approval require the proponent to:</p> <ul style="list-style-type: none"> <li>undertake further testing of the site following demolition, in accordance with the relevant EPA guidelines and criteria, and remediate the site, if required; and</li> <li>obtain a site audit statement from an accredited auditor, prior to the issue of any construction certificate.</li> </ul>



Consideration	Recommended Conditions
<p>suitable for the mixed use development.</p> <ul style="list-style-type: none"> <li>As the residential component of the concept plan has been relocated to the southern portion of the site and the Masters Home Improvement store to the northern portion of the site, it is expected that any potential contamination risk has been reduced, as much of the residential component of the development will be located away from the previous and current industrial uses of the site.</li> <li>The proponent's revised SoC provides for soil contamination testing and offsite disposal of excavated soils following demolition of the existing buildings and removal of concrete pads.</li> <li>The department is satisfied that the above commitment along with imposition of appropriate conditions of approval for stage 1 can address any remaining contamination risk.</li> </ul>	
<b>Flooding and Stormwater Management</b>	
<ul style="list-style-type: none"> <li>The site is partly subject to minor localised flooding and inundation due to the relatively flat site topography and due to site drainage issues with lack of continuous overland flow paths through the site, trapping flows at low points.</li> <li>Flood levels during 1 in 100 year ARI flood events could range between 0.15m – 0.4m, based on preliminary council studies.</li> <li>Council has raised a number of matters in regard to local flooding and stormwater management, including: <ul style="list-style-type: none"> <li>overland flow information and post development stormwater flows;</li> <li>the use of enviropods (for water quality treatment);</li> <li>modelling parameters for the stage 1 Masters Home Improvement store;</li> <li>80% of non-potable demands with the use of rainwater tanks in stage 1;</li> <li>lack of detailed stormwater plans;</li> <li>lack of detail for maintenance and monitoring of stormwater measures; and</li> <li>lack of detail for treatment devices to deal with runoff from any car wash bays.</li> </ul> </li> <li>On site management measures are proposed to resolve the potential flooding problems, comprising the provision of: <ul style="list-style-type: none"> <li>building pads to levels required to allow surface flows to fall away from proposed buildings and basement access locations;</li> <li>overland flow paths along and through the new street network and parking areas, with minimum falls or grades in accordance with council requirements, This will convey flows to stormwater infrastructure on site and within the adjoining street network; and</li> <li>OSD to restrict major stormwater discharges from the site to pre-development levels.</li> </ul> </li> <li>The department is satisfied that flooding and stormwater management issues can be resolved with terms of the concept approval and conditions of approval along with the proponent's statement of commitments.</li> </ul>	<p>Conditions of the approval require the proponent to:</p> <ul style="list-style-type: none"> <li>Submit further detailed design plans of the proposed stormwater management system to incorporate appropriate mitigation measures such as on-site detention for stormwater flows, overland flow paths and water quality treatment measures.</li> </ul> <p>Terms of the concept plan approval require the proponent to:</p> <ul style="list-style-type: none"> <li>Submit detailed stormwater management plans with subsequent development applications to address appropriate measures for stages 2 to 6 of the development.</li> </ul>
<b>Existing and Proposed Landscaping</b>	
<ul style="list-style-type: none"> <li>All existing trees are proposed to be removed from the site. A number of street trees will also need to be removed for site access.</li> <li>Council raised concerns about the loss of existing iconic trees, insufficient compensatory landscaping and inadequate perimeter landscaping for the Masters Home Improvement store.</li> <li>Proposed landscaping includes provision of tree planting throughout the site and around the street frontages. A landscaped mound is proposed along the Woodriff Street frontage to the rear of the Masters Home Improvement store, to screen the delivery and</li> </ul>	<p>Conditions of the approval require the proponent to:</p> <ul style="list-style-type: none"> <li>Submit final landscape plan details to increase the extent and scale of proposed landscape planting; and</li> <li>Address potential areas of concealment or entrapment (refer to crime prevention</li> </ul>



Consideration	Recommended Conditions
<p>loading/unloading areas.</p> <ul style="list-style-type: none"> <li>It is considered that the proposed landscaping compensates for the loss of existing trees. However, having regard to council's concerns and improved urban design outcomes, the department considers that an increase in the extent and scale of proposed landscape planting should be provided, including suitably deep planters on basement podium areas (stages 2 - 6). Landscaped mounding to the rear of the stage 1 Master store should also be of sufficient height to allow for a range of landscaping.</li> <li>Subject to these requirements, the department is satisfied that suitable landscaping can be provided for the proposed development of the site.</li> </ul>	<p>issues below) as well as provision of sufficient canopy trees for wind mitigation</p>
<b>Noise Impacts</b>	
<ul style="list-style-type: none"> <li>The department raised concerns about potential noise impacts of the proposal, and in particular the impacts associated with the delivery and loading dock activities at the proposed Masters Home Improvement store, located opposite existing residential development.</li> <li>The proponent's acoustic assessment found that an appropriate internal noise environment can be achieved for the residential apartments with measures such as acoustically sealed laminated glazing, for those apartments facing external streets and other noise sources (such as the stadium and the stage 1 Masters Home Improvement store).</li> <li>The scale and nature of increased traffic flows from the development are not expected to result in increased noise impacts for surrounding residents.</li> <li>The department's internal noise specialist has reviewed the proponent's acoustic assessment report, and generally concurs with the findings and recommendations.</li> <li>The department considers that subject to the recommendations being adopted there will be limited risk of the proposed development resulting in adverse noise impacts, both for the existing and future residents.</li> </ul>	<p>Conditions of approval require the proponent to:</p> <ul style="list-style-type: none"> <li>Implement a number of measures to control noise impacts from the Masters store loading dock.</li> </ul> <p>Terms of the concept approval require the proponent to:</p> <ul style="list-style-type: none"> <li>Implement the recommendations of the acoustic assessment in future development applications.</li> </ul>
<b>Parking Impacts Associated with Penrith Stadium</b>	
<ul style="list-style-type: none"> <li>The department raised the issue of potential parking impacts for the development and the Masters Home Improvement store, associated with games at the stadium</li> <li>CBHK, for the proponent, noted that parking occurs in various locations in vicinity of the stadium when there are games at the stadium, including Penrith Park adjacent to the stadium, Penrith Leagues club car park off Mulgoa Road, and the showground and Nepean Square off Station Street.</li> <li>CBHK further advised that only a minor reduction of parking on Station Street would be expected and also that boom gates or access controls could potentially be installed at the car park for the Masters Home Improvement store, if required.</li> <li>The department is satisfied that these impacts are expected to be limited and that there is potential to address them should any issues arise.</li> </ul>	<p>No conditions required.</p>
<b>Signage Associated with stage 1 Masters Home Improvement store</b>	
<ul style="list-style-type: none"> <li>Business identification signage will be provided for the stage 1 Masters Home Improvement store including internally illuminated signage over main western elevation; and a 12m high internally illuminated pylon sign adjacent to the Station Street access to the site.</li> <li>The department has considered the proposed signage against the provision of SEPP 64, refer to <b>Appendix B</b>. The department considers that the proposed signage is generally satisfactory.</li> </ul>	<p>No conditions required.</p>



Consideration	Recommended Conditions
<p><b>Lack of Residential Development Associated with stage 1</b></p> <ul style="list-style-type: none"> <li>There were concerns raised in submissions that the residential development will not be included as part of stage 1 of the concept plan, and may never be provided</li> <li>The proponent has advised that the Masters Home Improvement store will provide the impetus and the capital to fund the future residential development of the site.</li> <li>As a comparison, the first stage of the 2008 Masterplan did not include any residential floor space (which was limited to 11,500m<sup>2</sup> of commercial office and medical floor space and a 200m<sup>2</sup> tavern, with the second stage limited to 6,300m<sup>2</sup> for hotel purposes, 200m<sup>2</sup> for neighbourhood shops and 9,700m<sup>2</sup> for serviced apartments).</li> <li>The proponent indicates that staging of the concept plan, with residential development in stages 2 to 6, allows for the release of residential units to the market in a sustainable manner.</li> <li>The department accepts that the proposed staging of the concept plan will provide for future residential development of the site following stage 1.</li> <li>The concept plan locks in the future planning controls for the site, with further development applications assessed by council, and determined by either council or the Joint Regional Planning Panel. These applications will need to be dealt with in accordance with the relevant planning controls relating to the residential development of the site, including the concept plan.</li> </ul>	<p>No conditions required.</p>
<p><b>Servicing and Deliveries – Residential Apartments (Stages 2 – 6)</b></p> <ul style="list-style-type: none"> <li>The proponent proposes that service vehicles and deliveries to the residential apartments, will be accommodated on the new internal streets adjacent to the respective buildings.</li> <li>However the 55 parking spaces to be provided along the internal roads will potentially restrict access for service and delivery vehicles.</li> <li>The proponent will need to resolve this matter to ensure that suitable areas are set aside for servicing and deliveries, including provision for garbage trucks.</li> <li>The department is satisfied that this can be dealt with as part of future development applications for stages 2 to 6.</li> </ul>	<p>Terms of the approval require the proponent to address the following for future development applications for stages 2 to 6:</p> <ul style="list-style-type: none"> <li>The total amount of car parking to be provided;</li> <li>An updated schedule of parking allocations;</li> <li>Parking facilities (public, commercial and bicycle);</li> <li>Design of the parking and commercial vehicle facilities to ensure all vehicles, including commercial vehicles, enter and exit the development in a forward direction; and</li> <li>All loading and unloading associated with the use of the development, including servicing and deliveries for the residential apartments shall take place wholly within the site from designated service and loading bays.</li> </ul>
<p><b>Crime Prevention and Impacts from the Proposed Tavern (Stage 3)</b></p> <ul style="list-style-type: none"> <li>The NSW Police submission included detailed comments on crime prevention measures, based upon its CPTED analysis (Crime Prevention through Environmental Design).</li> <li>Issues raised in the submission from the local Police, as well as in public submissions included the following matters regarding the proposed tavern in stage 3: <ul style="list-style-type: none"> <li>negative cumulative effects on the area in relation to antisocial behaviour and alcohol related incidents due to the existing number of hotels and licensed premises, potentially</li> </ul> </li> </ul>	<p>Terms of the concept plan approval require the proponent to:</p> <ul style="list-style-type: none"> <li>Ensure all design and treatment recommendations as identified in the proponent's Nepean Green Crime Prevention through Environmental Design (CPTED) Assessment, are</li> </ul>



Consideration	Recommended Conditions
<p>exacerbated by location of the tavern close to the stadium, with before and after game activity; and</p> <ul style="list-style-type: none"> <li>the need for a full social impact assessment to be conducted to consider the need for the tavern and the nature of any proposed operational management procedures.</li> <li>A tavern of approximately 2,000m<sup>2</sup> as well as a hotel of approximately 6,300m<sup>2</sup> formed part of the approved 2008 masterplan.</li> <li>Potential antisocial behaviour and crime associated with the nominated hotel and tavern uses was also raised in submissions to the masterplan application.</li> <li>Conditions of the 2008 masterplan approval required that a Community Safety &amp; Crime Prevention Strategy was to be submitted to Council and approved prior to the commencement of the development. A Social Impact Statement was also to be submitted with each development application indicating how the specific development proposal addressed the approved Community Safety and Crime Prevention Strategy.</li> <li>The department considers that, if a similar approach and strategies are adopted in respect of the terms of the concept plan application, the issues associated with potential antisocial behaviour can be adequately addressed.</li> </ul>	<p>incorporated within future applications;</p> <ul style="list-style-type: none"> <li>Include consideration of measures identified in the Crime Risk Evaluation prepared by Crime Management Unit, Penrith police, dated July 2013, in all future development applications; and</li> <li>Submit a Social Impact Statement and a Security Management Plan with the development application for the proposed tavern, which addresses crime prevention and anti-social behaviour.</li> </ul>
<b>NSW Stadia Strategy 2012 and Penrith Stadium Precinct</b>	
<ul style="list-style-type: none"> <li>Concerns were raised in submissions from the local State member and council about the potential for the capacity of Penrith Stadium to be increased under the Stadia strategy, and implications for the strategic context of the site within an evolving 'entertainment' precinct including the Stadium.</li> <li>The NSW Stadia strategy (adopted in late 2012) provides a basis for the planning and investment in the provision of stadia in Sydney and NSW. The strategy includes the need to develop or update master plans for Tier 1 and 2 stadia (seating capacity greater than 40,000, and 20,000 to 40,000, respectively) and their precincts; as well as consideration of options for provision and upgrade of stadiums in western Sydney to meet future needs.</li> <li>The department does not consider that the concept plan for the site would be inconsistent with any future master planning for Penrith stadium, especially as there is not yet any certainty about this. It is considered to be appropriate for higher density residential development to be close to such facilities in Penrith, and the site has been earmarked and zoned for mixed use and residential development.</li> </ul>	No conditions required.
<b>Developer Contributions</b>	
<ul style="list-style-type: none"> <li>The proponent proposes that contributions under council's relevant section 94 plan will be applied to stage 1 and the construction of the Masters Home Improvement store, and that the future stages under the concept plan be subject to contributions or planning agreements with council, which may include works in kind and material public benefit.</li> <li>Under the Penrith City Centre Civic Improvement Plan (2008) the stage 1 Masters Home Improvement store (GFA of 13,641m<sup>2</sup>) will generate a contribution of \$1,159,485, plus a \$11,594.85 administration contribution, and therefore a total section 94 contribution of \$1,171,979.85.</li> <li>Contributions for the remaining stages will be dealt with as part of subsequent development applications.</li> <li>Council has raised concerns about the lack of commitments to contribute to the upgrade of external road works, and in particular the provision of traffic signals.</li> <li>The provision of traffic signals at Station Street and Ransley Street</li> </ul>	<p>Conditions of the approval require the proponent to:</p> <ul style="list-style-type: none"> <li>Pay Section 94A contributions for stage 1 works for the Masters Home Improvement store prior to issue of the first construction certificate.</li> <li>Provide for the costs of any traffic signals at Station Street and Ransley Street, or costs of any other agreed alternative arrangements.</li> </ul>



Consideration	Recommended Conditions
<p>will be at the cost of the proponent, which is reflected in the recommended deferred commencement requirements for the project approval.</p> <ul style="list-style-type: none"> <li>The department's assessment has not identified a need for traffic signals at other intersections, but external roadworks can be reviewed with future applications and the traffic assessments required for background traffic growth, as reflected in term 17 (Schedule 3) of the recommended concept plan approval.</li> <li>The department is satisfied that the above arrangements can provide for appropriate contributions for the development of the site.</li> </ul>	
<b>Issues arising from Penrith City Council's review of draft terms and conditions of approval</b>	
<ul style="list-style-type: none"> <li>Council considers that a right turn traffic lane is required for north bound traffic at the proposed traffic lights at the intersection of Station Street and Ransley Street.</li> <li>The department considers that the provision of a right turn lane can be dealt with, if required, as part of the RMS requirements and specifications for the installation of the traffic lights, subject to the recommended terms and conditions of approval.</li> <li>Council considers that a traffic median is required in Station Street, adjacent to the proposed internal road connecting Station Street and Woodriff Street (New Street 1), to restrict traffic movements to left in and left out only.</li> <li>The department agrees that this will be necessary as it will avoid issues with north bound traffic seeking to access the Masters Home Improvement store and car park via the secondary access off the internal road, rather than via the main access at the intersection of Station Street and Ransley Street.</li> </ul>	<p>Terms and conditions of the approval require the proponent to:</p> <ul style="list-style-type: none"> <li>Provide a traffic median in Station Street, at the intersection with the proposed internal road and secondary access to the Masters Home Improvement Store car park (also at the proponent's cost).</li> </ul>

## 6. CONCLUSION

The department considers that the concept plan provides for an appropriate 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. Apart from retail and commercial uses, the concept plan provides a significant focus upon high density residential development consistent with the vision and strategic intent for the site.

The amendments to the concept plan with the PPR provide for a development of design merit. The stage 1 Masters Home Improvement store has been appropriately relocated to the northern portion of the site currently occupied by the existing industrial building and adjacent to the Centro Nepean shopping centre. The relocation of the residential component of the concept plan to the southern portion of the site provides for better residential amenity outcomes with apartment buildings that address key street frontages and creation of a 'gateway' entry to the southern end of Penrith CBD. A design review and competition process will ensure the further design excellence of these residential stages of the concept plan.

While the proposed stage 1 Masters Home Improvement store has retail floor space beyond the maximum 3000m<sup>2</sup> currently provided for under existing planning controls for the site, the department's independent economic assessment has established that there will be no significant adverse economic impacts on existing retailing. The department acknowledges the proponent's contention that the stage 1 Masters Home Improvement store will act as a catalyst to facilitate the timely redevelopment of the site. The department also considers that as the store will be located on one large lot and comprise a single large building it has the potential to provide for an interim land use, pending possible future economic demand and economic viability for further higher density residential development of this part portion of the site.



The department accepts that the proponent's assessment of alternative sites has identified the subject site as superior in terms of visibility and accessibility as well as being located within the Penrith CBD. The department acknowledges that the proponent is pursuing a multi-faceted acquisition strategy to secure a site and establish a store within Penrith, and in this context is also pursuing a potential alternative site (72-82 Mulgoa Road and 29-43 Regentville Road).

The development will provide for investment in Western Sydney and local jobs at Penrith, with a capital investment value (CIV) of \$219,262,270, including \$20,716,019 CIV for the stage 1 Masters Home Improvement store with approximately 180 construction jobs, and subsequently 130 to 150 operational jobs.

There are outstanding matters related to the provision of traffic lights or suitable traffic management at the intersection of Station Street and Ransley Street. The department therefore recommends that project approval for stage 1 is issued on a deferred commencement basis, which will require that the proponent obtains agreement for the installation of traffic lights or alternative arrangements to suitably and effectively control traffic movements at the intersection as well as provide for safe and effective pedestrian access.

## 7. RECOMMENDATION

It is recommended that the Planning Assessment Commission, as delegate of the Minister for Planning & Infrastructure;

- (a) **consider** the recommendations of this report
- (b) **approve** the concept plan under the transitional Part 3A provisions of Schedule 6A and Section 75O of the *Environmental Planning & Assessment Act 1979*;
- (c) **approve** stage 1 on a deferred commencement basis under the transitional Part 3A provisions of Schedule 6A, and issue project approval under the provisions of section 75P(1)(c) the *Environmental Planning & Assessment Act 1979*; and
- (d) **sign** the attached Instruments of Approval.

Prepared by:



Ray Lawlor  
Planner

**Industry, Social Projects and Key Sites**

Endorsed by:

 28/1/14

Sally Munk  
A/Team Leader

**Industry, Social Projects and Key Sites**

 28/1/14

Chris Ritchie  
Manager

**Industry, Social Projects and Key Sites**



Chris Wilson  
Executive Director

**Development Assessment Systems & Approvals**

29.1.14