

<b>JRPP Ref. No.:</b>	2011SYW059
<b>DA No.:</b>	DA11/0470
<b>PROPOSED DEVELOPMENT:</b>	Masters Home Improvement Store – Value \$15 Million
<b>APPLICANT:</b>	Hydrox Nominees c/- Urbis Pty. Ltd.
<b>REPORT BY:</b>	Ian Dencker, Senior Environmental Planner (Contractor)

### Photo Montage of Proposed Masters Home Improvement Store



### Assessment Report

#### Executive Summary

A Development Application has been received from Hydrox Nominees for a proposed Masters Home Improvement Store at Lot 23 DP 1142130, St Marys Rugby Leagues Club, Boronia Road, North St Marys NSW 2760.

The subject site is zoned *IN2 Light Industrial* and *RE2 Private Recreation*. The part of the site intended for development is primarily zoned *IN2 Light Industrial* under *Penrith Local Environmental Plan 2010 (LEP2010)*. The proposed home improvement centre is a permissible form of development on the site subject to Council's consent.

The proposed development has a capital investment value in excess of \$10 million. As such, the Sydney West Region Joint Planning Panel has the function of determining the application in accordance with Section 23G of the EPAA (Saved Provisions).

The proposed development was advertised in the local newspapers and notified to the owners and occupiers of adjoining and nearby properties. A total of 119 property owners and occupiers were notified in the surrounding area. The proposal had 3 separate public exhibition periods providing for amended plans and documentation submitted by the applicant:

- 23 May to 6 June 2011 – initial exhibition
- 5 September to 19 September 2011 - exhibition of amended plans and

- additional information received including bushfire assessment report
- 20 February to 5 March 2012 - exhibition of amended plans and additional information received including flood impact assessment

One public submission has been received in relation to the proposal.

An assessment of the proposed development under Section 79C of the *EPAA* has been undertaken and the following issues - discussed in detail in this report - have emerged as a result of this assessment process:

- Site design, context and setting
- Accessibility
- Access, parking and traffic
- Flora and fauna
- Safety, security and crime prevention
- Social and economic impacts
- Stormwater management

The proposed development is in accordance with the relevant provisions of the Environmental Planning Instruments and Development Control Plan applicable to the subject site and is unlikely to have a negative impact on the surrounding environment. The proposed development will employ approximately 130 to 150 staff and will generate approximately 377 employment multipliers (including 186 direct jobs during construction). It represents a \$30 million+ investment for Masters. The site is suitable for the proposed development and the proposal is in the public interest. This report recommends that the application be approved subject to recommended conditions of consent.

There are 7 appendices to this report, as detailed below.

- Appendix No. 1 – Location Plan
- Appendix No. 2 – Aerial View of Site
- Appendix No. 3 – Site Plan, Elevations & Photo Montages
- Appendix No. 4 – Combined Zoning Plan/Aerial Photograph
- Appendix No. 5 – Landscape Concept Plan
- Appendix No. 6 – Roads and Traffic Authority's Requirements
- Appendix No. 7 – Development Control Table

## **Background**

The site is part of a larger land holding owned and occupied by the St Marys Rugby League Club which commenced operations in 1982.

A separate Development Application (DA11/0493) has been lodged with Council on 17 May 2011 seeking to excise the subject site from the St Marys Rugby League Club landholding. Final assessment of DA11/0493 will need to await the outcome of the flood impact assessment associated with the Masters Proposal. However consideration of the Masters proposal is not dependent upon determination of DA11/0493 as the Masters proposal is permissible with the consent of Council on the subject site with or without excision from the larger Leagues Club landholding.

On 15 December 2011 DA10/1141 - Training Field Relocation was approved subject to conditions. The relocation of the St Marys Rugby League Club training field which is currently located at the subject site is required by the club so that the Masters proposal can be accommodated.

A Pre-lodgement meeting was held on 15 March 2011. The issues raised at pre-lodgement have now been addressed by the applicant.

### **Site and Surrounds**

The site forms part of the St Marys Rugby League Club landholding and is located on the eastern side of Forrester Road immediately to the north of Boronia Road in North St Marys (see Location plan in Appendix 1). The proposed home improvement centre is to be sited on the north-western part of the site adjacent to the roundabout at the intersection of Forrester /Links Roads and Ropes Crossing Boulevard.

The part of the site to be developed has a land area of approximately 3.185 hectares and a frontage of approximately 230m to Forrester Road. This part of the site currently contains a rugby league training field and part of an asphalt car parking area.

The site is surrounded by a variety of land uses, including open space land to the north (Ropes Creek Corridor) and east, residential properties to the south beyond Boronia Road and industrial land uses to the west (being the Dunheved Business Park).

### **The Proposed Development**

The Masters proposal consists of the following:

- Construction of a home improvement centre with a total gross floor area of 13,718m<sup>2</sup>, including the following components:
  - General sales area (8,293m<sup>2</sup>) for a range of products, including hardware, timber and building materials, home decorations, white goods and kitchen and bathroom fittings. This area also includes office space, staff lunchroom/amenities and a 165m<sup>2</sup> café.
  - Nursery area (2,218m<sup>2</sup>) for a range of landscaping and gardening products, including plants, pots, landscape trimmings and gardening equipment.
  - Trade sales area (2,347m<sup>2</sup>), including a drive-in loading area.
  - "Back-of-house" area (860m<sup>2</sup>) for the loading and unloading of goods and materials.
  - Service vehicle access and loading area along the southern and eastern elevations of the building, including three at-grade loading docks and a waste management area.
- Construction of a car park containing 323 car spaces, including 8 accessible car spaces.
- Construction of a vehicle access point connecting with Forrester Road, including a right turn bay on Forrester Road for northbound vehicles entering the site and a left turn deceleration lane for southbound vehicles entering the site. Vehicle egress onto Forrester Road will be left-out only.

- Construction of an internal roadway and roundabout providing access to the north for the proposed car park, access to the east for the proposed service vehicle access and loading area and access to the south for the St Marys Rugby League Club car park.
- A 12 metre high pylon sign, landscaping, earthworks (including filling), retaining walls, and utility infrastructure and stormwater drainage works (including grassed swales to convey stormwater).
- The proposed hours of operation are from 6am to 10pm, Monday to Friday, and 6am to 8pm, Saturday and Sunday.

Refer to Appendix No. 3 for copies of the site plans and elevations prepared by Leffler Simes Architects which show details of the proposed works.

The following documents have accompanied the Development Application:

- Statement of Environmental Effects (SEE) prepared by Urbis dated May 2011.
- Social & Economic Impact Statement prepared by Urbis dated 13 July 2011.
- Access Report prepared by Access Design Solutions dated 24 March 2011.
- Arborist Report prepared by Integrated Vegetation Management dated 13 April 2011.
- Flora and Fauna Assessment prepared by Eco Logical dated 29 July 2011.
- Flood Impact Assessment prepared by Worley Parsons dated 24 November 2011.
- Traffic Report prepared by Colston Budd Hunt & Kafes dated April 2011.
- Bushfire Assessment Report prepared by Building code and Bushfire Hazard Solutions dated 16 July 2011.
- Noise Emission Assessment prepared by Acoustic Logic dated 20 June 2011.
- Waste Management Plan prepared by Hydrox Nominees dated May 2011.
- CPTED Report prepared by Jo anion May 2011
- Phase I Environmental Site Assessment Report prepared by Geo-Logix dated April 2010.
- Road Safety Audit prepared by Geo Transport Solutions dated May 2011.
- ESD Initiatives Report prepared by AECOM dated 14 April 2011.

Council received an amended proposal on 2 December 2011. Key changes include provision of a café, deletion of the mezzanine floor and a reduction in car parking to 323 car spaces. Amended landscape plans were received on 27 January 2012. Key changes include additional planter beds along the Forrester Road frontage, and widened garden beds throughout the carpark to accommodate additional trees and ground cover.

### **Planning Assessment**

The proposed development has been assessed against Section 79C of the *EPAA*, and based on this assessment, the following issues have been identified for further consideration.

## **1. Section 23G – Joint Regional Planning Panels**

Under Section 23G of the *EPPA*, a regional panel is taken to be the Council whose functions are conferred on a regional panel.

As part of the State government's reform of the NSW planning system, from 1 October 2011 regional panels no longer determine development applications lodged from 1 October 2011 for 'general development' with a capital investment value (CIV) of between \$10 million and \$20 million. However, DAs for development with a CIV between \$10 million to \$20 million lodged with council before 1 October 2011 will continue to be determined by the relevant regional panel.

The proposed development was lodged with Council on 11 May 2011 and has a capital investment value of \$15 million. The Sydney West Region Joint Planning Panel therefore has the function of determining the subject Development Application in accordance with Section 23G of the *Environmental Planning and Assessment Act 1979*.

Penrith City Council officers briefed the Sydney West Region Joint Planning Panel on the development application 14 July 2011.

## **2. Section 79C(1)(a)(i) – Any Environmental Planning Instrument**

### **State Environmental Planning Policy (Infrastructure) 2007 (SEPP2007)**

#### *Clause 104 – Traffic-Generating Development*

Forrester Road is an unclassified regional road and therefore the proposed works within this road do not require RTA approval under the *Roads Act 1993* (i.e. Council will be responsible for approving the works). On this basis, and pursuant to Section 91(3) of the *EPAA*, DA11/0470 is not Integrated Development.

The DA was referred to the Sydney Region Development Advisory Committee (SRDAC) for consideration under *SEPP2007*, as the proposal is a commercial premise with a floor area in excess of 10,000m<sup>2</sup>. The SDRAC has raised no objection to the proposal subject to conditions (see Appendix 6).

### **State Environmental Planning Policy No. 55 – Remediation of Land (SEPP55)**

*SEPP55* aims to provide a framework for the assessment, management and remediation of contaminated land throughout the State. *SEPP55* prevents consent authorities from consenting to a development unless it has considered whether the land is contaminated and is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out.

Based on the Phase I Environmental Site Assessment submitted with the application, there is no evidence to suggest that the subject land has previously supported any activities which may have resulted in land contamination, and Council is not aware of any contaminating activities currently being undertaken on the site. This information is sufficient to conclude that the provisions of *SEPP55* have been satisfied.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP64)

SEPP64 aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish.

A SEPP64 Assessment has been submitted with the application. The assessment demonstrates that the proposed signage is consistent with the aims and objectives of SEPP64 and satisfies the assessment criteria specified in SEPP64. While Clause 22 of SEPP64 imposes certain restrictions on wall advertisements, these restrictions are not applicable in this case given that the proposed signage constitutes “business identification signage” and therefore cannot be classified as a wall advertisement.

Sydney Regional Environmental Plan No. 9 – Extractive Industry (No. 2 – 1995)(SREP9)

SREP9 identifies regionally significant extractive resources within the Sydney region to facilitate their utilisation. The plan ensures extraction is carried out in an environmentally acceptable manner and prohibits extraction from certain environmentally sensitive areas. It ensures that decisions on future urban expansion take into account the ability to realise the full potential of important deposits. There are no provisions contained in SREP9 which are of relevance to this proposal.

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997)(SREP20)

SREP20 integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney region (15 local government areas), except for land covered by Sydney Regional Environmental Plan No. 11 - Penrith Lakes Scheme (SREP11). SREP11 is supported by an Action Plan, which includes actions necessary to improve existing conditions.

The proposal is in accordance with the general planning considerations set out in the SREP11 as well as relevant specific planning policies and related recommended strategies contained in SREP11.

The proposed development is also subject to the following development controls relating to proposed land uses in riverine scenic areas:

- (a) The need to prevent large scale, high density or visually intrusive development on waterfront land or on slopes and ridgetops which are visible from the river or the surrounding visual catchment. (This requires consideration of the proposed form and siting of buildings, of the colours and building materials used, and of landscaping.)
- (b) Whether the materials used in stabilising the banks are consistent with the scenic character of the area as described in the Scenic Quality Study.
- (c) Whether the development will damage the banks of the river or creeks.
- (d) Whether the development is adequately set back from the river.
- (e) Whether it is necessary and appropriate to increase public recreational and visual access to the river.

- (f) The need for conditions of consent to protect the scenic character, such as conditions requiring tree planting.
- (g) Whether any proposed works will improve scenic quality by repairing degradation.

The proposed development is generally in accordance with these development controls and conditions are recommended to reinforce these matters with the roof to be a dull, non-reflective surface and colour – not “zincalume”. It is therefore unlikely that the proposed development will have any detrimental impacts on the surrounding riverine scenic area.

*Penrith Local Environmental Plan 2010 (LEP2010)*

The part of the site intended for development is primarily zoned *IN2 Light Industrial* under *LEP2010*. The proposed home improvement centre is most closely categorised as “timber and building supplies” and “landscape and garden supplies” which are permissible forms of development with Council’s consent in the *IN2* zone. The proposal can also be categorised as a “bulky goods premises” which is a permissible form of development on the site with Council’s consent under Clause 2.5 (Additional Permitted Uses for Particular Land) and Schedule 1 (Additional Permitted Uses) of *LEP2010*.

The SEE states that the southern 16m portion of the development site is zoned *RE2 Private Recreation* under *LEP2010*. Although the proposed land uses are prohibited in this zone, Clause 5.3 (Development Near Zone Boundaries) of *LEP2010* enables development for a prohibited land use for a distance of up to 20m if it is permissible in an adjoining land use zone. Appendix No. 4 is a zone extract as well as an aerial photo overlain with the *IN2/RE2* zone boundary.

The proposal is consistent with the aims and objectives of the LEP and *IN2* zone and consistent with the objectives of the *RE2* zone.

*Clause 2.5 – Additional permitted uses for particular land* – the proposal complies as discussed above.

*Clause 4.3 – Height of buildings* – maximum building height 12m (proposal 10.5m) – the proposal complies.

*Clause 5.3 – Development near zone boundaries* – the proposal complies as discussed above.

*Clause 5.6 – Architectural roof features* – roof top mechanical units with screens overall height 12.5m – the proposal complies.

*Clause 5.9 – Preservation of trees or vegetation* – the proposal complies – discussed further in the Flora and Fauna Section of this report.

*Clause 6.1 – Earthworks* – the development complies – no detrimental environmental impact will result.

*Clause 6.2 – Salinity* – the development complies - no detrimental environmental impact will result.

*Clause 6.3 – Flood planning* – 100 year ARI flood level is 24.4m AHD. Proposed FFL is RL 24.9m AHD which achieves the required flood planning level for the site.

*Clause 6.5 – Protection of scenic character and landscape values* – the development complies subject to conditions as discussed above.

*Clause 6.6 – Servicing* – the development complies.

### **3. Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instrument**

There are no draft environmental planning instruments applicable to the subject site or to the proposed development.

### **4. Section 79C(1)(a)(iii) – Any Development Control Plan**

#### ***Penrith Development Control Plan 2010***

The proposed development is in accordance with the relevant provisions of *Penrith Development Control Plan 2010* as set out in the Development Control Table in Appendix 7.

### **5. Section 79C(1)(a)(iv) – The Regulations**

Penrith City Council's Building Surveyor has raised no objection to the proposed development regarding fire safety considerations, subject to provision of a performance based fire safety solution as part of the detailed design for the proposal.

### **6. Section 79C(1)(b) – The likely impacts of the development**

#### ***Site Design, Context and Setting***

The proposed development has been designed to be compatible with surrounding development in terms of built form and external building materials and finishes. The proposed development maintains sufficient buffer distances to adjoining properties and will not pose a major adverse impact on existing or future surrounding land uses.

The proposal is considered to be compatible with the surrounding and adjacent land uses and will have no major impact on the amenity of the area. The proposal will have no adverse impacts on the natural environment.

The proposal was considered by Council's Urban Design Review Panel on 30 March 2011. The Panel has made the following comments:

- Landscape and pedestrian access are the primary urban design matters which require detailed consideration and further explanation.
- With regard to built form/architectural design quality, massing, articulation and finishes, the proposal demonstrates considered treatment of a "big-box" development.



The Masters proposal addresses Forrester Road so as to gain good exposure to customers and seeks to integrate with existing and future surrounding land uses. The building itself provides for a range of architectural elements including variations in colours and materials and its position at the junction of Forrester/Links Roads and Ropes Crossing Boulevard provides the site with a locally prominent location. The proposal is responsive to the existing development along Forrester Road and has been designed in the context of other development along this streetscape.

The application has been accompanied by landscape plans which provide for related landscaping works on the site. Refer to Appendix No. 5 for a copy of the landscape master plan prepared by Site Image Landscape Architects which includes details of the proposed works. The proposed landscape works will provide for embellishment of the site with suitable ground covers, shrubs and trees which, at maturity, will complement the scale, design and function of the development.

As set out in Appendix 7 to this report, Penrith DCP 2010 requires a 4 metre wide landscaped front setback from Forrester Road. The proposal provides for a 3.66 metre wide setback. This issue has been the subject of ongoing discussions in the assessment of this application given the prominent location of the Masters proposal. The applicant argues that the reasons for the reduced setback are:

- Site constraints i.e. irregular shape at the northern end and inability to move zone boundary makes it difficult to accommodate car parking required by the proposal.
- Need to comply with Australian Standards and Council required width for car park aisles makes it difficult to increase front landscape setback without impacting on required aisle widths.
- Overland flow of stormwater needs to be satisfactorily accommodated to satisfy Council requirements impacting on the available space for landscaping.

The setback issues could be resolved by removing all 87 car parking spaces which front Forrester Road. Removal of these spaces would enable Council's requirements for stormwater control, aisle width and landscaped setbacks to be adequately met. However removal of these spaces would create a significant shortfall in car parking which is not supported. Furthermore the applicant has advised Council that "...it is paramount to management that for the viability of the business that we supply a sufficient number of car parking spaces that our business is comfortable that will adequately provide for customers at any time & day of the week." This statement is acknowledged as having merit.

Alternatively the design itself of the Masters home improvement store could be amended by moving the entire western elevation fronting Forrester Road back the distance required to enable the western car parking area to be reconfigured so that a 4 metre landscaped front setback can be provided. This is not supported given;

- the setback provided achieves 91.5% compliance with the DCP requirement;
- the applicant has submitted amended landscape plans which provide for an increase in the number of canopy trees in the western car park area as well as introducing an "avenue" type landscape theme within the road verge of Forrester Road;

- the Masters Proposal demonstrates good design with appropriate use of colours, interesting architectural elements and a variety of finishes which assist in breaking up the bulk of the building (reinforced by appropriate conditions including requiring the roof to be a dull, non-reflective surface and colour – not “zincalume”).

Accordingly the proposed landscaped front setback of 3.66 metres is supported.

### ***Accessibility***

The application has been accompanied by an Accessibility Report prepared by Access Design Solutions which provides a review of the proposed works with regard to access considerations. The key access issues considered in the Accessibility Report include:

- Ingress and egress.
- Paths of travel.
- Amenities and facilities including accessible car parking.
- Lighting and signage.

The Accessibility Report concludes that subject to minor detailed design changes, the proposal will provide equitable access for people with disabilities. In particular, the main western car park is to be provided with 8 accessible car spaces.

The proposal was reported to Council's Access Committee at its meeting held on 1 June 2011. At that meeting, the Committee requested the following matters be considered in Council's assessment of the proposal:

- Accessible toilets.
- Main entry.
- Tactile ground surface indicators.
- Accessible path of travel.
- Shared parking space dimensions.
- Accessible pram ramp.
- Accessible access from Forrest Road.

The preceding matters are achievable and recommended to be suitably conditioned.

### ***Access, Parking and Traffic***

Vehicular access to the site is via Forrester Road. In relation to car parking, the proposed development includes construction of a new car parking areas incorporating a total of 323 on-site car spaces for staff and visitors.

The application has been accompanied by a Traffic Report prepared by Colston Budd Hunt & Kafes Pty Ltd which concludes that the proposed vehicle access and car parking arrangements are satisfactory and that the additional traffic flows which will be associated with the proposed development can be accommodated by the surrounding road network.

Penrith City Council's Senior Traffic Engineer has reviewed the proposed development with regard to access, parking and traffic considerations and has concluded that no major traffic generation impacts are expected from the development as it is anticipated that the local road network and surrounding intersection treatments have adequate spare capacity to cater for this increase. The development's additional traffic will be absorbed into the surrounding intersections without undue delay.

Council's Traffic Engineer is satisfied with the proposed access, parking and traffic related aspects of the proposal subject to suitable Council conditions and the conditions received from the SRDAC. The response from the SRDAC dated 21 June 2011 states that "The RTA...supports the proposed access point on Forrester road with a deceleration lane/right turn into the site across the median, deceleration lane with a left turn into the site and left only out of the site." (See Appendix 6).

In addition, a Shopping Trolley Management Plan is recommended for submission to Council for approval prior to the release of the Construction Certificate. This plan needs to demonstrate to the satisfaction of Council how the abandonment of shopping trolleys both within and outside the subject site will be strictly controlled so that;

- the functionality of stormwater drainage swales within the site is in no way impeded; and
- making it physically impracticable to remove shopping trolleys from the Masters home improvement store.

## **Flora and Fauna**

### *NSW Threatened Species Conservation Act 1995 (TSC Act)*

Under Section 79C of the *Environmental Planning and Assessment Act 1979* (the Act), an assessment must be made as to whether a development proposal is likely to have a "significant effect" on any threatened species, populations or ecological communities or their habitats (referred to as an "Assessment of Significance" or "seven-part test").

The application has been accompanied by a Flora and Fauna Assessment prepared by Eco Logical Australia Pty Ltd. which states that the proposed works will not significantly impact on any Cumberland Plain Woodland habitat under the TSC Act, or fauna species protected under the TSC Act or Commonwealth Environment Protection and Biodiversity Conservation Act 1999. Eco Logical concludes that a Species Impact Statement is not required nor is a referral to the Department of Sustainability, Environment, Water, Population and Communities necessary. Having regard to the conclusion no further action is required.

The remnant woodland on the neighbouring property zoned E2 should be protected by suitable boundary fencing which prevents pedestrian access or spread of litter and kerbs around parking areas to prevent direct run-off. Appropriate conditions are recommended.

The applicant has also submitted detailed landscape plans prepared by Site Image Landscape Architects (see Appendix No. 5). Council's landscape architect has reviewed the landscape plans and raises no objection subject to conditions.

### ***Safety, Security and Crime Prevention***

The SEE incorporates a Crime Prevention Through Environmental Design (CPTED) assessment for the proposed Masters Home Improvement Centre located on Forrester Road, St Marys. Jo Manion & Associates have undertaken a CPTED assessment which concludes that the proposed design incorporates characteristics which maximise safety in line with accepted CPTED principles. They recommend additional active measures to be implemented prior to commencement of trading from the proposed development including:

- Installation of surveillance cameras in specified areas.
- Conduct of an Internal Building Safety Assessment.
- Development of a Store Security Management Plan.
- Development of a security management protocol between the applicant and St Marys Leagues Club.

Jo Manion & Associates conclude that implementation of these measures will maximise crime prevention in line with the aims of CPTED.

Appropriate conditions are recommended.

### ***Social and Economic Impacts***

Urbis has prepared a Social & Economic Impact Statement which anticipates that the Masters Proposal will have an overall positive social and economic impact for the North St Marys community.

Urbis stresses that the proposal will provide significant employment opportunities both during construction and once operational. Urbis argue that staff training and development (including management development) will benefit the local community and they anticipate that the majority of the employment opportunities will be filled by those living within the local community, increasing local skills and competencies.

The development is proposed to address the increasing consumer demand for 'big box' format, DIY style retailing; of which there is little existing retail representation in the local area. The Home Improvement Store is a new type of offer to the local area and with a modern and contemporary design, situated at the fringe of a long established industrial precinct, will provide a good example for modernisation and renewal in this prominent location.

Urbis concludes that given the distance and physical separation between the site and the St Marys town centre, it is not anticipated that the proposal will have any negative impacts upon the centre.

The Social and Economic Impact Statement has been reviewed by Council and is considered satisfactory.

## ***Stormwater Management***

Council required submission of a detailed flood impact assessment given the subject site's close proximity to Ropes Creek and the potential impact the proposed development and associated filling could have on upstream communities. The flood impact assessment has concluded that subject to a proposed new drainage channel being provided on site, the proposed development will not result in significant flood impacts across adjacent properties during a 100 year recurrence flood. Council's development engineer has reviewed the flood impact assessment and raises no objection subject to conditions.

### **7. Section 79C(1)(c) – The suitability of the site for the development**

The site attributes are conducive to the proposed development for the reasons set out below:

- The site is appropriately zoned for the Masters proposal
- The site has direct frontage to Forrester Road which is a major transport corridor in the St Marys locality
- Forrester Road is well serviced by public transport
- Being adjacent to and part of a large land parcel (St Marys Leagues Club) enables an integrated approach to traffic management
- The site has good visual prominence which is an important factor in the Masters proposal being commercially successful
- Being currently used as a sports training field, the site is already level and hence minimal earthworks will be required
- Being a sports training field the site is relatively devoid of vegetation and hence minimum environmental impact is anticipated as a result of the Masters proposal

Accordingly the site is considered suitable for the development subject to conditions.

### **8. Section 79C(1)(d) – any submissions made in relation to the development**

As stated earlier in this report the proposed development was advertised in the local newspapers and notified to the owners and occupiers of adjoining and nearby properties pursuant to Council procedures. A total of 119 property owners and occupiers were notified in the surrounding area. The proposal had 3 separate public exhibition periods being:

- 23 May to 6 June 2011
- 5 September to 19 September 2011
- 20 February to 5 March 2012

One public submission has been received in relation to the proposal which is discussed in more detail later in this report.

#### *External Referral Comments*

The table below summarises the results of external referrals in relation to the proposal.

<b><i>Referrals</i></b>	<b><i>Comments</i></b>
Roads and Traffic Authority	No objection, subject to conditions.

### *Internal Referral Comments*

The table below summarises the results of internal Penrith City Council referrals in relation to the proposal.

<b>Referrals</b>	<b>Comments</b>
Building Surveyor	No objection, subject to conditions.
Development Engineer	No objection, subject to conditions.
Senior Traffic Engineer	No objection, subject to conditions.
Environmental Health Officer	No objection, subject to conditions.
Senior Environmental Health Officer	No objection, subject to conditions.
Community Safety Co-ordinator	No objection, subject to conditions.
Snr Water Management Officer	No objection, subject to conditions.
Property Development Manager	

### **9. Section 79C(1)(e) – The Public Interest**

The site is suitable for the proposed development. The proposed development is permissible in the *IN2 Light Industrial* and *RE2 Private Recreation* zones under Penrith Local Environmental Plan 2010 and the proposal meets the aims and objectives of the relevant environmental planning instruments. One public submission was received in relation to the proposal raising both advantages and one concern arising from the proposal; the one concern relates to the potential increase in traffic on Forrester Road and how this may have adverse impact on the residents of North St Marys. This is a matter which both the Road and Traffic Authority's Sydney Region Development Advisory Committee and Council's traffic engineers have considered as part of the development assessment process. No objection has been raised subject to the imposition of appropriate conditions of consent.

### **Section 94 Contributions**

There is no Section 94 contributions plan applicable to the subject site.

### **Conclusion**

The proposed development is in accordance with the relevant provisions of the Environmental Planning Instruments and Development Control Plan pertaining to the land. The proposed development is unlikely to have a negative impact on the surrounding environment. The proposed development has been assessed against the relevant heads of consideration contained in Section 79C and Section 89 of the *Environmental Planning and Assessment Act 1979* and has been found to be satisfactory. The site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of support.

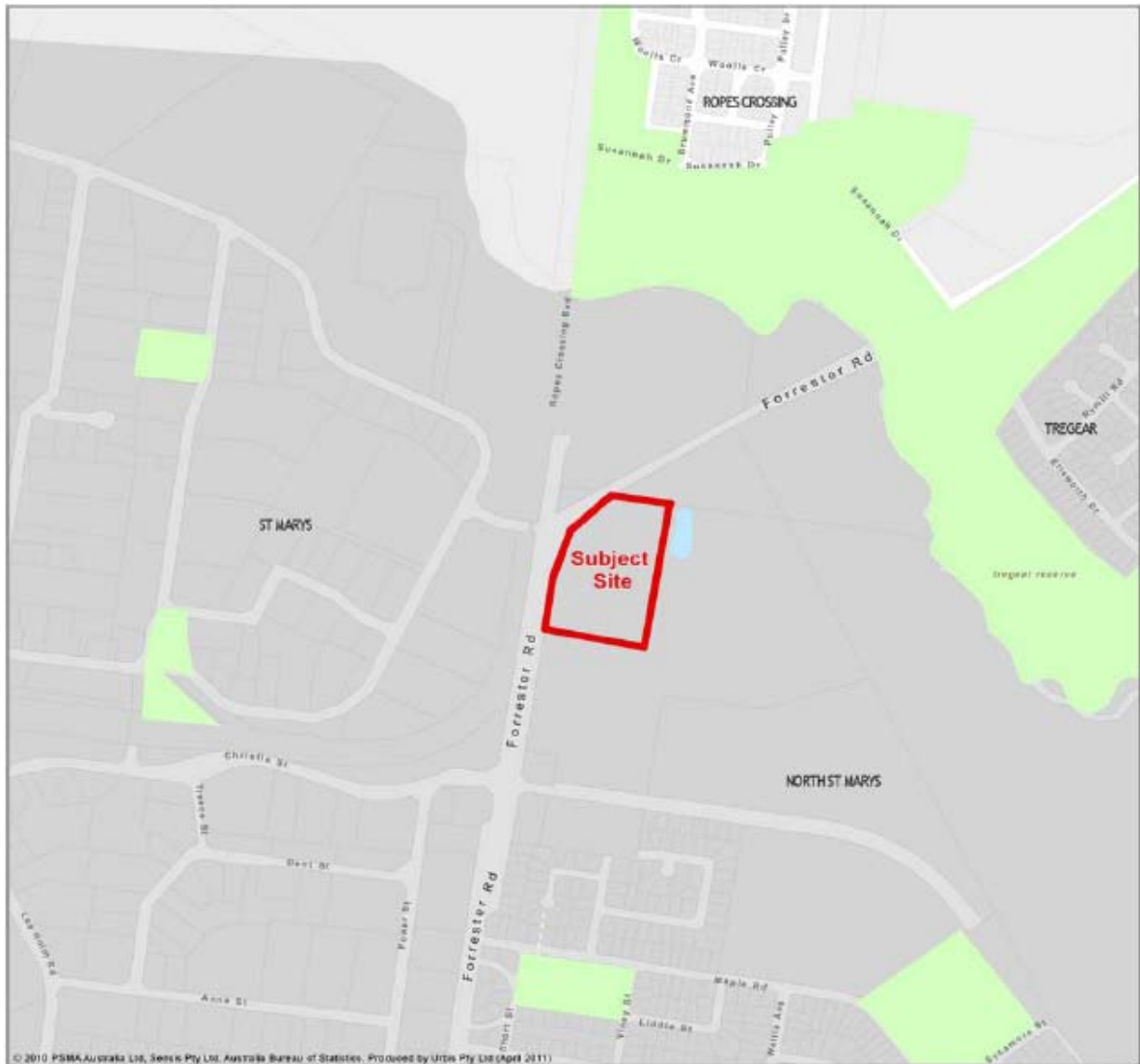
## Recommendation

---

That:

1. The information contained in the report on Development Application No. DA11/0470 for a Masters Home Improvement Store be received.
2. Development Application No. DA11/0470 for a Masters Home Improvement Store be approved subject to the following conditions:

# Appendix No. 1 – Location Plan

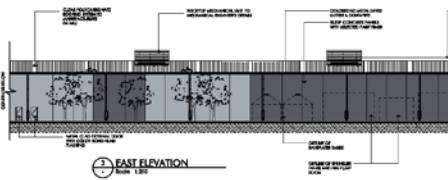
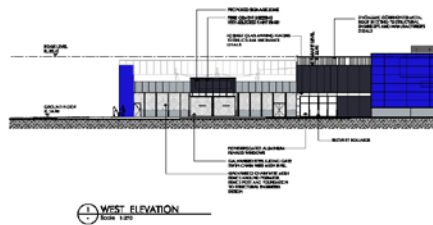
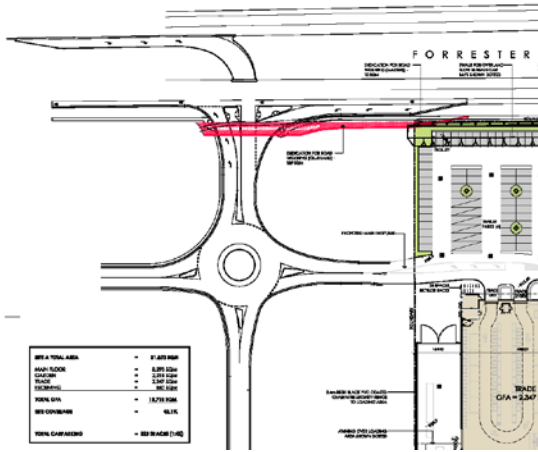




## Appendix No. 2 – Aerial Views of Site



# Appendix No. 3 – Site Plan, Elevations & Photo Montages



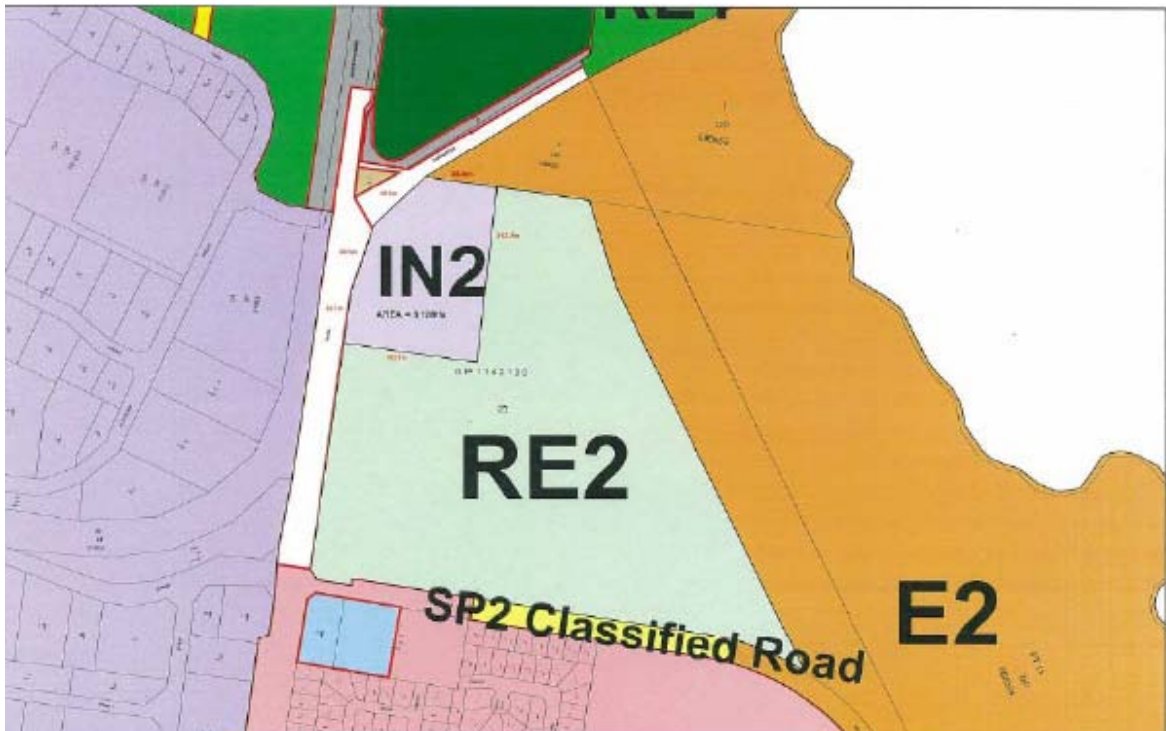


*Masters Proposal Looking South-East*

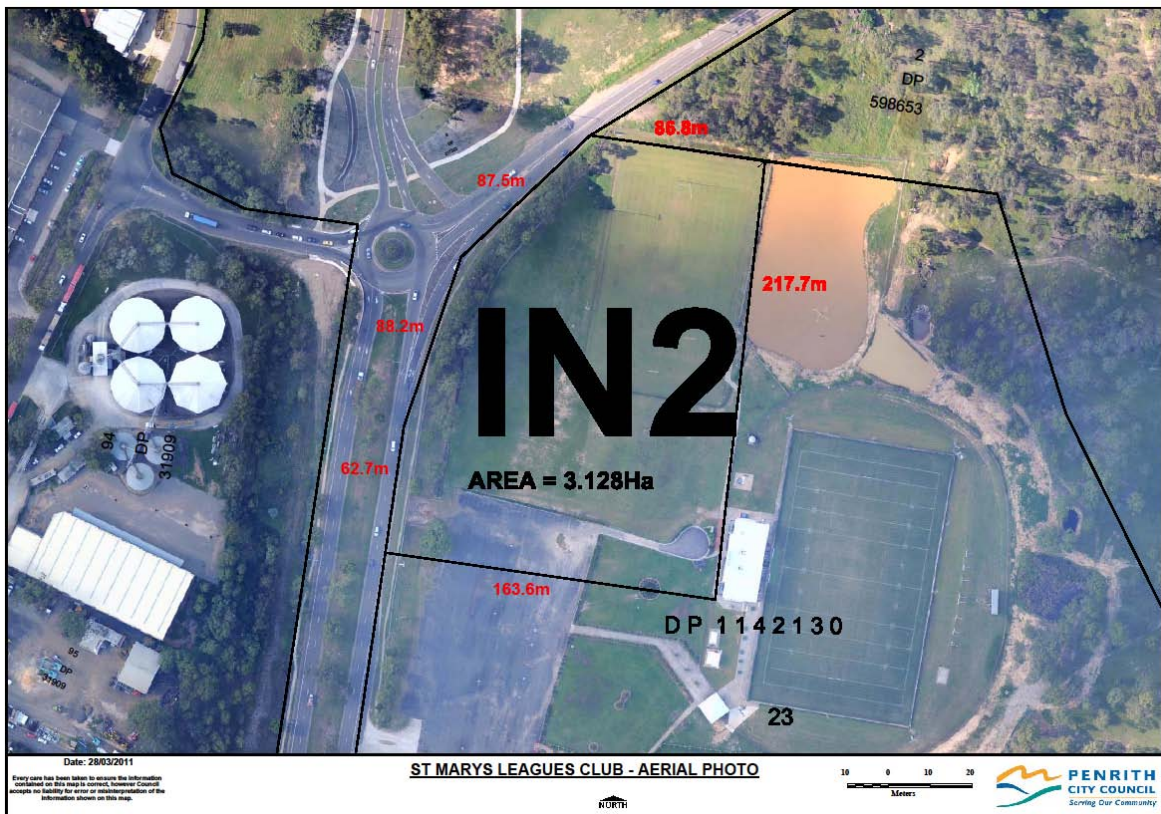


*Masters Proposal Looking North-East*

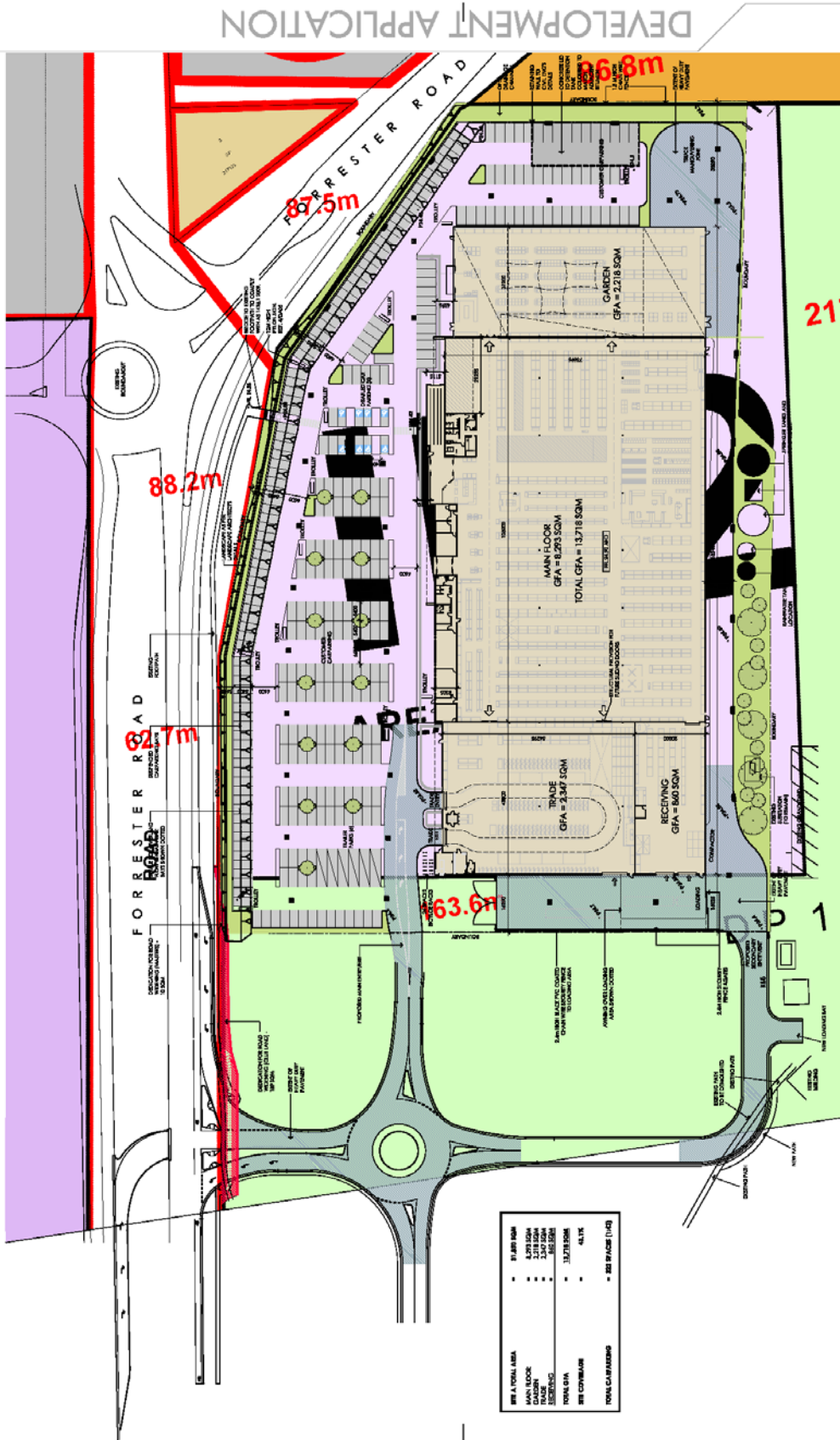
## Appendix No. 4 – Zoning Plan /Aerial Photograph



*Penrith LEP 2010 Zone Extract*



*Aerial Photo of Development Site Overlain with IN2 Zone*



DEVELOPMENT APPLICATION

DA01 L  
 Project: 2088  
 Date: NOV 2011  
 Scale: 1:500(SHA)  
 Drawn: TC

Masters Home Improvement Centre  
 Forrester Road, St Marys, NSW

NAME: [Redacted] Date: 20/11/11  
 DRAWN BY: [Redacted]  
 CHECKED BY: [Redacted]  
 SCALE: 1:500(SHA)  
 PROJECT NO: 2088

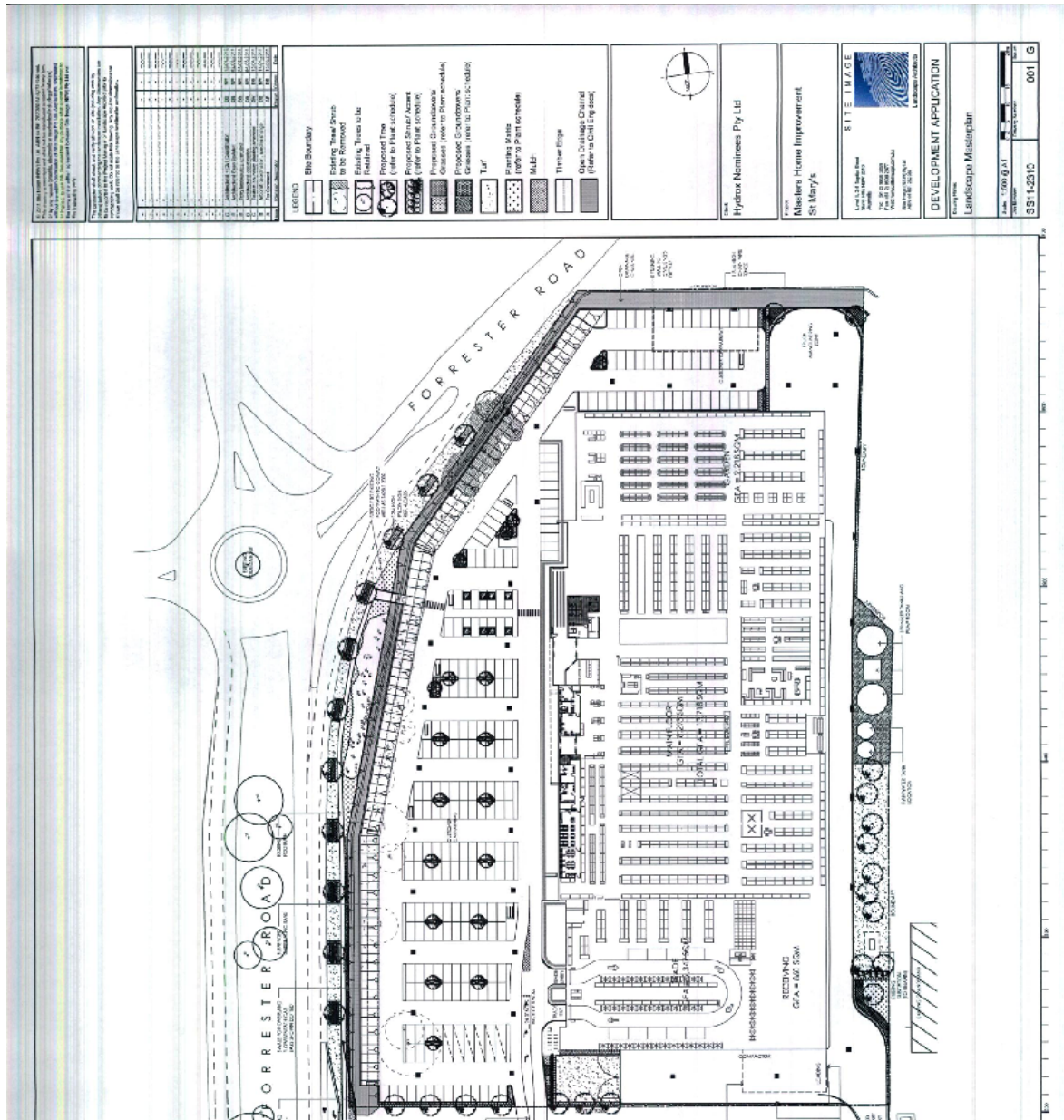


Site Plan


LEFFLER SIMES ARCHITECTS  
 1/111-113/115 WILSON ROAD, ST MARYS, NSW 2170  
 PH: (02) 9638 1111  
 FAX: (02) 9638 1112  
 WWW: www.lefflersimes.com.au

Development Site Overlain With IN2 Zone

# Appendix No. 5 – Landscape Master Plan



## Appendix No. 6 – Roads and Traffic Authority's Requirements

Your Reference:	DA 11-0470	
Our Reference:	RDC 11M1642 SYD11/00458/01	
Contact:	Dianne Rees	
Telephone:	8849 2237	

The General Manager  
Penrith City Council  
PO Box 60  
PENRITH NSW 2751

**RECEIVED**  
R/MG1  
29 JUN 2011  
PENRITH CITY COUNCIL

**SYDNEY  
REGIONAL  
DEVELOPMENT  
ADVISORY  
COMMITTEE**

Attention: David Drozd

**PROPOSED HOME IMPROVEMENT CENTRE (WOOLWORTHS)  
AT 215 FORRESTER ROAD, ST MARYS**

Dear Sir/Madam


I refer to your letter of 17 May 2011 (Council Ref: DA 11-0470), concerning the above-mentioned Development Application which was referred to the Roads and Traffic Authority (RTA) for comment in accordance with Clause 104 of State Environmental Planning Policy (Infrastructure) 2007. I wish to advise that the Sydney Regional Development Advisory Committee (SRDAC) and the RTA considered the traffic impact of this application at its meeting on 1 June 2011.

The RTA has reviewed the development application and at this time, supports the proposed access point on Forrester Road with a deceleration lane/right turn into the site across the median, deceleration lane with a left turn into the site and left turn only out of the site. Forrester Road is classified as an Unclassified Regional Road, however should it be reclassified as a State Road as part of the Werrington Arterial Road, and the intersections to the north and south of the site become signalised, the right turn access into the site is to be removed. Should this occur, then the access is to be reconstructed as left in/left out only with the break in the median being removed. It should be noted that the RTA does not support a right turn out of the site or the signalisation of the access point as the proposed access is located in close proximity to the Forrester Road/Christie Street/Boronia Road intersection and the Forrester Road/Links Road/Ropes Crossing Boulevard intersection.

The construction of the right turn into the site is subject to Council's approval of the development application and the following requirements being incorporated into the development consent:

- The proposed access point and deceleration lanes shall be designed to meet the RTA's requirements, and endorsed by a suitably qualified practitioner. The design requirements shall be in accordance with the RTA's Road Design Guide and other Australian Codes of Practice. The certified copies of the civil design plans shall be submitted to the RTA for consideration and approval prior to the release of the Construction Certificate by the Principal Certifying Authority and commencement of road works.

The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works.

<small>Roads and Traffic Authority ABN 64 480 155 255</small>		<small>27-31 Argyle Street, Parramatta NSW 2150</small>	<small>PO Box 973 Parramatta CBD NSW 2124 DX 28535 Parramatta</small>	<small>T 131 782</small>	<small>www.rta.nsw.gov.au</small>
---	---	---	---	--------------------------	-----------------------------------

Any realignment boundaries to facilitate the development, including a footway resulting from the proposed deceleration lane must be dedicated as road at no cost to the RTA.

2. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a Construction Certificate.
3. If not already in place, full time "No Stopping" restrictions are to be implemented along the full Forrester Road frontage of the development site. This restriction should be implemented prior to the commencement of any demolition works relating to the proposed development. Prior to the installation of the parking restrictions the applicant is to contact the RTA's Traffic Management Services on phone: (02) 8849 2294 for a works instruction.
4. Any proposed landscaping and/or fencing must not restrict sight distance to pedestrians and cyclists travelling along the footpath of Forrester Road
5. All works/regulatory signposting associated with the proposed development are to be at no cost to the RTA.

In addition to the above, the Committee and the RTA provide the following advisory comments to Council for its consideration in the determination of the development application:

1. Council should ensure that the proposed access to the home improvement centre becomes a secondary access only to the St Marys Leagues Club's playing fields and does not become the principal access for both the home improvement centre and the Leagues Club.
2. Signs shall be constructed entirely within private property and shall not encroach or overhang, into the road reserve.
  - The proposed sign must not have / use:
    - o Flashing lights;
    - o Electronically changeable messages;
    - o Animated display, moving parts or simulated movement;
    - o Complex displays that hold a drivers attention beyond "glance appreciation";
    - o Displays resembling traffic signs or signals, or giving instruction to traffic by using words such as 'halt' or 'stop'; and
    - o A method of illumination that distracts or dazzles.

Notwithstanding the above, Council should ensure that the sign meets the requirements of *State Environmental Planning Policy (SEPP) No. 64 – Advertising and Signage*, in particular *Part 3 – Clause 22 Wall Advertisements*. Council should also take into account the Department of Planning's *Transport Corridor Outdoor Advertising and Signage Guidelines (July 2007)*.

3. The car parking provision is to be to Council's satisfaction.
4. The swept path of the longest vehicle (to service the site) entering and exiting the subject site, as well as manoeuvrability throughout the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.



Council should ensure that the additional loading bay at the grandstand at the St Marys Leagues Club is designed in accordance with the above standards. Turning circles for heavy vehicles have been shown in the traffic report for the home improvement centre, however they have not been shown for the additional loading dock at the grandstand.

5. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 – 2002 for heavy vehicle usage.
6. All vehicles are to enter and leave the site in a forward direction.
7. All vehicles are to be wholly contained on site before being required to stop.

In accordance with State Environmental Planning Policy Infrastructure, it is essential that a copy of Council's Determination on the proposal (Conditions of Consent if approved) is forwarded to the RTA at the same time it is sent to the developer.

Any inquiries in relation to this development application can be directed to Dianne Rees on telephone 8849 2237.

Yours faithfully



Chris Goudanas  
Chairman, Sydney Regional Development Advisory Committee  
Land Use Planning and Assessment Manager

21 June 2011

## Appendix No. 7 – Penrith DCP 2010 Development Control Table

	DCP Provision	Comment	Compliance
<b>Part C-Controls Applying to all Development</b>			
C1 Site Planning and Design	New proposals on land identified on the Scenic and Landscape Values Map should be accompanied by a visual impact	Appropriate conditions are recommended	Yes
	CPTED principles should be incorporated into the design addressing surveillance, access control and territorial reinforcement	CPTED report provided	Yes
	DA for frequent public use should address the principles of Universal Design in the SEE	N/A	N/A
C2 Vegetation Management	Development consent is required to remove trees and may require an Arborist Report	Arborist Report provided	Yes
	A Species Impact Statement will be required if Council determines that works may have a significant effect on threatened species	N/A	N/A
C3 Water Management	New industrial buildings with a roof area greater than 200 sqm are required to install a rainwater tank of min 100,000L	2 x 45,000L rainwater tanks are provided. 90,000L is considered to be generally compliant with this requirement	No – but acceptable
	Industrial sites with hard surfaces greater than 1000 sqm shall submit a Water Management Plan which estimates required water needs	Water Management Plan provided (ESD Initiatives Report)	Yes
	Any proposed industrial development with a roof area greater than 600sqm should submit an investigation into the feasibility of a roof garden to reduce hard surface area	The development is not industrial in nature. Given the surrounding context, landscaping and the nature of the development a roof garden is not considered appropriate	N/A
	Where relevant, a comprehensive flood study should be incorporated into a DA for flood prone land	Flood impact assessment provided	Yes
	Floor level for new development should be at least 0.5m above the 1:100ARI floor of the building should be flood-proofed to at least 0.5m above the ARI flood	SEE provided demonstrates compliance	Yes
	Flood safe access and emergency egress shall be provided to new development	Flood Impact Assessment provided demonstrates compliance	Yes
	Adequate stormwater systems should be designed for the development	Flood Impact Assessment provided demonstrates compliance	Yes
C4 Land Management	Any DA that requires earthworks and changes to levels of a site is required to address it in an SEE or a geotechnical report	Fill of approximately 1m is required on parts of the site to address flood issues. Addressed in SEE	Yes
	Earthworks should not exceed 1m below ground All retaining walls should be identified in a DA	No earthworks below existing ground level are proposed	Yes

	<b>DCP Provision</b>	<b>Comment</b>	<b>Compliance</b>
	All applications which involve site disturbance must be accompanied by an Erosion and Sedimentation Control Plan in accordance with 'Managing Urban Stormwater-Soils and Construction and the 'additional measures for large sites' in the DCP	Plan provided	Yes
	DAs for new buildings may be required to include information on the potential for contamination	Contamination Report provided	Yes
C5 Waste Management	A Waste Management Plan should be submitted with a DA for demolition and construction of a building	Waste Management Plan provided	Yes
	Waste storage and collection areas should <ul style="list-style-type: none"> <li>• Be flexible in their design to allow for future changes to tenancies</li> <li>• Located away from primary street frontages</li> <li>• Suitably screened</li> <li>• Located to consider traffic hazards that may be caused</li> </ul>	Waste storage areas are located to the rear of the site	Yes
C6 Landscape Design	A Landscape Concept Plan is required to be submitted with the DA by a Category 3 Landscape Professional	Provided	Yes
	The minimum permeable surfaces for industrial use is 15% of the site area	The proposed development is not industrial in nature. Given the constraints of the site and the nature of development significant areas of permeable surfaces are not achievable. However, given the surrounding development and zoning controls around the site, including the playing field and recreation and environmental zones, the site is surrounded by permeable surfaces and as such the proposed development will not have a negative impact on the area as a whole	N/A
	The minimum deep soil zone for industrial use is 10% of the site area	The proposed development is not industrial in nature. All of the landscaped areas provided are deep soil, however as discussed above significant areas of deep soil landscaping are not achievable at this site	N/A
C7 Culture & Heritage	N/A	N/A	N/A
C8 Public Domain	Public access to the public domain should be maximised by: <ul style="list-style-type: none"> <li>• Location of building entrance</li> <li>• A visual transition to the public space by avoiding continuous lengths of blank walls in the built form</li> <li>• Views to and from the public domain to be protected</li> <li>• Accessibility should be provided for all members of the community</li> </ul>	N/A	N/A

	<b>DCP Provision</b>	<b>Comment</b>	<b>Compliance</b>
C9 Advertising and Signage	Signs should generally be confined to the ground level of the building	Proposed development is single storey	Yes
	Pole or pylon signs to be a maximum height of 7m. Flat standing signs are only permissible where the building is set back 3m from the street	A Pylon sign of 12m is proposed at the north western corner of the site. While this is above the 7m, given the scale of the development and extensive landscaping to this frontage the size of the sign is considered appropriate and will not result in a negative visual impact	No - but acceptable
C10 Transport Access and Parking	New development that will have potential significant public transport patronage is to be located close to existing or proposed transport nodes or networks	Bus services operate along Forrester Road, adjacent to the site, and provide links to surrounding areas. While it is expected that the majority of customers will access the site via cars, employees may use the public transport	Yes
	Public transport use is to be enhanced by providing good pedestrian connections from places of residence or employment to transport networks	Existing footpaths is located along the site boundary and pedestrian access will be provided from this path which will ensure connections to those arriving by public transport	Yes
	Development applications for major development should be accompanied by a Traffic Report	Traffic Report is provided	Yes
	Development should demonstrate how it: <ul style="list-style-type: none"> <li>• Provides safe entry and exit for pedestrians and vehicles</li> <li>• Minimises potential vehicular and pedestrian conflict</li> <li>• Not restricts traffic flow or creates a hazard</li> <li>• Provides suitable off-street parking</li> <li>• Identifies needs for any additional on street traffic facilities</li> </ul>	Addressed in Traffic Report	Yes
	Where possible, vehicular access should be from service roads. New access points off arterial, sub arterial or other major roads is to be avoided where alternatives exist	The site has only one road frontage to Forrester Road which will provide access to the site	Yes
	Parking provisions for bulky goods is a minimum of 1 per 50 sqm of GFA	13,718 sqm of GFA/50 = 274.36 Spaces provided = 323	Yes
	Car parking and manoeuvring layout should be in accordance with AS2890.1-2004	Addressed in Traffic Report	Yes
	Provision of disabled parking should be at a rate of 1-4% of total parking spaces in accordance with Australian Standards	8 disabled spaces provided out of 323 spaces. Approximately 2.48%	Yes
	Large car parking areas should be visually separated from access roads and from the building by planting and landscaping	A range of high and low levels landscaping provided to screen car park	Yes

	<b>DCP Provision</b>	<b>Comment</b>	<b>Compliance</b>
	Design of car parking should ensure that passive surveillance is possible and incorporate active security measures	All carparking is provided in direct view of the main entrances of the trade area, main building and garden centre which will enable continuous natural surveillance	Yes
	Bicycle parking spaces should be provided in accordance with Austroads, be located to provide convenient access and associated shower and change rooms should be provided	20 cycle spaces are provided near the main access to the site in accordance with Austroads. Staff shower facilities and change rooms are provided	Yes
C12 Noise and Vibration	Where a site is likely to be affected by unacceptable levels of road traffic noise, a Noise Impact Statement should be provided	Noise Impact Statement is Provided which indicates no adverse impact	Yes
C13 Infrastructure and Services	Any site analysis should address the existing and proposed provisions of services/utilities to a property and whether there is satisfactory capacity to address required demand of the proposal	The provision of services has been included as a part of the design process	Yes
	Sydney Water and Integral Energy, telecommunications and gas suppliers should be consulted and relevant arrangements be made for service provision for the development	Relevant services providers have been consulted as a part of the design process	Yes
	All development over 2000 sqm GFA should provide parent rooms and parent friendly accessible toilets with the baby care room having a minimum 30 sqm GFA and should be shown on the plans	A parent room is and parent friendly accessible toilets are provided. The parent room is and 14.7sqm which is considered to be adequate for the type of development	No – but acceptable
	The following should be included in the parent room: • Two sinks with hot and cold water • Bench space of min 950mm wide by 1.8m long • Two baby change table and nappy disposal • Door entry min of 1m	One sink is provided within the parent's room and one within the parent's toilet both with hot and cold running water. Bench space of 2400mm x 1150mm 1 baby change table and associated nappy disposal is proposed. Entry to the parent's room is via an electric push button operated door with clear opening width of 1m	No – but acceptable
<b>Part D Controls Applying to all Specific Land Uses – Part D4 Industrial Development</b>			
4.2 Building Height	Maximum height in industrial area is 12m	Maximum building height is less than 12m	Yes
4.3 Building Setbacks and Landscape	Setbacks are to be landscaped but may incorporate off street parking if: • the setback is at least 13 m wide; and • set behind a landscaped area of 4m width	The building is setback between 20-60m along the full length of the site which is approximately 230m. Parking is incorporated within the setback behind a landscaped area 3.66m in depth	No – but acceptable

	<b>DCP Provision</b>	<b>Comment</b>	<b>Compliance</b>
	In Precinct 1, variations to the setbacks will be considered on merit in consideration of site area, width of frontage, landscape provision, access to the site and availability of parking	No variations to minimum setbacks are sought	N/A
	Where minimum setbacks of 9m apply Secondary road frontages to be a minimum of 5m	Setbacks of 20-30m	N/A
	Existing vegetation and landscape should be preserved where possible	Existing trees and vegetation have been retained where possible	Yes
4.4 Building Design	Non-residential developments with a construction of \$1m must achieve a 4 star Green Star and 4.5 star NABERS rating	The Green Starr and NABERS rating systems do not apply directly to this type of development	N/A
	Elevations with a frontage to the street must present a building form of significant architectural and design merit	The building will be articulated along the western façade, and use a variety of materials and architectural features	Yes
	Large elevations should be articulated by structural variations	The use of materials and structural variations are proposed to provide interest to the elevations	Yes
	Large unrelieved expanses of wall or building mass will not be supported	As above	Yes
	Architectural features may be used to highlight entrances to buildings and accentuate pedestrian areas	Architectural feature used at entrance	Yes
	Development applications should be accompanied by a Schedule of External Finishes and Materials	Provided	Yes
	For development in industrial areas, accessible features should be considered	Accessible features have been incorporated	Yes
	All loading areas should be located towards the rear of allotments and be screened from the view of the main road frontage	Servicing located toward the rear of the site	Yes
4.6 Accessing and Servicing the site	Industrial development should: <i>(i) Allow all vehicles to enter and leave in a forward direction (ii) Accommodate heavy vehicle parking and manoeuvring areas (iii) Avoid conflict with staff, customers and visitor vehicular and cycle movements (iv) Ensure satisfactory and safe operation with the adjacent road system</i>	All vehicles are able to enter and leave in a forward direction. Heavy vehicle parking and turning circles are provided. Service and customer access points are separated. Pedestrian access and zones are used to avoid pedestrian and vehicle conflict. Cycle parking is provided adjacent to the main entrance to reduce conflict within the site	Yes
	Full details of the volume, frequency & type of vehicle movements be submitted with DA	Provided in the Traffic Report	Yes
	Turning circles will be require to accommodate the largest type of truck which will service the site	Detailed in the Traffic Report	Yes
	Adequate space for loading, unloading and fuelling of vehicles	Loading located towards the rear of the site and will be	Yes

	<b>DCP Provision</b>	<b>Comment</b>	<b>Compliance</b>
	shall be screened from the road	screened	
	Car park, aisles and manoeuvring should be designed in accordance with the Australian Standards 2890 Parking Facilities	Car park, aisles and manoeuvring has been designed in accordance with the Australian Standards 2890 Parking Facilities	Yes
	The following should be included in the car park design: <i>(i) Internal circulation is to be free of disruption to circulating traffic and ensure pedestrian safety (ii) The car park should be designed with wheel stop kerbs only (iii) The movement of pedestrians throughout the car park is clear and delineated by all users of the car park</i>	The carpark is free of disruptions and allows free circulation of traffic. Pedestrian crossing and zones at the main entrance will be clearly marked and ensure pedestrian safety and movement. Wheel stop kerbs are used	Yes
4.7 Lighting	Lighting details should be provided as part of a DA and comply with Australian Standards	Details of lighting are provided within the ESD Initiatives report	Yes