

JRPP Ref. No.:	2011SYW059
DA No.:	DA11/0470
PROPOSED DEVELOPMENT:	Masters Home Improvement Store – Value \$15 Million Lot 23 DP 1142130, No. 23 Forrester Road North St Marys
APPLICANT:	Hydrox Nominees c/- Urbis Pty. Ltd.
REPORT BY:	Belinda Borg, Senior Environmental Planner (Contractor)

Photo Montage of Proposed Masters Home Improvement Store



Supplementary Assessment Report

This development application was reported to the Joint Regional Planning Panel meeting of 22 March 2012. The recommendations of the report were deferred and the following minutes of the meeting were provided:

The Panel unanimously agreed to defer this application for the following reasons –

- 1. The application be deferred for the purpose of provision of an alternative design of the North-West boundary of the site to enable retention of a substantial stand of existing vegetation (noting: this may require changes to the proposed drainage works) to provide a 'green edge' to this gateway location for the City of Penrith.*
- 2. Council and the applicant to further review and refine recommended conditions of the consent in contention and provide an amended set of recommended conditions.*

In response to the recommendation of the JRPP meeting, additional information has been provided by the applicant on 24 May 2012 which includes the retention of the existing vegetation along Forrester Road and resulted in the following amendments to the architectural plans.

- The gross floor area of the building as been decreased by 640m² from 13718m² to 13078m².
- The relocation of the staff amenities to a mezzanine area, being 170m².
- Minor alterations to the loading area, however this does not alter truck movements or any other aspects of vehicle/ loading activities.
- Deletion of the on-site detention system.
- Alterations to the car park design, increasing the car parking from 323 spaces to 332

spaces, and enabling the retention of a significant amount of landscaping along the Forrester Road frontage.

- Provision of part of the car park as a cantilevered structure to retain existing levels along Forrester Road.
- Provision of a twin box culvert connected to the existing channel along Forrester Road to enable the carriage of existing overland floodwater flows through the site.
- Amended landscaping scheme to respond to changes in the proposed built form.
- Relocation of the proposed sign to be near the vehicle entry point of the site. Sign has been relocated due to the retention of trees.

The following section of this report comments on the amended application in response to the panels resolution:

The application be deferred for the purpose of provision of an alternative design of the North-West boundary of the site to enable retention of a substantial stand of existing vegetation (noting: this may require changes to the proposed drainage works) to provide a 'green edge' to this gateway location for the City of Penrith.

Penrith DCP 2010 requires the provision of a 4 metre wide landscaped front setback from Forrester Road. The amended design has increased the setback to a minimum of 7.5m from the boundary to enable the retention of the trees within the setback area. The following table provides an analysis of tree retention from the original proposal to the amended proposal.

	Trees to be removed	Trees to be retained	% of trees retained
Existing Proposal	47	35	42.7%
Current/ Amended Proposal	18	64	78%

The amended landscape plan includes the planting of 37 trees to replace the trees to be removed from the site. In light of the trees being retained as a part of the amended design, condition 100 10th bullet of the original recommendation has been amended to require the planting of 4 trees native trees to replace the trees to be removed, however the proposed trees on the landscape plans can be included within this requirement.

Council's Landscaping Architect has reviewed the information provided and is supportive of the amended design, subject to the following:

- Elongated planter beds be provided within the car park area to support the planting;
- Provision of additional landscaping between tree 57 & 58 that is in keeping with the existing landscape character;
- The provision of additional landscaping along the northern end of the building;
- A visual impact analysis of the eastern façade of the building and provision of additional landscaping to soften the building; and
- Appropriate line marking of the pedestrian path from Forrester Road to the entrance of the building.

Additional details within recommended Condition 106 have been provided to ensure additional details are submitted prior to the release of the Construction Certificate.

The requirement for the preparation of the implementation and maintenance reports upon completion of the landscaping works (recommended Condition 100) has been maintained within the recommendations of the report as this is a requirement of the Penrith Council's Landscape Development Control Plan. Similar development within the locality is also subject to the same condition of consent to ensure the appropriate planting and retention of

landscaping on a development site.

Council and the applicant to further review and refine recommended conditions of the consent in contention and provide an amended set of recommended conditions.

The proposed conditions of consent have been reviewed in response to the recommendations of the JRPP meeting and the following comments are provided:

Provision of bunding

The applicant raised concerns in relation to the provision of bunding within the building and outlined that spills could occur anywhere within the building and would be similar to a spill within a shopping centre, which does not require the provision of bunding within such a building.

Consideration has been given to the request and the requirement for the provision of bunding has been deleted from the recommended conditions of consent.

Toilets

Recommended condition 10 under Toilets states:

All toilet cubicle doors should rest in the open position, and should have gaps at the floor and ceiling levels.

The applicant outlined that the condition of consent could not be met as it would conflict with the requirements of the Building Code of Australia.

Council's Building Surveyor has considered the amended plans and has determined that compliance with the condition of consent as originally stated and the Building Code of Australia is possible if the toilets open inwards. Therefore no amendment to the recommended condition of consent is proposed.

Crime Prevention Through Environmental Design

Conditions 7 to 10 of the recommendations relate to the design elements of the building that relate to providing a safe and secure environment. Consideration of the conditions of consent revealed a number of components were repeated through separate conditions, particularly in relation to lighting, CCTV and vandalism. Amalgamation and deletion of conditions has occurred to delete repetition.

Recommended condition 10 under Administration states:

- *Swipe card security systems (or similar) must be installed to control access to administration areas, with access provided to staff only.*

The applicant requested that "administration" areas were replaced with "cash handling". Consideration has been given to the request and the condition of consent has been amended as follows:

- *Swipe card security systems (or similar) must be installed to control access to staff only areas (including cash handling).*

The amended wording of the condition enables the applicant to determine areas that are considered to be staff only and provide appropriate controlled access to these areas to

provide a safe and secure environment for the staff.

Recommended condition 10 under Graffiti/ Vandalism bullet point three states:

- *The trolleys and trolley bays may be subject to vandalism. Trolleys must be secured inside the store after hours to prevent theft and/or vandalism. Consideration should be given to coin-operated trolleys or similar systems which reduce opportunities for theft of trolleys during operational hours. A Trolley Management Plan is required to be submitted 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 as well as making it physically impracticable to remove shopping trolleys from the Masters home improvement store.*

The applicant requested that the report be provided prior to the release of an Occupation Certificate. Consideration has been given to this request and the condition of consent has not been amended as the recommendations of the Trolley Management Plan will require the provision of physical measures to be installed on the site. Therefore the provision of the report prior to the release of the Occupation Certificate would result in these details failing to be shown on the Construction Certificate plans and appropriately being implemented on the site.

Amended Stormwater Design

Penrith City Council's Development Engineer has reviewed the amended proposed development regarding the deletion of the on-site detention system, the accommodation of overland flows through the site a proposed finished floor level of the building at RL25.1. In this regard, Council's Development Engineer considers that the evidence provided by Worley Parsons has not demonstrated the proposed finished floor level by the applicant is acceptable nor has the evidence satisfactorily addressed the impacts of overland flows upon Forrester Road and adjoining properties. Therefore the finished floor level of the building recommended to remain at RL 25.3 AHD.

No objections have been raised to the deletion of the on-site detention system.

Bonds

The recommendations of the report included two conditions of consent relating to the provision of bonds.

Recommended condition 69 states:

- ***Prior to the issue of any Construction Certificate a performance bond is to be lodged with Penrith City Council for intersection works in Forrester Road.***

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

*Note: Contact Council's **Development Engineering Unit** on 4732 7777 for further information relating to bond requirements.*

Recommended condition 70 states:

- ***Prior to the issue of an Occupation Certificate a maintenance bond is to be lodged with Penrith City Council for intersection works in Forrester Road.***

The value of the bond shall be determined in accordance with Penrith City Council's Bond Policy. The bond will be administered in accordance with this policy.

*Note: Contact Council's **Development Engineering Unit** on 4732 7777 for further information relating to bond requirements*

The applicant detailed that the conditions of consent were duplicated. Council's Development Engineer has outlined the following in determining the difference between the bonds:

"The performance bond is held by Council for the duration of the road construction works in Forrester Road. If the contractor fails to complete the works or additional works are required then Council will call up the bond to ensure the works are completed. The bond is normally valued at 150% of the value of the road works. The performance bond is refunded at the satisfactory completion of the road works.

The maintenance bond is held by Council to cover any defects of the road works over a 12 month defect liability period. At the completion of 12 months defect liability period, an inspection is undertaken by Council and if all works are satisfactory, the maintenance bond is refunded. If any defects are identified during the inspection, then they will be required to be rectified by the applicant. The maintenance bond will then be refunded if all works are satisfactory. The maintenance bond is valued at 5% of the value of the road works with a minimum bond amount of \$10,000".

As such, the two conditions of consent have been retained within the recommendations of the report.

Provision of a mezzanine area

The amendments to the design of the development have included the provision of a mezzanine area within the building to accommodate staff bathrooms, staff room and training room. It is noted that these areas are not replicated on the ground floor of the building.

The applicant has determined that disabled access is not required to the mezzanine area due to this area being 170m². Council's Building Surveyor has considered the amended plans and has determined that compliance with the Access Code is required, with the provision of disabled access to the first floor required.

Condition 34 as recommended has been amended to require consideration of access to the mezzanine level and that the Construction Certificate Plans are to detail compliance with the Disability (Access to Premises - Buildings) Standards 2010. A report is recommended to be prepared by a qualified access consultant indicating these measures are implemented within the building prior to the release of an Occupation Certificate.

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 and has satisfactorily responded to the concerns of the Joint Regional Planning Panel providing a much improved outcome for the site. 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. Development Application No. DA11/0470 for a Masters Home Improvement Store be approved subject to the following conditions and the objector to the Development Application be advised of the determination.