

<b>JRPP Number</b>	2011SYW016
<b>Application Number</b>	DA10/1305
<b>Applicant</b>	Mullane Planning Consultants
<b>Proposed Development</b>	Development Application for the extension to Glenmore Park Shopping Centre - Stage 2
<b>Property Address</b>	Lot 9100, DP 1022720 and Lot 2, DP 865459 Glenmore Park and Luttrell Street, Glenmore Park
<b>Category of Development</b>	Local
<b>Consent Authority</b>	Joint Regional Planning Panel – Sydney West
<b>CIV</b>	\$37.527million
<b>Report by</b>	Pukar Pradhan

## Assessment Report and Recommendation

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**VIEW FROM GLENMORE PARKWAY / LUTTRELL STREET INTERSECTION  
LOOKING TO COMMERCIAL PRECINCT AND LUTTRELL STREET SHOPS**

Figure 1

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## Introduction

Council is in receipt of a development application for the construction of a shopping Centre building which will form Stage 2 of the existing Glenmore Park Shopping Centre. This building will comprise of a Discount Department Stores, a Supermarket, 25 Specialty shops at ground level , 2 retail outlets, 3 restaurants, commercial area, A Town Square, 3 level parking spaces including roof area and associated landscaping. The site is zoned Zone No.2 (Urban Zone" under Local Environmental Plan 188 (LEP). The Town Centre is a permissible within the land use table and the growth of the Town Centre is in keeping with the current and future growth and development of Glenmore Park. Part 6.11 of Development Control Plan 2006 is applicable to this site.

An assessment under Section 79C of the Environmental Planning and Assessment act 1979 has been undertaken with the following key issues to emerge:

- Architectural presentation (Bulk, Scale and Design)
- The space between the Community and Youth Centre (CYC) and the proposed building,
- Economic and social impacts
- Parking, traffic and pedestrian pathways
- Public interest
- Capital Investment Value (CIV) : JRPP

These matters are discussed in detail in the report.

The 'capital investment value' (CIV) of the proposal is \$37.527 million. Having regard to the CIV being in excess of \$10 million, the proposed development is to be determined by the Joint Regional Planning Panel – Sydney West pursuant to Part 3 - Regional Development of the State Environmental Planning Policy (Major Development) 2005.

The bulk, scale and design of the building is considered to be of good standard that contributes positively to the streetscape and the area. The assessment of the application has demonstrated positive benefit in regard to social and economic impacts to the residents of Glenmore Park and Penrith as a whole. The proposal is therefore recommended for approval, subject to a deferred commencement consent and the imposition of standard and special conditions Background

Glenmore Park shopping Centre Stage I was constructed in 1999 and was in operation in 2000. This shopping centre contains a Woolworths, various specialties shops/retail outlets and a medical centre. A petrol station is located to the North West side of the existing shopping centre building and a KFC fast food out let is located opposite the service station. A MacDonald's fast food restaurant and a Bank (ANZ) branch building are located to the south eastern corner of this centre and are in operation.

In early 2009 AMP Capital Investors being the owner of this complex at that time initiated dialogue with Council to expand the Shopping Centre on the existing at ground carparking area and the vacant land located to the north of the existing carpark area. Council staff conducted several meetings with AMP to discuss their proposal which would include 2 Discount Department Stores, several specialty shops and 2 -3 restaurants, some commercial area and underground parking spaces in order to achieve a high standard

design and is compatible with the existing shopping Centre building and is suitable for that area.

Part 6.15 of Development Control Plan 2006 (DCP 2006) that is applicable for this site in 2009 was not prepared to cater for the extension that was proposed by AMP. AMP with discussions with Council decided to proceed with amending that part of the DCP 2006 to cater for the proposed development on this vacant site. Council in conjunction with AMP initiated preparing amendments to the existing DCP in 2009.

On 11 August 2009 AMP Capital Investors lodged a Development Application seeking to expand the existing Glenmore Park Shopping Centre shopping centre and also sought to amendments to Part 6.15 of the Development Control Plan 2006 (DCP). The ability to assess the development application relied on the exiting DCP being amended to reflect the key principles of the proposal and the Town Centre.

The site was later sold to Village Fair Glenmore Park P/L in early 2010 and AMP withdrew their development application. The new owners had several meetings with Council to carry out some amendments to the previous design of the proposal. The proposed design was generally in line with the previous AMP proposal. They were advised to consider improving the facades along Luttrell Street and along Glenmore Parkway to avoid large blank wall, widen the pedestrian accessway located adjacent to the basketball court, improve the Town Square area by using different type of paving to separate the driveway and the town square area and to address the parking during construction phase.

A new development application lodged by the Village Fair Glenmore Park on 20 December 2010 which was advertised and notified to adjoining and nearby residents, Glenmore Park Residential Association and local clubs. Detailed description of the proposal is outlined below in the proposal section of this report and drawings are in the Appendix No.1.

On 19 October 2009 Council supported endorsement to publicly exhibit the draft amendment to Chapter 6.11 of the Penrith Glenmore Park Town Centre DCP. Draft amendments to Chapter 6.11 of the Penrith DCP 2006 have been structured to integrate the principles of design outcome into the provisions that guide future development of the town centre of Glenmore Park. They include controls for a range of matters like the urban design, Floor Space Ratio, traffic, landscaping, building setbacks, building heights and car parking and design guidelines.

The draft amendments to Penrith DCP 2006 apply only to the land that is earmarked for Glenmore Park Town Centre (Stages 1 & 2). The map in figure 1 in the Appendix No. 1 shows the extent of these lands. The amended DCP Chapter is also attached as Appendix No. 3 with this report.

On 4 April 2011 Council adopted the draft Amendments to Chapter 6.11 - Glenmore Park Town Centre within the Development Control Plan 2006 and came in force on 11 April 2011.

## Site and Surrounds

The Shopping Centre site is located 1.50km from the Mulgoa Road entrance and 3.10km from the Northern Road entrance to Glenmore Park Estate. The site is an elongated parcel that is laying north-south configuration and is surrounded by Glenmore Parkway to the north, west and south and Luttrell Street to the east. The site falls from the west side to the eastern side by approximately 7m-8m. The total area of the site is 4.56 Ha. See **Figure 2** below.

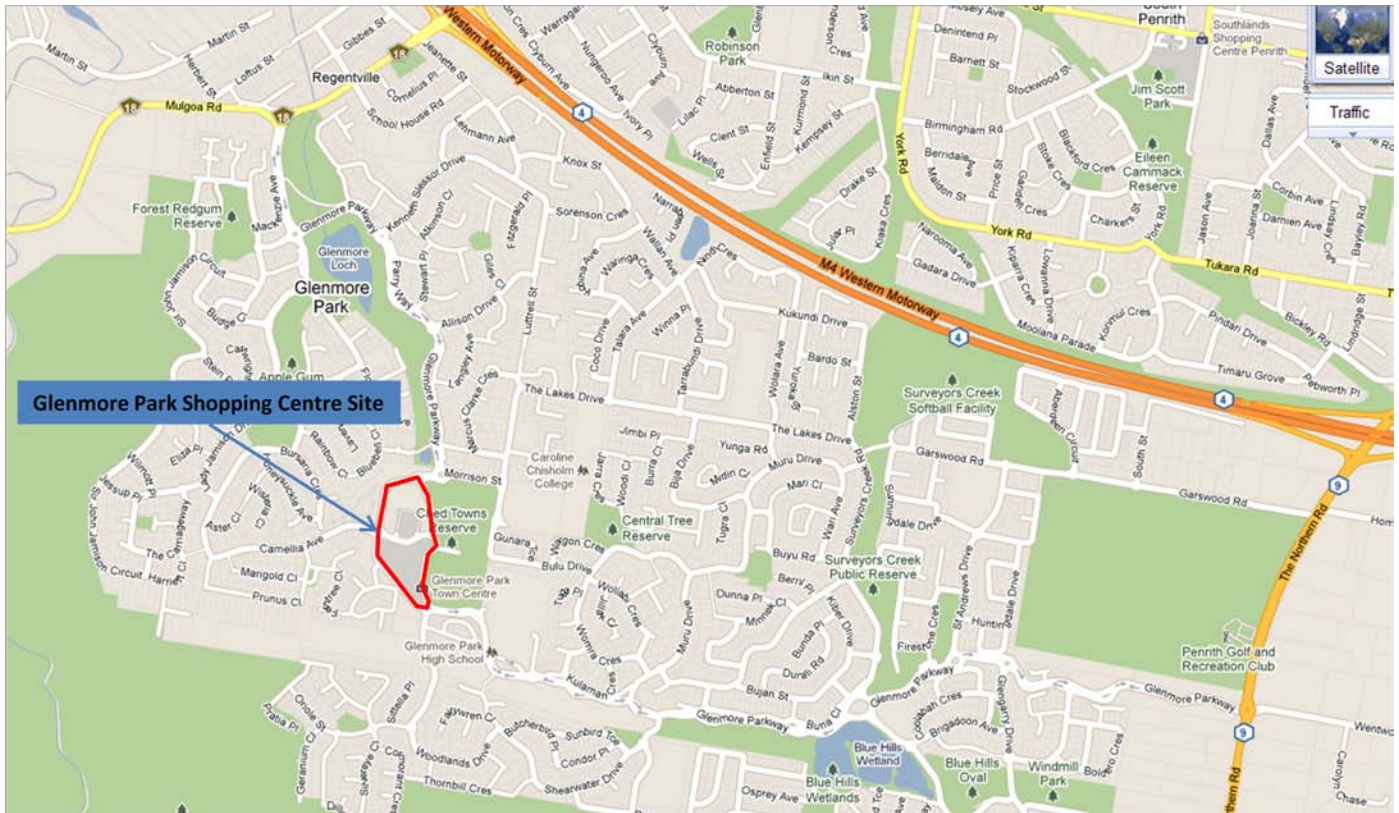


Figure - 2 - Location Plan

The lands that are within the Shopping Centre Stage I & II are as follows:

- Lot 9100 in DP 1022720 having total area of 2.64 Ha containing the existing shopping centre, east-west spine road, at grade parking spaces.
- Lot 2 DP 1022720 having total area of 1.087 Ha.
- Lot 9204 DP 1022720 having total area of 2,334 sqm containing the KFC Restaurant,
- Lot 9105 DA122720 having total area of 2,426 sqm containing the Service Station,
- Lot 9108 DP 1022720 having 400.80 sqm and
- Lot 9103, 9106 and 9107 in DP 102220 having area of 3,145.40sqm containing the McDonald's Restaurant and Town Terrace

The site currently contains the following: (**see Figure 3**)

- Woolworths Supermarket
- Several specialty shops
- Medical centre



- Several real estate agency offices
- Eastern terrace
- KFC Restaurant
- McDonalds' Restaurant
- ANZ Building
- Service Station
- At grade parking having 283 parking spaces.



**Figure – 3. Aerial photo and Existing Site Plan: Courtesy Santel Architects**

A car park area containing 283 parking spaces at ground level is located to the north of existing shopping centre building. There is a large vacant land to the north of the parking that will be part of this development site. This land contains several trees which will be removed as part of this development proposal. Council's Community and Youth Centre building including a half sized basket ball court are located to the east of the parking area. There is an east-west link road linking Luttrell Street and the Glenmore Parkway located in the central part of this site separating the existing shopping centre and the at ground parking spaces (see **Figure 3**). The proposed development is to be located on the north side of the east-west link road and the existing shopping centre building.

## Proposed Development

The current proposal involves the construction of a large building for the expansion of Glenmore Park Town Centre - Stage 2 and key aspects include:

- a Discount Department Store,
- a Supermarket,
- retail outlets of 25 at ground level and 6 at Undercroft - level1,
- some commercial area,
- 3 Restaurants and
- additional parking spaces to cater for the extension of the shopping centre.
- A new town square is proposed located in central part of east west link road between entrances of the existing and proposed new Shopping Centre building. (see Figure 4)



**TOWN CENTRE VIEWED FROM EXISTING SHOPPING CENTRE**

Figure – 4. Source: Santel Architects

Table 1 details the floor space generated by the proposed development

	<b><i>Undercroft level 1</i></b>	<b><i>Floor space</i></b>
1	Supermarket	1,642.00sqm
2	2 retail outlets	792.00sqm
3	Amenities/service and Lobby area	660sqm
4	327 carparking spaces	3,095 sqm
	Overall building area	14,591 sqm

	<b><i>Undercroft level 2</i></b>	<b><i>Floor space</i></b>
1	A Restaurant	358.00sqm
2	Commercial space	725sqm
3	Amenities/service and Lobby area	337.00sqm
4	305 carparking spaces	1,825.00sqm
	Overall building GFA area	13,631 sqm





The proposed building has been designed in contemporary architecture constructed having emphasis on horizontalness with some vertical elements to break the horizontalness of the building. The building will be constructed with tilt up panels, large glass fixtures and brick renderings.

The application is accompanied by the following:

- ESD Report prepared by Waterman dated 10 November 2010;
- CPTED Statement prepared by Santel Architects dated 10 November 2010;
- Noise Emission Assessment prepared by Acoustic Logic dated 26
- Transport Impact Assessment prepared by GTA Consultants dated 26 November 2010;
- Accessibility Report prepared by Accessibility Solutions (SW) Pty Ltd;
- Tree Report prepared by Treescan dated May 2010;
- BCA Assessment Report prepared by Steve Watson & Partners dated November 2010;
- Economic Impact Assessment dated November 2010;
- Waste Management Plan – Construction & Post Development prepared by Waste Audit and Consultancy Services dated November 2010;;
- Contamination Assessment prepared by Douglas Partners dated November 2010; and
- Signage Strategy Report prepared by Santel Architects dated 10 November 2010.

## **Planning Assessment**

The following planning instruments have been considered in the planning assessment of the subject Development Application: -

- State Environmental Planning Policy (Infrastructure) 2007;
- State Environmental Planning Policy No.55 – Remediation of Land;
- Sydney Regional Environmental Plan No.20 – Hawkesbury/Nepean River;
- Penrith Local Environmental Plan 188 and
- Penrith Development Control Plan 2006.

The development has been assessed in accordance with the matters for consideration under the Environmental Planning and Assessment Act 1979 and *Environmental Planning and Assessment Regulation 2000* and the following key issues have emerged: -

### **1. Section 23G - Environmental Planning and Assessment Act 1979**

Section 23G of the Act enforces State Environmental Planning Policy (Major Development) 2005 (SEPP 2005) as identifying development for which regional panels are to exercise specified consent authority functions.

As the capital investment value (CIV) of the proposed development is \$37.527million, the proposed development is to be determined by the Joint Regional Planning Panel – Sydney West pursuant to Part 3 - Regional Development of SEPP 2005.



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

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

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP 2007) provides direction for proposed development to be considered by relevant public authorities for those listed in the schedules and any representation required in respect to the proposed development.

Clause 104 of the ISEPP 2007 provides for traffic generating development and provides in part as: -

#### ***“104 Traffic-generating development***

*(1) This clause applies to development specified in Column 1 of the Table to Schedule 3 that involves:*

- (a) new premises of the relevant size or capacity, or*
- (b) an enlargement or extension of existing premises, being an alteration or addition of the relevant size or capacity.*

This development will provide over 200 on site parking spaces and also involves over 2,000 sqm of shop area in this shopping Centre which is applicable to Column 2 of Schedule 3 of SEPP 2007. Schedule 3 Traffic generating development of this SEPP 2007 indicates that this type of development is required to be referred to the Sydney Development Regional Advisory Committee (SRDAC) on behalf of the Roads and Traffic Authority (RTA) for discussion and comments.

The application and accompanying Transport Impact Assessment was referred to the RTA and Council's Transportation Planners for examination and comments. SRDAC examined this application on 9 February 2011 and have provided the following comments:

- All long delivery vehicles to comply with AUSROADS requirements.
- Ramps connecting to undercroft 1& 2 are designed to eliminate vehicle conflict points by providing adequate sing posting and linemarking,
- Provision of adequate swept paths are provided for largest vehicles,
- Require the applicant to provide a Construction Management Plan to Council's satisfaction,
- All vehicles to wholly contain on site before entering.

The proposed development provides for 984 on site parking spaces. The existing parking spaces on site and proposed parking spaces as well as the parking requirement under Part 2.11 of DCP 2006 are shown below in the table.

<b><i>Proposed facilities</i></b>	<b><i>Floor area</i></b>	<b><i>Parking requirements</i></b>	<b><i>Parking proposed</i></b>	<b><i>comments</i></b>
Supermarket	1,559m2	1/10m2 = 160 sp		
DDS	7332m2	1/26m2= 282 sp		
Retail/shops Outlets	4534m2	1/26m2 = 174 sp		
Commercial area	1976m2	1/40m2 = 49 sp	Total required = 774 spaces	There are other 79 additional parking spaces on site parking

<b>Proposed facilities</b>	<b>Floor area</b>	<b>Parking requirements</b>	<b>Parking proposed</b>	<b>comments</b>
				spaces allocated in KFC, McDonalds, loading area and service station
Restaurants	1297m <sup>2</sup>	1/5.5m <sup>2</sup> or 1 per 4 seatings = 600m <sup>2</sup> seatings = 109 sp	Total proposed for this development = 980 spaces	
<b>Existing Facilities</b>				
Supermarket	4282m <sup>2</sup>	1/10m <sup>2</sup> = 428 sp		
Retail/shops outlets	1680m <sup>2</sup>	1/26m <sup>2</sup> = 65 sp		
commercial	527m <sup>2</sup>	1/40m <sup>2</sup> = 13 sp		
Restaurants KFC & McDonalds	665m <sup>2</sup>	1/5.5m <sup>2</sup> per or ¼ seatings = 300m <sup>2</sup> seating area = 55 sp	Total of 561 spaces required currently	
Total Parking spaces		Based on Council's DCP this dev't requires 774 + 561 = 1335 spaces	Total parking provided = 980 + 79 = 1059sp	Short fall of 276 spaces This is discussed below.

**Table 1**

The submitted Transport Impact Assessment Report has taken parking counts of site in different days and times. This survey indicated that only 65% of the existing parking spaces were being used at peak hours. The report also used the RTA's "Guide to Traffic Generating Developments" to calculate the parking requirements for shopping centres of similar size i.e. which requires shopping centres having floor space area between 20,000sqm and 30,000sqm to provide 4.3 spaces per 100sqm of gross floor area for retail developments. In accordance to the RTA Guidelines this development will require 1006 parking spaces.

The above matters have considered by Council's Senior Transportation Planner and have provided the following comments:

- The total number of parking spaces provided for this development equates to 980 parking spaces which does not meet the Council's requirement of 1335 spaces or the RTA's 1006 spaces. The total number of parking spaces should be increased to 1006 to comply with the RTA's requirements resulting in a shortfall of 79 parking spaces. It is noted that there are additional 79 spaces within the KFC, McDonald's sites and behind Woolworth's loading area and additional 25 parking spaces proposed on the eastern side of Luttrell Street for short stay parking and to activate that shop front area of the development. One of the 25 parking space located closest to the skate park would need to be removed as it is too close to the pedestrian crossing making reserving difficult resulting in having 24 additional parking spaces. Taking account of all these spaces, the proposal will result in having a total of 1063 parking spaces for

the whole development. This amount is greater than what is required by the RTA and therefore is compliant with the RTA's "Guide to Traffic Generating Developments".

- Past experience of similar shopping centres show that many customers will be coming to the centre and visit different shops, other facilities available in the building and supermarkets whilst parking under the same building, The actual parking requirements of parking spaces thus will overlap and resulting in less requirements.
- As this shopping centre is located in close proximity to residential developments it is also envisaged that many residents/customers will be walking to the shopping centre rather than driving. Notwithstanding the shortage of onsite parking there are 94 public parking spaces along Luttrell Street for public use which are generally available when there are no sport activities running.
- In view of the above, the requirement by the DCP of 1335 on site parking spaces is considered to be excessive for this shopping centre. As the development provides a total of 1063 parking spaces which is 67 spaces over the requirement of the RTA, it is considered that on site parking to be satisfactory for this type of development.
- **A special condition No 3.41** has been imposed requiring the applicant to construct these 24 parking spaces by the applicant and at no cost to Council, and Council's Engineer have imposed appropriate **standard conditions Nos 2.36 & 2.43** to ensure that the parking spaces are constructed in accordance with Council's Design Guidelines & Construction Specification for Civic Works.
- There is a possibility for overflow of parking provision into the shopping centre due to the proximity of sporting facilities, but would be only for a short period of time on Thursday or Training nights and Saturday matches. In view of this it is considered that the total number of on site parking spaces provided on site is considered to be reasonable for this instance.
- The proposed increase in traffic movements as a result of the development does produce a consistent increase in local traffic flow, however 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 applicant will be required to carry out several works along the streets and within the site in order to improve pedestrian safety by carrying out the following works:

- A 10km/h shared zones for all traffic on Town Terrace and the access road.
- Provide adequate footpaths and cycle paths surrounding the town centre and playing fields with key linkages into the shopping area.
- Provide additional speed humps for Town Terrace between Glenmore Parkway and the shopping precinct.
- Provide raised thresholds and raised pedestrian crossings will need to be installed and upgraded.
- Provide Improved pedestrian connectivity to the in the form of pedestrian refuges to improve access across driveway crossings.
- Provide wider northern approach splitter island (roundabout intersection of Glenmore Parkway and Camellia Avenue) to accommodate future pedestrian and cycle trips into the TC.



- Provide a central marked pedestrian crossing and eliminate any design features within the town square that will encourage pedestrians to cross diagonally at the square.
- All vehicles and parking movements are in accordance with the provisions of AS 2890.1 and 2 and AS 2890.1(2004).

The above matters have been either indicated on the amended new plans and those not addressed in the plans have been recommended in the **Special Condition Nos 3.17 to No. 3.28 inclusive**. Once the above matters are provided for this development it is considered that this development is unlikely to have detrimental impact on the local traffic of the area and provide safe pedestrian access from and to this site.

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

State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55) provide aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

Council must consider Clause 7 of SEPP 55 as follows: -

***“7 Contamination and remediation to be considered in determining development application***

- (1) *A consent authority must not consent to the carrying out of any development on land unless:*
  - (a) *it has considered whether the land is contaminated, and*
  - (b) *if the land is contaminated, it 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, and*
  - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

The site is noted to have Vacant for many years and the surrounding area was used either for rural grassing or agriculture and then in recent 20 years for residential use.

Section 7(3) of the SEPP states the following: -

*“The applicant for development consent must carry out the investigation required by subclause (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.”*

The application was accompanied with a Contamination Assessment' prepared by Douglas Partners dated November 2010. In Section 7 of the 'Report on Phase 1 "it is recommended that investigation should be undertaken to ensure that contaminants are not present on the vacant site".

This report was examined by Council's Environmental Officer and they have recommended that a detailed Site Investigation would be required to be carried out as recommended in the Contamination Assessment Report prior to any construction works being carried out on site and construction certificate being issued to ensure that the site is free of contamination. This work should be undertaken that considers the requirements of the DECCW/EPA Guidelines.

If remediation works are found to be required then a separate development application is to be submitted to Council for the remediation of land, as per Sydney Regional Environmental Plan No. 20 prior to any further construction work is carried out.

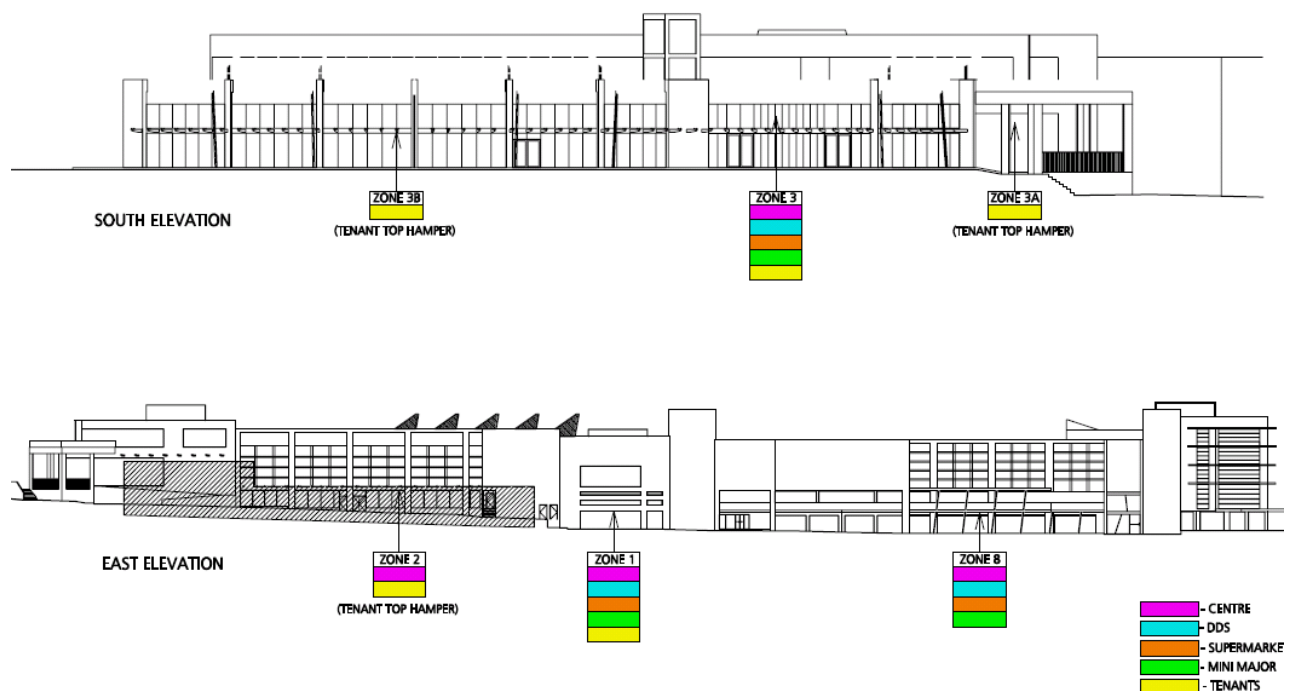
As the applicant has not carried out this investigation yet, it is recommended that they carry out this contamination investigation of the site prior to commencement of any construction works and submit to Council a written documentary evidence prepared by a qualified person to indicate that the site is free of any contamination and this should be completed prior to the release of any Construction Certificate (CC). The above have been recommended in **Special Condition No.3.3.**

The provisions of SEPP 55 have therefore been satisfied.

### State Environmental Planning Policy No 64 – Advertising and Signage

The proposed tentative signage involves: (see **Figure 5**)

- Major building identification signs - to identify the building from a distance.
- Minor building signs identification signs - to identify the building at vehicular and
- Pedestrian entries.
- Major tenant signs - to identify the two major tenants.
- Consolidated specialty signage panels – to identify a group of specialty shop businesses.



**Figure - 5**

- Tenants signs - to identify individual tenants at shopfronts.
- Vehicular directional signs – to direct vehicular traffic approaching the site to car parks.
- These will be incorporated into the broader area-wide traffic and car parking strategy.
- Car park entrance signs - to identify entrances to car parks.
- signage types and functions; e.g. car park entrance sign may include a minor building identification sign, a major tenant sign and a “P” for parking identification, and perhaps a
- consolidated specialty shop panel.

This SEPP applies to all signage which is visible from any public place or public reserve. Most signage proposed will be visible from the public reserve.

The SEPP aims (in part):

- 3(a) *to ensure that signage (including advertising)*
  - (i) *is compatible with the desired amenity and visual character of an area, and*
  - (ii) *provides effective communication in suitable locations, and*
  - (iii) *is of high quality design and finish.*

The SEPP does not regulate the content of signs and does not require consent for a change in the content of signage.

The SEPP defines this advertising as:

*“Building identification sign” which means “a sign that identifies or names a building, and that may include the name of a business or building, the street number of a building, the nature of the business and a logo or other symbol that identifies the business, but that does not include general advertising of products, goods or services.”*

Clause 8 of the SEPP indicates that proposed signage must be consistent with the objectives of the SEPP and satisfies the assessment criteria of Schedule 1.

#### Schedule 1 Assessment Criteria

1. Character of the area:
2. Special areas:
3. Views and vistas:
4. Streetscape, setting or landscape:
5. Site and Building:
6. Associated devices and logos:
7. Illumination:
8. Safety:

The shopping centre is located within a predominantly residential area on the northern, western and southern side of this site, with a sports field to the east and two schools to the east of the sports fields. A community and youth centre building is located to the south east corner of existing car park area.

The proposed signage are considered to comply with the above criteria as the signage is considered:

- to be compatible and appropriate for the centre.
- not expected to detract from the amenity or visual quality of the neighbourhood.
- Not to disrupt any views, skylines or vistas, or other advertisers.
- that the scale, proportion and form is appropriate to the streetscape.
- The illuminated logo signage and way-finding to the entrances of the shopping centre, the pylon sign are reasonable provided that they are not of any flashing or bright lights to avoid glare to nearby residences.



- The Glenmore Park signage is proposed around the building, along the elevations. The proportion of the signage is suitable to the scale of the shopping centre and appropriate to its refurbishment.
- **Special condition No. 3.7** will be recommended not to use flashing and or bright light signage in order to minimise any impact on to the residential dwellings nearby.
- The indicative signs are not considered to be a distraction or hazard to safety of traffic, pedestrians or cyclists.

The proposed signage are only indicative at this stage the applicant will be submitting detailed coloured design of each of the above signages which will form part of another development application and will be assessed on its merit at that time. The indicative signage shown on the current plans are however considered to be consistent with the aims and assessment criteria of SEPP 64.

### **Sydney Regional Environmental Plan No 20 – Hawkesbury Nepean River**

This Policy aims to protect the environment of the Hawkesbury-Nepean River, by ensuring that the impacts of future land uses are considered in a regional context. Of most relevance to the proposal is the requirement to assess the development in terms of its impact on water quality.

Council's Senior Development Engineer has assessed the concept drainage design and considers that, subject to further details as required by the conditions imposed, the proposal can meet Council's requirements.

In addition, the proposed shops and services within the complex will be appropriately managed and, where necessary, will have oil and grease wastes removed by contractors so as not to allow for disposal into stormwater systems. Other general and recycling wastes will be removed by contractors to avoid litter entering the system. This will ensure that water quality can be maintained and will not adversely impact on aquatic ecosystems.

Traffic generation will not be altering so much as to adversely impact upon water and air quality.

Subject to appropriate **Standard condition 2.13** requiring the development to provide erosion and sediment control measures prior to the commencement of works on site, the proposal will be consistent with the Policy, particularly in relation to total catchment management and water quality in the metropolitan area.

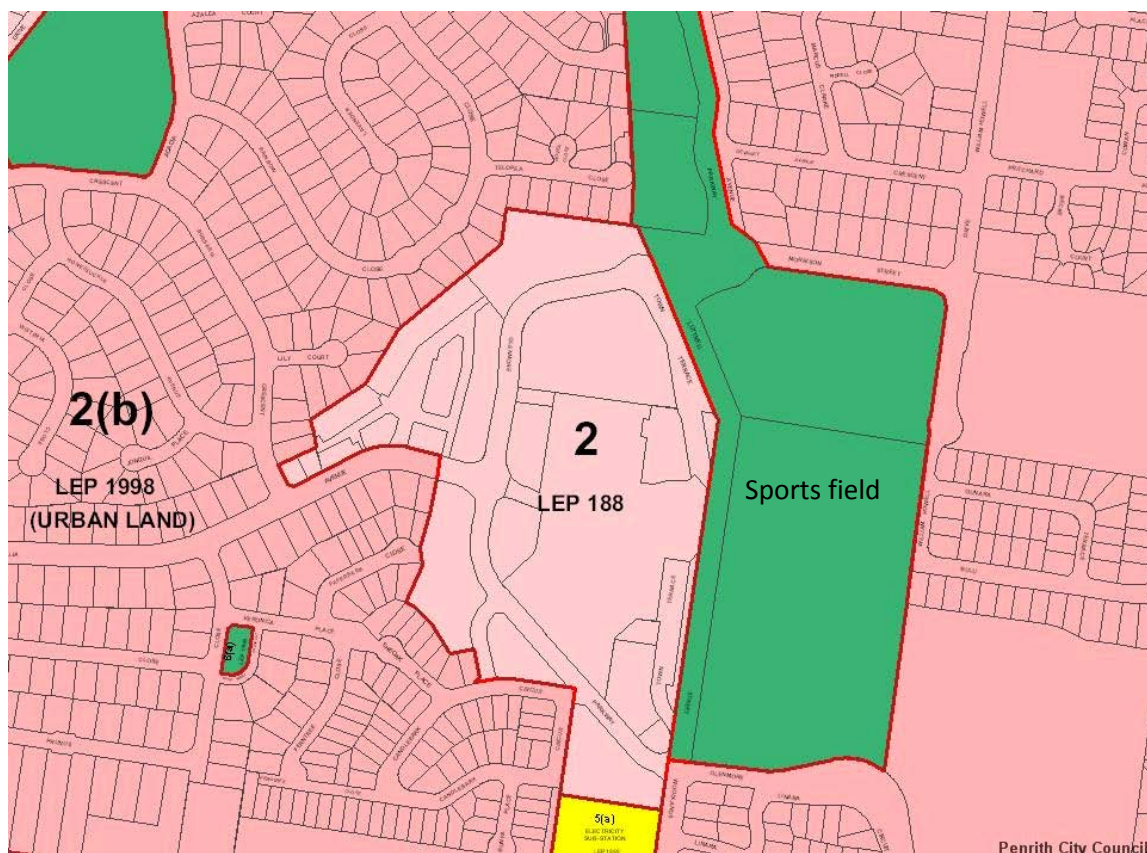
### **Penrith Local Environmental Plan No. 188 (LEP 188)**

The site is zoned Zone No.2 Urban Zone -under LEP 188 under which permits extension of the Town Centre (see **Figure 6**).

The objectives of this zone are –

- (a) to provide a flexible framework for the promotion of growth and development in the South Penrith Urban Release Area;
- (b) to enable the council to provide more detailed guidelines about preferred land use distribution and development issues in a development control plan; and

(c) to ensure that development is carried out in a manner which achieves appropriate provision of or funding for major infrastructure works that are a necessary prerequisite for urban development generally in the area.



**Figure – 6: Zoning Plan: Source: Penrith City Council**

The proposed expansion to the existing Glenmore Park Shopping Centre responds to the changes and the needs of the existing Local Centre as a result of the Glenmore Park Residential Estate Stage I expansion to Stage II. This will cater for the additional residential land release, additional increase in residential population and subsequent increase in the residential community catchment for Local Centre.

The proposal is located in an area that is designated for Local Shopping Centre and is expected to be in line with the growth and development of Glenmore Park area.

The proposal will contribute to the existing community infrastructure as it will enhance landscaping along Glenmoore Parkway, Luttrell Street and within the Town Terrace area.

The proposal is therefore generally consistent with the objectives of the LEP.

Clause 12(1) makes provision for the approval of development which satisfies the requirements of a development control plan which applies to this land and Part 6.15 of Development Control Plan 2006 (DCP 2006) applies to this land. This is examined in detail under DCP heading of the report and compliance table is attached with the report (**Appendix 2**).

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

N/A

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

## **Development Control Plan 2006**

### ***Part 2.2 Crime Prevention through Environmental Design (CPTED)***

The applicant has submitted CPTED statement with this application. This report identifies areas within the development which require attention in response to the performance criteria of the Crime Prevention Through Environmental Design policy. The report has outlined that the built form will create to maximise personal safety, reduce vandalism and anti-social behaviour and it also optimises performance against the criteria of the policy.

The application along with the Statement was referred to Council's Community Safety Officer & NSW Police for comments. They have advised the following to in order to minimise potential danger to customers:

- To avoid any entrapment areas behind and adjacent of the basketball court area, that either to require the applicant to removal of the solid wall located on the western side of the basketball court and construct a see through palisade metal fence gates or provide security gates in that area so that it can be closed after hours for security and amenity. (The applicant has agreed to replace the fence)
- Detailed security management plan for the development be prepared and submitted to Council and NSW Police for consideration and approval. That Plan must consider providing adequate security staff, CCTV and proper lightings provision in all necessary areas like the loading docks, long corridors, entrapment areas,
- Provision of bollards in front of the main entrance areas of both buildings to avoid vehicle ramping.
- Provision of boom gates and security ticketing/card machines at all vehicular entrances. All access gates to the building/carprking areas should be closed after hours.
- To include designated parking area for Emergency Service vehicles at ground level close to both buildings within the east-west spine road.
- Lighting and CCTV to be provided behind the community and youth centre building.
- All outdoor tables proposed within the Town Square to be removable and not fixed.
- All out door benches are to be fitted with anti-skate guard.
- All boundary fences to be of see through metal type to provide passive surveillance.

The some of the above matters have been addressed in the amended plan and those matters that have not been addressed have been incorporated in the **Special Conditions Nos. 3.29 to 3.34 inclusive**.

They have raised no objection to the development provided that the above matters have been either addressed or conditioned in the consent. Once the above matters have been addressed and provided on ground, the design of the new centre building, with inclusion of hard and soft landscaping, is likely to discourages anti-social behaviour and minimises the opportunity for criminal activities in and around the new centre.

### ***Part 2.6 Landscape***

As part of the development application, a concept landscape plan was prepared by Site Image Landscape Architects. The proposal provides for some improved boundary and footpath plantings, Town centre area, area behind the Community and Youth Centre with a mix of street trees, feature trees, shrubs and ground covers of various species. The



landscape plan was forwarded to Council's Landscape Architect for comments and she has advised that the plan submitted does not provide adequate landscaping for such proposal and advised that additional landscaping could be provided to improve the streetscape and the area. She recommends the followings that would contribute to improving the development:

- Additional trees along the northern and western parts of the site,
- Additional planting behind the existing service station where there are some unplanted area,
- Additional planter boxes on the roof area and along the Luttrell Street footpath,
- Continuation of sandstone banding from the rear on Community & Youth Centre to the proposed accessway located north of half basketball court,
- provision of a shade structure over play area,
- appropriate raised paving at the entrances to the carparking areas and driveway accesses,

The above have been recommended in **Special Conditions 3.8 to 3.16** inclusive.

A tree Report prepared by Treescan Urban Forest Management dated May 2010 was submitted with the application and concluded that the existing trees are in good health with some defects including weak junctions and truck wounds. The removal of this tree would be required for this development and that new trees could be replaced for those lost.

The Tree report was examined by Council's Tree Preservation Officer and advised that as the site is zoned to allow for commercial building it is recommended that the applicant provide new trees additional trees in other appropriate locations of the site to replace those removed. This has been recommended in **Special Condition No. 3.16**.

### ***Part 2.9 Waste Planning***

A Waste Management Plan for this development was submitted for consideration as part of the application. The Plan addresses issues of waste management during construction and after occupation of the refurbished shopping centre.

Garbage rooms are located at the rear western side of the shopping centre, which has direct access to truck loading docks for servicing. Each tenancy will be under an individual lease agreement, and will be responsible under those terms to address recycling requirements, operation of the waste storage garbage area and the removal of waste from the site. The existing operations for waste management will be continued and maintained.

Council's Waste Management officer has examined this plan and is satisfied that it will work and is consistent for this type of development. It is considered that the proposal satisfies the requirements of this part of DCP 2006.

The garbage storage area for the Community and Youth Centre however in its existing location can no longer be accessible with this development proposal. The applicant has indicated that a new garbage bin storage area will be provided at the front north-eastern corner of Council's Community and youth Centre's site. This being located along the frontage of the Luttrell Street is considered to be unacceptable from aesthetic and streetscape point of view.

The applicant has been required to discuss further with Council staff to consider locating this bin storage area to more appropriate location in close proximity to the Community and Youth Centre so that it can be accessible for collection by Council's contractors and also to ensure that the garbage truck would not disrupt or create traffic congestion along the street. The applicant has been required to resolve this prior to the issue of the construction certificate by **Special Condition No.3.42**.

### **Part 2.11 Car parking**

This has been discussed earlier in the report.

It is considered that the proposal satisfies the intent of the car parking requirements contained within this part of DCP 2006.

One of the main concerns during the construction of this development is with the availability of parking spaces for the customers. The applicant has indicated that the construction would take place in 2 stages. The first phase will involve the construction of the northern half part of the building where vehicular ramps/access and the construction of 281 parking spaces and the main vehicular access point from Luttrell will be carried out. A van will be provided to collect customers from each level to take them to the existing shopping centre. During the construction of Stage 1 the existing parking spaces at ground would be available for use as before. The applicant has provided a van route plan for collection of customers during construction phase.

After completion of phase 1, the construction of the southern part of the remaining development would commence and be completed as phase -2. The applicant has been required to provide a detailed construction management plan which includes parking provisions for the customers for both phases, schedule of time, customer collection points, dust and noise impacts. **Special Condition No.3.34** has been recommended to require this matter.

### **Part 6.11 Glenmore Park Local Centre**

Penrith Development Control Plan 2006, 6.11 Local Centre, applies to the subject land and therefore to the consideration of the application to extend the Town Centre.

The objectives of 6.11 Glenmore Park Local Centre is as follows:-

- *(i) Providing locations for a range of retailing and community activities to serve the whole Glenmore Park community's needs;*
  - *(ii) Providing for the possibility of an increased variety of housing types;*
  - *(iii) Integrating passive and active open spaces, designated in Glenmore Park Structure Plan, into the design of the Centre;*
  - *(iv) Integrating proposed pedestrian and bicycle systems with the design of the Centre;*
  - *(v) Reinforcing the village and hamlet concepts in the Glenmore Park Structure Plan with community and retail facilities, which reflect its community 'hierarchy';*
  - *(vi) Encouraging the development of building forms that reinforce a "village" environment; and*
  - *(vii) Creating a basis for the evolution and management of the Centre.*
- i) The proposed development includes a DDS, Supermarket, additional retail outlets, commercial floorspace, restaurants and a Town Centre for the residents of Glenmore Park that is designed to meet the needs of the Glenmore Park Community. ,

- ii) There is no proposal for any housing in Stage II of the Town Centre, at this time, however there had been some discussions to include some residential dwellings in the future,
- iii) The design of Stage II has focussed on and provided Town Square located in the central area connecting Stage I with Stage II. The plans for Stage II also considered the integration of the Community Centre into the proposed development and, reference has been made to the potential for creating a Library within the Community Centre precinct;
- iv) The design of this development has considered and provided safe pedestrian system from around the site to this development site. The development has provided connection from the skate park with a raised road crossing and active street frontage along Luttrell Street that leads them to the Supermarket and beyond. Bicycles rely on the use of existing footpath within Glenmore Park area. This development incorporates and provides footpaths around this site. This development does have opportunity to make provisions for bike racks and recommendation has been made to provide bicycle racks within the development. Luttrell Street and surround street's footpaths link to pedestrian systems which lead to the Town Square and Stage I thereby satisfying objective.
- v) The Penrith Urban Study and draft Penrith Urban Strategy analysed Penrith's centres in accordance with the centres hierarchy identified by the state government. Glenmore Park was classified as a "Village" in Penrith City Centre's Hierarchy Interim Policy which was adopted by Council 26 March 2007. The Penrith Urban Strategy investigated the centres hierarchy to reflect their future role and function to meet the dwelling target and projections. The revised hierarchy reaffirmed Glenmore Park as a "Village" now and until 2031. This Strategy also encourages new retail developments in existing centres and enables centres to grow.

The expansion of Glenmore Park Shopping Centre will serve the surrounding residential area which will contain just over 7,000 dwellings in Stage 1 and Stage 2 of Glenmore Park which is over the 'typical' number of dwellings a designated Village Centres serve. It must be noted that the role and function of Glenmore Park Local Centre with the established retail hierarchy will not change.

A "village" is considered to reflect an environment that is, a physical environment where people gather and tend to know each other and feel comfortable in that physical environment. The sense of community spirit which exists in Glenmore Park is driven by factors such as children's sport area, Churches, Schools located in close proximity to this site. This proposal once completed will provide a large common usable "Town Square" area where public gathering and small functions can take place when. Once this development is completed, the Town Centre will then perform an appropriate role as a Town Centre for both Stage I and II of the Glenmore Park Urban Area;

- vi) A Management Plan was submitted with the application that was examined by Council's Community Safety Officer and the Police. There are some fine tuning required with this plan in order to ensure that there are no potential danger to customers visiting the site. The applicant will need to further address these matters for the centre and will be required to be submit a new management plan to Council for consideration and approval prior to the release of the construction certificate. This management plan will be prepared in consultation with the Police and Council staff. This has been conditioned in the consent.

The objective of the DCP is therefore satisfied by the proposal.



### *Principal Development Controls*

Detailed compliance with Part 6.11 of the DCP is shown in the table **Appendix 2** with this report. Some of the key development controls that are more relevant to the development assessment are discussed below:

#### *Bulk, Scale and Design*

The submitted design was examined by Council's Urban Planner and the Urban Design Review Panel. They have in general accepted the overall design of the development but required them to address the followings:

- Improvements to the Luttrell Street elevation by minimising large blank areas, providing entry statement above the mail vehicle entry point along Luttrell Street,
- Improvements to the northern and western elevations to avoid large blank areas,
- Widen the pedestrian passage located to the north of basketball court,
- Provide additional raised pedestrian crossing along Luttrell Street for safe crossing,
- Improvements to the Town Centre area by using different type of paving to separate the driveway from the Town Square area, and
- Providing additional landscaping within the roof area.

The building has been designed in contemporary architecture and proposes to use soft pastel earthy type of external colours. The elevations although having large blank surfaces now has incorporated some vertical and horizontal elements on these facades in order to improve its design. The use of higher elements of lift shaft area results in breaking the long horizontal form of the building, The proposed screen plating along the boundary also screens the large blank elevations along the western and northern elevations resulting in an overall improved the design of the development that is acceptable in that area. A **Special Condition 3.1** has been recommended requiring the applicant to use similar external colour finishes as the north east corner building to provide consistent vertical elements to emphasise the entry feature statement at the vehicular entry/exit from Luttrell Street that would contribute positively to further improve the overall Luttrell Street elevation.

The elevations within the Town Square incorporates large glass glazing with decorative metal fenestrations that are in contemporary architectural design that provides positive aesthetic along east-west link road.

The pedestrian access way located at the north side of the existing basketball court has now been widened to 2.40m but is still considered to be narrow to provide an inviting and usable pathway. As it is not clear as to whether the basketball court will be redeveloped at this stage, it is considered prudent to have this area wider to make it inviting and safer for the pedestrians. It is considered that this area should be at minimum 3.00m wide to achieve this. As this may require further amendment to other aspect of the overall design, it is recommended as a "deferred commencement" condition (**Schedule 1**) and the operational consent can be in accordance with the amended approved plans (see **General Condition 2.1**).

It is noted that a small portion of the building to cater for the commercial and restaurant building at north east corner of this site is located close to the boundary. Council's Urban Designer advised that this has aesthetic merit at that corner and is considered to contribute

positively to the streetscape and is acceptable. It must also be noted that the DCP also encourages some part of the building and design features along the boundary of Luttrell Street if this improves the overall design of the building and in this instance Council's Urban Planner agrees that it does.

The submitted coloured elevation has not considered the use of the existing external sandstone material used for the existing building and walls along the Luttrell Street elevations. It is considered highly appropriate to continue this theme along that elevation of new building. A **Special Condition No. 3.2** has been recommended requiring the applicant to use these sandstone materials along the lower portion of the elevation to maintain and improve the elevation along Luttrell Street.

#### *Building Height*

The DCP allows building to be up to 14m high in the area north of the east west spine road. The overall building height has been maintained at 12m except for the north east corner building which is 14m from the existing natural ground level but will be approximately 15.8m high after some excavation of the north eastern corner the building and in the lift shaft area. This will result in 1.50m higher than the maximum building height.

This additional height does not create any additional impacts in terms of overshadowing nor overlooking that a compliant i.e. 14m building height would. This is limited to only in some area but considering the overall size and design of the whole building this minor variation to the height will contribute positively to the streetscape. This has also been examined by both Council's Urban Designer and Urban Design Review Panel and was considered acceptable as it also provides a positive statement at that corner and is acceptable for this instance.

#### *Pedestrian Access and mobility*

This shopping centre is located within walking distance from many residences that would walk through this place for shopping or meeting occurs only in some area. It is therefore important to ensure that there are reasonable and safe footpath accesses to the shopping centre.

Central pedestrian path between the two shopping centre buildings and the new Town Square will be the main pedestrian route through the Local Centre and a pedestrian pathway along the rear of the community & youth centre via a pathway north of the basketball court from Luttrell Street would be the other access point attracting people from the skate court and sports field. Pedestrian movements from the carpark area can use the escalators and lifts connecting to the central pedestrian path and the mall from each level of the building.

As discussed in the earlier parts of the report, the development incorporates lifts and escalators, pathways and different type of paving around the development site, raised crossings along the street, raised vehicular crossing access and the access way north of basketball court. It is considered that once these have been constructed, this development will provide adequate safe pedestrian pathways, road crossings and decorative pavements within the development and surround leading to the proposed Town Centre.

The DCP requires consideration of making provision to connect the proposed and existing shopping centre building where basement parking is proposed. Existing building does not have basement and new development does not propose underground connection. The applicant has made submission to indicate that the intent of this has been achieved by providing at ground accessible pathway from one building to another, by providing a lift close

to the entrance of the new building and an additional lift at the other end of the new building and several escalators that are easily accessible for a people with a disability visiting either of the buildings. The cost for providing an underground tunnel would be substantial and would involve disruption to existing shops and not viable for this project.

The benefit of drawing the shoppers at the Town Square and then to specialty retail shops and leading to the parking area far outweighs and would likely to potentially benefit the occupants of the shops and the shoppers. The intent of this requirement to provide easy and convenient connection form one building to another has therefore been met by this development. It is therefore considered that this development has met the intent of this Clause and the requirement for a tunnel connection is not warranted for this for this development.

#### *Town Square/Centre (TS)*

The DCP requires an adequate area for a Town Square to be provided in a central location of this Shopping Centre having large area (400 sqm) that is active and open having appropriate facades overlooking on to this area that can be used, accessed by the public. This area should be well designed with decorative paving and that is actively use by the people for community events.

This development has proposed a Town Square having total area of over 600 sqm located in the central area of east west link road between the two shopping centre buildings that can easily be used for gathering and community events. The separation between the existing building and the new building is sufficiently large (over 600m) and the area has been designed to incorporate active outdoor Café and food shops that would liven up the area and also provide ample passive surveillance that would be conducive to the customers. The distance between the existing and the new development within the TS varies from 20m to 40m which is sufficiently wide to create good amenity of that area.

The central part of the road can be closed off to the traffic as it makes provision of installing bollards on the eastern and western side of the town square to only allow the pedestrian to access the Town Square area. The TS also incorporates children play area with water features. This TS area can easily be used for community events appropriate for shopping centres.

The area will be paved with 2 different types of paving to separate the TS area for pedestrian safety and vehicular traffic within the east west link road. It is not clear whether the east west link road is of different paving material with the rest of the Town Square. As it is prudent that there is a clear separation between the safe pedestrian area and the road a **Special Condition No 3.40** has been imposed requiring the applicant to provide 2 different paving within the Town Square. It is proposed to have outdoor seating that can be used by the customers and the residents of Glenmore Park. It is considered that this place will be conducive to the public and a place of gathering that will encourage interaction between the residents of the area which is highly desirable for Glenmore Park. It is considered that the Town Square is of acceptable design that would be conducive to the public.

#### *Floor Space Ration (FSR)*

The DCP stipulated that any development over the whole site should not be greater than 0.75:1. The total site area is 45,600sqm which will allow 32,200sqm of floor area excluding carpark and service, access corridor area. This development incorporates a total floor area

of 25,872sqm that excludes carparking area and service areas. This equates to about 0.56.74:1 which is far less than the maximum allowed FSR by DCP.

#### *Energy Efficiency*

The application was accompanied with ESD Statement prepared by Waterman dated 12 November 2010. The report indicates that:

- *The design philosophy applied to the Glenmore Park Town Centre has attempted to provide a building that harnesses both environmentally sustainable design techniques as well as sensible engineering design principles, resulting in a centre that is more energy efficient than comparable facilities.*
- *The building design will attempt to make substantial reductions to both the bulk energy usage and water consumption of the facility, whilst still ensuring that the final results as perceived by the end user are not significantly reduced over that provided in like facilities via conventional and more energy intensive methods.*

They have recommended the followings for inclusion in this development:

- Economy cycles to the major mechanical services systems.
- Tempered air-conditioning systems to the mall spaces including spill air delivery systems.
- Mixed mode air-conditioning to the restaurants.
- Undercroft level carpark ventilation system with contaminant monitoring system and VSD fans.
- 20% improvement over BCA maximum lighting power density figures to common and mall areas.
- Dimming controls for the common and mall areas lighting where good daylight penetration is available.
- Motion sensor controls for lighting in limited access areas.
- Minimise usage of ozone depleting refrigerants.
- Improved glass performance over and above BCA Section J requirements.
- Improved wall and roof insulation performance over and above BCA Section J requirements.
- Highly water efficient **WELS 4 Star** rated fixtures and fittings.
- Rain water harvesting facilities and water supply to irrigation and amenities.
- Easy to access waste management information resource and an efficient and effective waste management system.

In order to achieve a high standard of energy efficient development the above matters have been required to be implemented in this development as condition of consent (see **Special Condition No.3.35**).

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

The application was accompanied by a BASIX Report to demonstrate compliance with the Building Code of Australia (BCA) to indicate compliance with the building regulations.

Council's Senior Building Surveyor has assessed the plans and has raised no objection to this development provided that they comply with the requirements of the BCA and several

standard conditions. The development can satisfy the requirements of the BCA and other relevant Australian Standards.

## **6. Section 79C (1) (b) – The Likely Impacts of the Development**

### **Built and Natural Environment**

The site falls from the west to the east north corner by about 7 to 8m. This type of built nature has given this development to take advantage of the site to incorporate undercroft parking levels and still maintain the building height to only 8 metres when viewed from the western and southern side of this site. As there are no buildings but playing fields located along the eastern side of this site it has given opportunity to design the building so that it can appreciate the view to the sport field.

### **Drainage**

The subject site is not affected by flooding and does not need to provide on-site detention basin. The drainage plan for this development was referred to Council's development Engineers for comments. They have advised that the submitted drainage system plan for the development did not provide adequate information to indicate that all proposed drainage system would satisfactory work.

The applicant was requested to provide amended drainage plan to address show the pit invert levels, pipe sizes and pipe gradients, overland flow paths and finished surface levels on the drainage plan but has not yet provided. The applicant has agreed to provide this detail with the Construction Certificate documentations. These matters can be provided with the construction certificate for consideration and approval and hence they have recommended imposition of several **standard conditions 2. 37 to 2.70** inclusive relating to the above information and some other matters like the driveway construction details, on-site parking dimensions, turning of vehicles and reinstatement of any of the council's property or kerbs as a result of the construction of this development. These have been recommended in the Standard and Special conditions.

### **Treatment to area behind Community and Youth Centre building**

The areas between the new building and the Community and youth Centre required great deal of consideration to make this area active as possible. In this respect the applicant has provided two large commercial/shop front units facing this area so that there is continual passive surveillance and the use to encourage activities within this area. With the inclusion of row of planter boxes and decorative paving within this area, this area is expected to be conducive and attractive for the use by the public. The development also provides the required 8m building setback to the C & YC as required by the DCP.

The existing 4 spaces of CYC would be lost to provide only pedestrian accessway behind the Community & Youth Centre (CYC). This would also result in losing 1 garage parking space located within the building for this centre. It is therefore reasonable to required the applicant to provide 5 parking spaces for the CYC. The applicant has provided 4 parking spaces for the use by the Community & Youth Centre (CYC) within the new building at the same level. A **special condition No. 3.4** has been recommended to provide 5 nominated and signposted parking spaces only to be used by the CYC.



## Social impacts

Council's Community Programmes Co-ordinator has provided the following comments in relation to the proposal:-

The development will provide employment opportunity and market/shop choices which will be benefitted by all Penrith residents. The proposed development will provide a well-designed Town Square area that is conducive, safe and attractive which was not provided for this area. The residents of Glenmore Park will be able to use this facility to their benefit for social interaction.

The development includes a total of 20 accessible parking spaces at different levels, escalators and lifts to each floors of the development. The development also provides pedestrian link at ground from the existing shopping centre to the new shopping centre building by way of accessible pathway.

An Access Review Report was prepared by Accessibility Solutions (NSW) Pty Ltd which was referred to Council's Access Committee. The report reviewed the development to ensure that ingress and egress, paths of travel, circulation areas, car parking and toilets comply with the relevant statutory guidelines. The report indicates that the development has demonstrated a reasonable degree of accessibility for the DA stage of the proposal.

A condition will be imposed to ensure that the recommendations of the report are adopted in the construction of the proposal. (See Standard Condition E006)

## Economic impacts

The development application is accompanied by an Economic Impact Assessment prepared by Pitney Bowes dated November 2010. The report describes that:

*The nature of the expansion at Glenmore Park SC will be focused primarily on an additional discount department store and an Aldi supermarket. The likely impacts on the retail facilities at both Southlands and Wallacia, are minimal. We make the point that the any competitive impact is therefore much more likely to be felt by the larger retail facilities within Penrith, in particular Westfield Penrith, and that this is also not likely to significant.*

*Pitney Bowes outlined a number of Net Community Benefits to arise from the proposal. These include:*

- *Improvement in the range of retail facilities;*
- *Providing residents (in particular those in the STA north) with a range of alternative shopping destinations;*
- *Reduced travel times;*
- *The creation of additional employment; and,*
- *Revitalisation of the centre.*

*And concludes that the "Current economic and demographic conditions support an expansion of Glenmore Park Shopping Centre. This proposal would not have economic detrimental impact upon any other shopping centres of Penrith.*

Council engaged the services of Macro Planning Pty Ltd to gain an independent view and provide an expert opinion as to whether this development would result in economic dis-

benefit to other operating shopping centres in Penrith, and review the applicant's Economic Impact Assessment.

The report in response summarises that:

- *MacroPlan reaffirms its position that there is a continued retail demand at Glenmore Park that warrants an expansion of both retail and non-retail floorspace at the centre.*
- *MacroPlan concurs that there is a clear demonstrated need for an expansion at the Glenmore Park Town Centre although is of the opinion that that the delivery of an additional specialty retail to the extent that is proposed at the site may have the potential impacts to the degree that is proposed in terms of net impacts.*
- *MacroPlan is supportive of an expansion to the centre with a DDS and supermarket, with a scaled and staged delivery of support retail space. Further specialty retail could then be delivered over a medium to longer term as demand permits, or as the Penrith City Centre adjusts. This would result in lesser impacts on the Penrith City Centre and surrounds.*

The development will be constructed in 2 phases where the DDS, a Supermarket and 2 specialty retail shops will be constructed during the first phase and the remaining after completion of phase 1. This will result in a scaled and staged delivery. The proposal will provide more competition and choice of shops with DDS and an additional Supermarket and 25 specialty shops and restaurants. In view of the above it is concluded that the proposed extension of the Shopping Centre would generally be able to sustain its economic viability and is unlikely to have social or economic dis-benefit to the other retail centres.

## Noise

The Noise Impact Assessment prepared by Acoustic Logic has been submitted for council to consider. This report was examined by Council's Environmental Health Officer. The main noise sources considered include garbage collection, delivery truck movements, noise generated from the mechanical plant and equipment used for the development and general site construction noise.

As there have been no details provided as to the type of air conditioning units being used for the development it is difficult to gauge the noise impact from these plants. It is therefore recommended that the applicant provide a detailed assessment of the noise emissions associated with the mechanical plant and equipment for the development along with the Construction Certificate (**see Special Condition Nos.3.44, 3.45, 3.47**).

2.50m high acoustic barrier fence is proposed to be constructed along the western side of the pickup/delivery access located along the north of this site in order to minimise any noise impact to the residents living across the street. The design will have to be fine tuned to ensure it's of high aesthetics and graffiti proof (**Special Condition No.3.43**).

The proposed acoustic fence also incorporates light poles which are overhanging on to Council's reserve. This matter has been discussed with Council's property maintenance department who have advised this is not acceptable and that all these poles should be located wholly within the subject site. These lights are to comply with the relevant standard and maintained by the applicant. Furthermore, all acoustic and other fences will need to be wholly located within their property (**Special Condition No.3.12**).

The applicant has proposed acoustic absorptive wall lining of elevation walls within both loading/unloading areas in order to minimise the noise impact to nearby residents living across the street. This wall is considered to be acceptable and will minimise noise impact from the loading area and also improve the elevation and break the large blank wall area along those elevations.

Council's Environment Officer was concerned that there is potential for noise impact from the vehicles parked on the roof area to the resident located mainly on the northern and to some extends to the western side of this site. It is therefore recommended that the roof parking be closed after 10pm in order to avoid creating sleep disturbance to these residents. Delivery of trucks will be restricted to between 7am and 9pm only so that the residents are not impacted upon by truck noise. Noise generated from demolition and construction works will be limited to those approved hours of operation. **(Special Conditions Nos.3.5 & 3.6).**

These have been recommended in the conditions.

#### **7. Section 79C (1) (c) – Suitability of the Site**

The Glenmore Park shopping centre has been successfully operating on the site since around 2000, serving the needs of the local community and customers from other areas of Glenmore Park and Penrith. Through its zoning (Urban Zone No.2 under LEP 188), the land is nominated as appropriate for retail, supermarket, DDS, Restaurant and similar facilities and medical centre, and associated car parking.

The site is generally unconstrained with regard to natural hazards, including flooding or bushfire risks. The site is not listed as an item of heritage significance and is not in the vicinity of an item of heritage significance.

The proposed expansion of the shopping centre is a substantial improvement for the community, and will provide additional employment and choice of shops and competition to the residents of the area.

#### **8. Section 79C (1) (d) - Any submissions made in relation to the Development**

The application was advertised and notified to the residents of Glenmore Park from 17 January to 17 February 2011. There was no submission during this period.

One submission was received during exhibition of the Draft amendments to the DCP 2006 who requested to give consideration of the east west spinal road, by including traffic calming devices along the streets and the safety of the pedestrian within this road and was in favour of this proposal. This matter has been discussed in detail in different part of the report and has been satisfied by way of conditions or/and have been shown on the latest amended plan.

#### **8. Section 79C (1) (e) - The Public Interest**

The proposed extension of the shopping centre is a substantial improvement for the community, and will provide additional shopping facilities to the residents of Glenmore Park. The proposal will provide more competition and choice of shops with DDS and an additional Supermarket and 25 specialty shops and restaurants. This is likely to provide positive economical benefit to the public from the point of view of employment and social attraction to the Centre.

The proposal is therefore considered to be in the public interest.

### **Section 94 Contributions**

The Section 94 contributions plans are only applicable for residential developments on this site. This site is a residue land after the subdivision of residential land in earlier stages of the development that is specially excised for the purpose of Local Centre development. As there is no residential component proposed within this development S94 is not applicable to this development application at this stage.

### **Conclusion**

The applicant has demonstrated that the proposed extension of the Glenmore Park Shopping Centre reasonably satisfies the requirements of LEP 188 and the requirements of most parts of DCP 2006. The minor variation to building height is considered to improve the overall design of the development and is supported for his development. The development in relation to access requirements can satisfy the requirements of the Disability Discrimination Act.

The SRDAC and Council's transportation planner have considered the proposal in detail with respect to the traffic impacts and parking and were found to be acceptable.

The proposed extension of the shopping centre will contribute positive social and economic benefit for the community by providing wider shopping choice, more employment, a sense of place for interaction, social gathering and reduce the need to travel outside Glenmore Park for their normal shopping activities and will provide good amenity of the area. The proposed extension of the Shopping Centre is unlikely to have detrimental economic impact to other shopping centres in Penrith region.

On balance, the application is considered satisfactory and having regard to the matters discussed in this report, the proposal is recommended for approval, subject to a deferred commencement consent and the imposition of standard and special conditions.

### **Recommendations**

That:

1. The information contained in the report on Development Application for Extension to Glenmore Park Shopping Centre - Stage 2 at Lot 9100, DP 1022720 and Lot 2, DP 865459 Glenmore Parkway and Luttrell Street, Glenmore Park be received.
2. Development Application DA10/1305 for Extension to Glenmore Park Shopping Centre - Stage 2 at Lot 9100, DP 1022720 and Lot 2, DP 865459 Glenmore Parkway and Luttrell Street, Glenmore Park be granted deferred commencement consent, subject to the following Schedule 1 and 2 standard and special conditions:

### **Schedule 1 Conditions**

- A. The pedestrian access way located at the north side of basketball court is too narrow to provide a welcoming/inviting pathway. This proposed accessway is

to be a minimum of 3.00m wide at all points of the pathway in order to improve the amenity of this area and make it more inviting and accessible to the pedestrians going to the Town Square are from Luttrell Street and beyond. These amended details are to be submitted to Council for consideration and approval.

## Schedule 2 -General Conditions

- 2.1 A001 The development must be implemented substantially in accordance with the Architectural drawing/Plans outlined below:

Drawing Title	Drawing No	Issue	Prepared by	Dated
Site Plan	DA/3	B1	Santel Architecture	23/05/2011
Under croft 1	DA/4	B1	Santel Architecture	19/05/2011
Under croft 2	DA/5	B1	SantelArchitecture	19/05/2011
Part plan Community Area	DA/6	B1	Santel Architecture	19/05/2011
Ground Floor level	DA/7	B1	Santel Architecture	19/05/2011
Top deck carpark	DA/8	B1	Santel Architecture	19/05/2011
Plan Roof	DA/9	B1	Santel Architecture	19/05/2011
Elevations 01	DA-10	B1	Santel Architecture	19/05/2011
Sections A, B, C & D	DA-11	B1	Santel Architecture	19/05/2011
Shadows diagram	DA-12	B1	Santel Architecture	19/05/2011
Landscaping Plans	SS09-1873 DA001; 101; 102; 103; 104; 105; 501 & 502	C, D & G	Site Image Landscape Architects	19 April 2011

and stamped approved by Penrith City Council, the application form , the BASIX Certificate and any other supporting documents received with the application, approved in respect to Schedule 1 by Council or an Accredited Certifier, except as may be amended in red on the attached plans and by the following conditions.

- 2.2 A039. The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired. The development shall incorporate the use of materials and fixtures which are resistant to vandalism and therefore minimise ongoing maintenance.



2.3 The following lots are to be consolidated as one lot.

- Lot 9100 in DP 1022720 ; Lot 2 DP 1022720;
- Lot 9204 DP 1022720; Lot 9105 DA122720 ;
- Lot 9108 DP 1022720 ; Lot 9103, 9106 and 9107 in DP 102220

Written evidence that the request to consolidate the lots has been lodged with Land and Property Information division of the Department of Lands is to be submitted to the certifying authority before the Construction Certificate for the development can be issued by the certifier.

A copy of the registered plan of consolidation from Land and Property Information division of the Department of Lands is to be submitted to the Principal Certifying Authority (PCA) and Penrith City Council, if Council is not the PCA, prior to the issue of the Occupation Certificate for the development.

2.4 A046. A Construction Certificate shall be obtained prior to commencement of any building works.

2.5 A029. The hours of operation are limited to between 8am and 8pm daily and up to 9pm on Thursdays for all facilities except for the Supermarket and Restaurants which can operate up to 11 pm daily.

2.6 A038. Any air conditioning units proposed for development are to be located in such a way that they are not visible from the street and are to be integrated with the building design. Details are to be submitted to Council for consideration and approval prior to their installations.

2.7 B002. (a) All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures".

(b) Prior to demolition, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

(c) All demolition and excavated material shall be disposed of at a Council approved site or waste facility. Details of the proposed disposal location(s) of all excavated material from the development site shall be provided to the Principal Certifying Authority prior to commencement of demolition.

(d) The applicant shall obtain from the Council a copy of Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" before any demolition works commence on the site.

(e) Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site.

2.8 B003. Prior to the commencement of any demolition works on site the applicant shall do such things as are necessary to satisfy the Principal Certifying Authority that:

- a) Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
- b) The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.
- c) Any demolition works involving the removal of asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.
- d) All asbestos laden waste, including asbestos cement flat and corrugated sheeting must be disposed of at a tipping facility licensed by the Environmental Protection Authority to receive asbestos wastes.

2.9 B004. Dust suppression techniques are to be employed during demolition to reduce any potential nuisances to surrounding properties.

2.10 B005. Mud and soil from vehicular movements to and from the site must not be deposited on any public road.

2.11 B006. All demolition works will be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- a) Mondays to Fridays, 7am to 6pm
- b) Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- c) No demolition work is permitted on Sundays and Public Holidays.

In the event that the demolition involves to works inside the existing building on site and do not involve external walls or the roof, and do not involve the use of equipment that emits noise then the demolition works are not restricted to the hours stated above.

The applicant shall comply with any applicable the provisions of the Protection of the Environment Operations Act, 1997 in carrying out the approved development.

2.12 C003. If any archaeological relics are uncovered during the course of the work no further work shall be undertaken until further permitted by Penrith City Council or the NSW Heritage Office.

The applicant is advised that depending on the possible significance of the relics, an archaeological assessment and an excavation permit under the

Heritage Act, 1977 may be required before any further work can be recommenced in that area of the site.

- 2.13 D001. Erosion and sediment control measures shall be installed prior to the commencement of works on site including approved clearing of site vegetation or demolition. The erosion and sediment control measures are to be maintained in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

(Note: To obtain a copy of the publication, you should contact Landcom on (02) 98418600).

Certification that the erosion and sediment control measures have been installed in accordance with the approved erosion and sediment control plan (s) for the development and "Managing Urban Stormwater: Soils and Construction 2004" shall be obtained and issued a minimum 2 days before any other site works are to commence, including demolition works, earthworks and clearing of the site.

The approved sediment and erosion control measures are to be installed **prior to and maintained throughout the construction phase of the development until the landscaping, driveway and on-site parking areas have been completed for the development.** These measures shall ensure that mud and soil from vehicular movements to and from the site does not occur during the construction of the development.

- 2.14 D005. No fill material is to be imported to the site without the prior approval of Penrith City Council in accordance with Sydney Regional Environmental Plan No.20 (Hawkesbury-Nepean River) (No.2-1997). No recycling of material for use as fill material shall be carried out on the site without the prior approval of Council.
- 2.15 D009. All waste materials stored on-site are to be contained within a designated area such as a waste bay or bin to ensure that no waste materials are allowed to enter the stormwater system or neighbouring properties. The designated waste storage areas shall provide at least two waste bays / bins so as to allow for the separation of wastes, and are to be fully enclosed when the site is unattended.
- 2.16 D010. (a) All excavated material and other wastes generated as a result of the development are to be re-used, recycled or disposed of in accordance with the approved waste management plan.
- (b) Waste materials not specified in the approved waste management plan are to be disposed of at a lawful waste management facility. Where the disposal location or waste materials have not been identified in the waste management plan, details shall be provided to the Certifying Authority as part of the waste management documentation accompanying the Construction Certificate application.

- (c) All receipts and supporting documentation must be retained in order to verify lawful disposal of materials and are to be made available to Penrith City Council on request.
- 2.17 D014. The operating noise level of plant and equipment shall not exceed 5dB (A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.
- 2.18 D006. (a) No fill material shall be imported to the site until such time as a Validation Certificate (with a copy of any report forming the basis for the validation) for the fill material has been submitted to Council.
- (b) The Validation Certificate shall:
- ☐ state the legal property description of the fill material source site,
  - ☐ be prepared by an appropriately qualified person (as defined in Penrith Contaminated Land Development Control Plan) with consideration of all relevant guidelines (e.g. EPA, ANZECC, NH&MRC), standards, planning instruments and legislation,
  - ☐ clearly indicate the legal property description of the fill material source site,
  - ☐ provide details of the volume of fill material to be used in the filling operations,
  - ☐ provide a classification of the fill material to be imported to the site in accordance with the Environment Protection Authority's "Environmental Guidelines: Assessment, Classification & Management of Non-Liquid Wastes" 1997, and
  - ☐ (based on the fill classification) determine whether the fill material is suitable for its intended purpose and land use and whether the fill material will or will not pose an unacceptable risk to human health or the environment.

An appropriately qualified person/s (as defined in the Penrith City Council Contaminated Land Development Control Plan) shall:

- ☐ Supervise the filling works,
- ☐ (On completion of filling works) carry out an independent review of all documentation relating to the filling of the site, and shall submit a review findings report to Council and any Principal Certifying Authority,
- ☐ Certify by way of certificate or written documentation that fill materials have been placed on the site in accordance with all conditions of this consent and that the site will not pose an unacceptable risk to human health or the environment. A copy of the Certificate or other

documentation shall be submitted to Council and any Principal Certifying Authority.

- (c) The contact details of any appropriately qualified person/s engaged for the filling works shall be provided with the Notice of Commencement.
- (d) If the Principal Certifying Authority or Penrith City Council is not satisfied that suitable fill materials have been used on the site, further site investigations or remediation works may be requested. In these circumstances the works shall be carried out prior to any further approved works.
- (e) For the purposes of this condition appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soil science, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies and who has appropriate professional indemnity and public risk insurance.”}

2.19 E009. The owner of a building, to which an essential fire safety measure is applicable, shall provide Penrith City Council with an annual fire safety statement for the building. The annual fire safety statement for a building must:

- (a) deal with each essential fire safety measure in the building premises, and

- (b) be given:

- ☐ within 12 months after the last such statement was given, or
- ☐ if no such statement has previously been given, within 12 months after a final fire safety certificate was first issued for the building.

As soon as practicable after the annual fire safety statement is issued, the owner of the building to which the statement relates:

- ☐ must also provide a copy of the statement (together with a copy of the current fire safety schedule) to the Commissioner of New South Wales Fire Brigades, and
- prominently display a copy of the statement (together with a copy of the current fire safety schedule) in the building.

2.20 E006. Access and sanitary facilities for persons with disabilities are to be provided and maintained in accordance with the requirements of the Building Code of Australia and AS 1428 “Design for Access and Mobility”. Details of compliance are to be provided in the relevant plans and specifications accompanying the Construction Certificate application.

Any accessible pathway into the building or within the building shall comply

with the AS1428.2.

- 2.21 E01A. (a) All aspects of the building design shall comply with the applicable performance requirements of the Building Code of Australia so as to achieve and maintain acceptable standards of structural sufficiency, safety (including fire safety), health and amenity for the on-going benefit of the occupants of the development. Compliance with the performance requirements can only be achieved by:

(i) complying with the deemed to satisfy provisions, or

(ii) formulating an alternative solution which:

☐ complies with the performance requirements, or

☐ is shown to be at least equivalent to the deemed to satisfy provision, or

(iii) a combination of (a) and (b).

(b) It is the owner's responsibility to place on display, in a prominent position within each building at all times, a copy of the latest fire safety schedule and fire safety certificate/ statement for the building.

- 2.22 G002. A Section 73 Compliance Certificate under the Sydney Water Act 1994 shall be obtained from Sydney Water. The application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon, or telephone 13 20 92.

The Section 73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

- 2.23 G004. **Prior to the issue of a Construction Certificate**, a written clearance is to be obtained from Integral Energy stating that electrical services have been made available to the development or that arrangements have been entered into for the provision of services to the development.

In the event that a padmounted substation is necessary to service the development, Penrith City Council shall be consulted over the proposed location of the substation before the Construction Certificate for the development is issued as the location of the substation may impact on other services and building, driveway or landscape design already approved by Council.

- 2.24 G005. A completed *Permit Application - for Plumbing and Drainage Work* is to be submitted to Sydney Water **at least two working days before any rainwater tank is installed and associated plumbing work is started on the site.**



- 2.25 H001. Stamped plans, specifications, a copy of the development consent, the Construction Certificate and any other Certificates to be relied upon shall be available on site at all times during construction.

The following details are to be displayed in a maximum of 2 signs to be erected on the site:

- ☐ the name of the Principal Certifying Authority, their address and telephone number,
- ☐ the name of the person in charge of the work site and telephone number at which that person may be contacted during work hours,
- ☐ that unauthorised entry to the work site is prohibited,
- ☐ the designated waste storage area must be covered when the site is unattended, and
- ☐ all sediment and erosion control measures shall be fully maintained until completion of the construction phase.

Signage but no more than 2 signs stating the above details are to be erected:

- ☐ at the commencement of, and for the full length of the, construction works onsite, and
- ☐ in a prominent position on the work site and in a manner that can be easily read by pedestrian traffic.

All construction signage is to be removed **when the Occupation Certificate has been issued for the development.**

- 2.26 H002. **Prior to the commencement of construction works:**

- (a) Toilet facilities at or in the vicinity of the work site shall be provided at the rate of one toilet for every 20 persons or part of 20 persons employed at the site. Each toilet provided must be:
  - a standard flushing toilet connected to a public sewer, or
  - if that is not practicable, an accredited sewage management facility approved by the council, or
  - alternatively, any other sewage management facility approved by council.
- (b) All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with the appropriate professional standards. All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
- (c) If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- must preserve and protect the building from damage, and
- if necessary, must underpin and support the building in an approved manner, and
- must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished. The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land, (includes a public road and any other public place).

(d) If the work involved in the erection or demolition of a building is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place:

- if necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place,
- the work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place, and any such hoarding, fence or awning is to be removed when the work has been completed.

2.27 H003. **No work is to commence on site** until such time as a person accredited to prepare traffic control plans in accordance with AS1742.3 “Traffic Control Devices for Works on Roads” and the Roads and Traffic Authority's publication “Traffic Control at Worksites” has certified a Traffic Control Plan for the development/site. The Traffic Control Plan shall be implemented during the demolition and construction phase of the development and a copy such plan shall be available on site at all times.

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to be submitted to Penrith City Council **2 days before any work including site clearing and demolition works is to commence on site.**

2.28 H036. Rainwater tanks are to be provided for the collection of roof surface to be used for irrigation of landscaping area and utility rooms. All rainwater tank(s) are to be:

- ☐ erected on a self-supporting base in the approved location on the property in accordance with the stamped-approved site plans for the development,
- ☐ structurally sound and constructed in accordance with AS/NZS 3500 1.2-1998: *National Plumbing and Drainage - Water Supply - Acceptable Solutions*,
- ☐ fully enclosed and all openings sealed to prevent access by mosquitoes,

- ☐ fitted with a first flush device,
- ☐ fitted with a trickle system to top up from mains water,
- ☐ provided with an air gap, and
- ☐ installed by a licensed plumber in accordance with Sydney Water's *"Plumbing requirements Information for rainwater tank suppliers and plumbers April 2003"* and the *NSW Code of Practice: Plumbing and Drainage*.

Additionally, the following are to be provided:

- ☐ back flow prevention device shall be provided at the water meter in accordance with Sydney Water requirements.
- ☐ In the event of a power failure, a back up supply of mains water shall be provided to at least one toilet in the dwelling.
- ☐ The rainwater tank(s) and associated piping is to be labelled 'Rainwater Not for Drinking' in accordance with Sydney Water requirements.
- ☐ The rainwater tank and pipework is to be painted in colours matching the external finishes of the dwelling and is to be of non-reflective finish.
- ☐ The overflow for the rainwater tank is to be connected into the existing stormwater disposal system on the site.

(a) Before any rainwater tank is used, a certificate or suitable document is to be submitted to the Principal Certifying Authority stating that the rainwater tank has been installed in accordance with:

- ☐ the manufacturer's specifications, and
- ☐ Sydney Water and NSW Health requirements.

(b) This certificate or documentation is to be provided by the licensed plumber who installed the rainwater tank on the property, and is to be submitted **prior to the issue of the Occupation Certificate**.

2.29 H037 The catchment area (for any rainwater tank) includes the parts of the roof of the dwelling(s) from which water is collected and includes gutters. To ensure a safe supply of water:

- ☐ roof catchment areas must be kept clear of overhanging vegetation,
- ☐ gutters must have sufficient fall to downpipes to prevent pooling of water,
- ☐ overflow, discharge from bleed off pipes from roof mounted appliances such as air conditioners, hot water services and solar heaters must not discharge into the rainwater catchment area,
- ☐ for roofs containing lead based, tar based or asbestos material the tank

supply must not be connected to drinking, bathing and gardening tap water outlets,

- ☐ gutter guard must be installed in roof gutters to prevent foreign materials from contaminating the water which enters the rainwater tank.

2.30 H038. The rainwater tank supply must not be connected to drinking and bathing water tap outlets.

2.31 H039. The noise from any pump used for the development must not exceed 5dBA above ambient background noise level at the nearest residential property boundary. The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

2.32 H041A Construction works or subdivision works that are carried out in accordance with an approved consent that involve the use of heavy vehicles, heavy machinery and other equipment likely to cause offence to adjoining properties shall be restricted to the following hours in accordance with the NSW Environment Protection Authority Noise Control Guidelines:

- ☐ Mondays to Fridays, 7am to 6pm
- ☐ Saturdays, 7am to 1pm (if inaudible on neighbouring residential premises), otherwise 8am to 1pm
- ☐ No work is permitted on Sundays and Public Holidays.

Other construction works carried out inside a building/tenancy and which do not involve the use of equipment that emits noise is not restricted to the construction hours stated above.

The provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

2.33 L001. The approved landscaping for the site prepared by

Landscaping Plans	SS09-1873 DA001; 101; 102; 103; 104; 105; 501 & 502	C, D & G	Site Image Landscape Architects	19 April 2011
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And must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category [3] landscape works.

Landscaping shall be maintained:

- ☐ in accordance with the approved plan, and
- ☐ in a healthy state, and in perpetuity by the existing or future owners and occupiers of the property.

If any of the vegetation comprising that landscaping dies or is removed, it is to be replaced with vegetation of the same species and, to the greatest extent practicable, the same maturity, as the vegetation, which died or was removed.

2.34 L002. The following reports relating to landscaping are to be submitted at the appropriate time periods as listed below. These reports shall be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category (3) landscape works.

i. Implementation Report

- ☐ Upon completion of the landscape works associated with the development and prior to the issue of an Occupation Certificate for the development, an Implementation Report must be submitted to the Principal Certifying Authority attesting to the satisfactory completion of the landscaping works for the development.
- ☐ An Occupation Certificate should not be issued until such time as a satisfactory Implementation Report has been received. If Penrith City Council is not the Principal Certifying Authority, a copy of the satisfactory Implementation Report is to be submitted to Council together with the Occupation Certificate for the development.

ii. Maintenance Report

- ☐ On the first anniversary of the date of the Occupation Certificate issued for the development, a Landscape Maintenance Report is to be submitted to Penrith City Council certifying that the landscape works are still in accordance with the development consent and the plant material is alive and thriving.

iv. 3 Year Landscaping Report (category 3 developments) 3 years after an Occupation Certificate was issued for the development, a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works shall prepare a Landscaping Report for Council's consideration and approval, certifying to one of the following:

- ☐ The landscaping on site has matured and is in accordance with:
  - i. the original landscape approval.
  - ii. The landscaping on site has not matured in accordance with the original design philosophy and requires significant

restoration.

In this case, restoration plans are to be submitted to Council for its consideration and approval. The approved plans shall be implemented at the expense of the property owners.

- 2.35 All plant material associated with the construction of approved landscaping is to be planted in accordance with the Tree Planting Specification prescribed in Penrith Council's LDevelopment Control Plan 2006 - Landscape.
- 2.36 All roadworks, drainage works and dedications, required to implement the approved development shall be undertaken at no cost to Penrith City Council.
- 2.37 After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

- 2.38 The development is to be carried out wholly located within this subject site.
- 2.39 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development are in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan.

All driveways must be designed so that vehicles are able to enter and exit the development in a forward direction.

- 2.40 All construction vehicles and activities must be fully contained within the site. No vehicles associated with the construction or demolition activities are to stand on any surrounding streets.
- 2.41 The required sight lines around the driveway entrance are not to be compromised by landscaping, fencing or signage.
- 2.42 All works/regulatory signposting associated with the proposed development are to be at no cost to the Roads and Traffic Authority or Council
- 2.43 Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate plans and details for erosion and sediment control in accordance with the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 2.44 **Prior to the connection of private drainage to Council's drainage**



**system**, an inspection is to be carried out by Penrith City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.

- 2.45 (a) Stormwater runoff from parking and uncovered paved areas shall be directed to a stormwater pre-treatment system. The treatment devices shall be designed to remove expected pollutant loadings in accordance with the Department of Environment, Climate Change & Water's 'Managing Urban Stormwater – Environmental Targets/ Treatment Techniques– October 2007' publications.
- (b) The applicant shall provide to the Principal Certifying Authority or Certifying Authority such documentary or other evidence as maybe required so as to ensure that:
- Specification & installation details of the stormwater pre-treatment system
  - The approval of an operation and maintenance manual/ schedule for the proposed device
- (c) A copy of the approved operation and maintenance manual/ schedule for the stormwater pre-treatment system required shall be submitted to Penrith City Council with notification of the Construction Certificate.
- (d) The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact on the development or adjoining properties.
- (e) Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.
- (f) Prior to the issue of a Construction Certificate the applicant must provide the Certifying Authority such documentary evidence as maybe required to demonstrate that the stormwater drainage system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.
- 2.46 **Prior to the issue of an Occupation Certificate** directional signage and linemarking shall be installed within the development indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.
- 2.47 **Prior to occupation of the building or a tenancy within the building**, a separate development approval is to be obtained from Penrith City Council to use the building or each tenancy within the building/complex.
- 2.48 Noise levels from the premises shall not exceed the relevant noise criteria detailed in "detailed in "Glenmore Park Town Centre: Development

Application Noise Emission Assessment” (Report Reference: 2010951.1/2610A/R1/MAS)” prepared by Acoustic Logic dated 26 October 2010. The recommendations provided in the above-mentioned acoustic report shall be implemented and incorporated into the design and construction of the development, and shall be shown on plans accompanying the Construction Certificate application. A certificate is to be obtained from a qualified acoustic consultant certifying that the building has been constructed to meet the noise criteria in accordance with the approved acoustic report. This certificate is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

The provisions of the Protection of the Environment Operations Act 1997 apply to the development, in terms of regulating offensive noise.

- 2.49 **Prior to the issue of a Construction Certificate**, details of any pre-treatment facilities as required by Sydney Water and, if required a Section 73 Certificate issued by Sydney Water for the said development, are to be submitted to the Certifying Authority.
- 2.50 Only clean and unpolluted water is to be discharged into Penrith City Council's stormwater drainage system. Liquid wastes suitable for discharge to the mains sewer are to be discharged in accordance with Sydney Water requirements. If mains sewer is not available or if Sydney Water will not allow disposal to the sewer then a licensed waste contractor is to remove the liquid waste from the premises to an appropriate waste facility. The waste contractor and waste facility are to hold the relevant licenses issued by the NSW Environment Protection Authority.
- 2.51 The stormwater drainage system shall not be altered or new lines directed into the system without the prior approval of Penrith City Council.
- 2.52 **Prior to the issue of a Construction Certificate** a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:
  - a. Opening the road reserve for the provision of services including stormwater.
  - b. Placing of hoardings, containers, waste skips, etc. in the road reserve.
  - c. Utility lead in works.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's City Works Department on (02) 4732 7777 to arrange an inspection of the

works (and payment of inspection fees, if required).

- 2.53 Prior to the issue of a Construction Certificate for building or subdivision works the Principal Certifying Authority and/ or Certifying Authority shall ensure that a Roads Act application, including the payment of application and inspection fees, has been lodged with, and approved by Penrith City Council (being the Roads Authority under the Roads Act), for the following works.
- (e) Provision of full depth pavement, kerb & gutter, drainage and ancillary works for the proposed car parking bays and raised pedestrian thresholds in Luttrell Street.
  - (f) Provision of two heavy industrial gutter and vehicular crossings in Glenmore Parkway to service the loading areas. Width to be in accordance with AS2890.2-2002.
  - (g) Provision of heavy commercial gutter and vehicular crossing in Luttrell Street to service the car park. The car park entry / exit in Luttrell Street is to provide a central median in accordance with AS2890.1-2004 Section 3.2 (access facility category 4).
  - (h) Provision of full width path paving for the full property frontage in Luttrell Street
  - (i) Relocation of the existing bus stop on Glenmore Parkway. An indented bus lay-by may be required at the new location.

Civil design drawings are to be prepared strictly in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Note:

1. Where Penrith City Council is the Certifying Authority for the development the Roads Act approval for the above works may be issued concurrently with the Construction Certificate.
2. Contact Penrith City Council's **Development Engineering Unit** on (02) 4732 7777 to ascertain applicable fees.

- 2.54 K207. A Stage 3 (detailed design) Road Safety Audit (RSA) shall be undertaken on the proposed roadworks by an accredited auditor who is independent of the design consultant. A copy of the RSA shall accompany the design plans submitted with the Construction Certificate application.

Prior to the issue of the Construction Certificate, the Certifying Authority shall ensure that the recommendations of the RSA have been addressed in any plans approved with the Construction Certificate.

- 2.55 213. Stormwater runoff from parking, uncovered paved areas shall be directed to a stormwater pre-treatment system. The treatment devices shall be designed to remove expected pollutant loadings in accordance with the Department of Environment, Climate Change & Water's 'Managing Urban Stormwater – Environmental Targets/ Treatment Techniques– October 2007' publications.

Any Construction Certificate issued by the Principal Certifying Authority or Certifying Authority shall incorporate:

Specification & installation details of the stormwater pre-treatment system

The approval of an operation and maintenance manual/ schedule for the proposed device

A copy of the approved operation and maintenance manual/ schedule shall be submitted to Penrith City Council with notification of the Construction Certificate issue.

- 2.56 K223. **Prior to the issue of any Construction Certificate** a performance bond is to be lodged with Penrith City Council for all civil works in Luttrell Street and Glenmore Parkway.

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.

- 2.57 K225. **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that all bus stops have been designed in accordance with the requirements of the Disability Discrimination Act 2002 (DDA), Disability Standards for Accessible Public Transport (DSAPT) and the Guidelines for assessing compliance of bus stops with the Disability Standards for Accessible Public Transport 2002.

- 2.58 K301. **Prior to the commencement of works on site**, including approved clearing of site vegetation, erosion and sediment control measures shall be installed. The erosion and sediment control measures are to be installed in accordance with the approved erosion and sediment control plan(s) for the development and the Department of Housing's "Managing Urban Stormwater: Soils and Construction" 2004.

- 2.59 K302. Prior to commencement of works a Traffic Control Plan including details for pedestrian management, shall be prepared in accordance with AS1742.3 "Traffic Control Devices for Works on Roads" and the Roads and Traffic Authority's publication "Traffic Control at Worksites" and certified by an appropriately accredited Roads and Traffic Authority Traffic Controller.

Traffic control measures shall be implemented during the construction phase of the development in accordance with the certified plan. A copy of the plan shall be available on site at all times.

Note:

A copy of the Traffic Control Plan shall accompany the Notice of Commencement to Penrith City Council.

- 2.60 K212. **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that the foundations of proposed structures adjoining the drainage and/ or services easement have been designed clear of the zone of influence.
- 2.61 K401. Erosion and sediment control measures shall remain in place and be maintained until all disturbed areas have been rehabilitated and stabilised.
- 2.62 K406. **Prior to the connection of private drainage to Council's drainage system**, an inspection is to be carried out by Penrith City Council's Development Engineering Unit. A fee will be charged in accordance with Council's adopted Fees and Charges, and is to be paid prior to the inspection.
- 2.63 K501. **Prior to the issue of an Occupation Certificate**, the Principal Certifying Authority shall ensure that all works within the road reserve have been inspected and approved by Penrith City Council.
- 2.64 K502. After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue of the Occupation Certificate where Council is not the Principal Certifying Authority.

- 2.65 K503. Prior to the issue of select an Occupation Certificate the Principal Certifying Authority shall ensure that the:

- A) Stormwater pre-treatment system/s

Have been satisfactorily completed in accordance with the approved Construction Certificate and the requirements of this consent.

Have met the design intent with regard to any construction variations to the approved design.

Any remedial works required to been undertaken have been satisfactorily completed.

Details of the approved and constructed system/s shall be provided as part of the works-as-executed drawings.

- 2.66 K504. **Prior to the issue of an Occupation Certificate** a restriction as to user and positive covenant relating to the:

- a) Stormwater pre-treatment system/s

Shall be registered on the title of the property. The restriction as to user and positive covenant shall be in Penrith City Council's standard wording as detailed in Penrith City Council's Design and Construction Guidelines and Construction Specification for Civil Works.

- 2.67 **K507. Prior to the issue of Occupation Certificate** and installation of regulatory / advisory linemarking and signage, plans are to be lodged with Penrith City Council and approved by the Local Traffic Committee.

Notes:

Contact Penrith City Council's Development Engineering Unit on (02) 4732 7777 for further information on this process.

Allow eight (8) weeks for approval by the Local Traffic Committee.

- 2.68 **K509. Prior to the issue of an Occupation Certificate** directional signage and linemarking shall be installed indicating directional movements and the location of customer parking to the satisfaction of the Principal Certifying Authority.

- 2.69 **K513. Prior to the issue of an Occupation Certificate** a maintenance bond is to be lodged with Penrith City Council for all civil works in Luttrell Street and Glenmore Parkway.

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.

- 2.70 **Prior to the commencement of any earthworks, construction or demolition works on site**, the proponent is to:

- a) employ a Principal Certifying Authority to oversee that the said works carried out on the site are in accordance with the development consent and related Construction Certificate issued for the approved development, and with the relevant provisions of the Environmental Planning and Assessment Act and accompanying Regulation, and
- b) submit a Notice of Commencement to Penrith City Council.

The Principal Certifying Authority shall submit to Council an "Appointment of Principal Certifying Authority" in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

Information to accompany the Notice of Commencement

Two (2) days before any earthworks or construction/demolition works are to



commence on site (including the clearing site vegetation), the proponent shall submit a "Notice of Commencement" to Council in accordance with Section 81A of the Environmental Planning and Assessment Act 1979.

The following documentation shall accompany the "Notice of Commencement" to be submitted to Penrith City Council:

- ☐ Certification that the sediment and erosion control measures has been installed in accordance with condition 2.13.
- ☐ A copy of the Traffic Control Plan for the development/site in accordance with condition 2.27.

- 2.71 The commitments listed in the BASIX Certificate for the development which commitments form part of the development consent, are to be maintained during the life of the development. Where the commitments require replacement, such replacement must be identical to or are at a higher star rating to that listed in the BASIX Certificate.
- 2.72 An Occupation Certificate is to be obtained from the Principal Certifying Authority on completion of all works and prior to the occupation of the building/tenancy and commencement of the approved use. The Occupation Certificate shall not be issued if any conditions of this consent, but not the conditions relating to the operation of the development, are outstanding, and the development does not comply with the provisions of the Environmental Planning and Assessment Act and Regulation.

Before the Occupation Certificate can be issued for the development, Fire Safety Certificates issued for the building are to be submitted to Penrith City Council and the New South Wales Fire Brigades. In addition, Certification or other documentation deemed suitable to the Principal Certifying Authority (PCA) is to be submitted to the PCA, detailing compliance with:

- ☐ Condition No.2.20 .The provisions of AS1428.1 and that any person with disabilities can access the building, including its perimeter. In this regard, the Certification (or other documentation) is to be prepared by an accredited access consultant.
- ☐ Condition No. 2.52 whereupon Council has certified that the works approved under the Roads Act 1993 are satisfactorily completed.
- TO demonstrate that all recommendations outlined in the submitted BAXIS have been provided for this development.

A copy of the Occupation Certificate and all necessary documentation supporting the issue of that Certificate including the abovementioned documents shall be submitted to Penrith City Council, if Council is not the Principal Certifying Authority.

### 3. Special Conditions

- 3.1 In order to improve the car park entry identification and visual appeal, an improved architectural/landscape entry statement feature or use similar external colour finishes as the corner building for the main vehicular access to the building from Luttrell Street. These amended details are to be submitted to Council for consideration and approval **prior to the release of any Construction Certificate.**
- 3.2 A detailed schedule of external material and finishes is to be submitted to Council for consideration and approval and this must include the use of sandstone materials along the Luttrell Street elevation matching those of existing centre to maintain and improve the elevation along Luttrell Street such that this space is valued. These details are to be submitted **prior to the release of any Construction Certificate.**
- 3.3 A Phase 2 Detailed Site Investigation for contamination is required to be carried out for this site and should occur prior to the development commencing and prior to the release of the Construction Certificate (CC) being issued. This investigation is to consider the requirements of the relevant DECCW/EPA Guidelines and be prepared by a suitably qualified environmental consultant. The associated report needs to establish whether the site is suitable for its intended use and **is to be submitted to Penrith City Council if Council** is not the Certifying Authority for approval.  
  
Should it be identified in the Phase 2 investigation that remediation works are required to be undertaken on the site, a separate development application is to be submitted to Council for this work. No work on the current development is to proceed until such time as this new application has been approved by Council, and Council has approved the Validation Report associated with the remediation works.
- 3.4 The applicant is to provide 5 parking spaces accessible from the CYC within the new building and these spots will be signposted to say that it is only to be used for CYC at all times.
- 3.5 The hours of truck and other large delivery and pick up vehicles are limited to between 7am and 9pm in order to avoid any sleep disturbance to the nearby residences.
- 3.6 The use of roof car parking is to be limited up to 10pm only in order to avoid any sleep disturbance to the nearby residences. Any access point to the roof car park is to be closed off after 10pm.
- 3.7 Any signage proposed for the building shall not to use flashing and/or bright light in order to minimise any impact on to the residential dwellings nearby. Details of any signage shall be subject to a new development application and submitted to Council separately for consideration and approval.
- 3.8 The stone banding in the pavement proposed in the common area between the new building and the Community & Youth Centre is to be continuing into the access area adjacent to the basketball court to have similar theme and outlook.

- 3.9 All trees lining the internal east-west road are to be planted in deep soil where appropriate and not on slab to ensure consistency of streetscape.
- 3.10 Shade structure of appropriate design is to be incorporated into the children's play area and the proposed design of the wall height at the lower level of play area is reduced to not greater than 1.20m in height.
- 3.11 Planting and paved areas between the footpath and northern commercial area is to integrate public and private areas for improved street address and minimise opportunities for hidden anti-social activity.
- 3.12 Proposed lighting structure incorporated within the acoustic walls shall be wholly located within the subject site. No structures including light fixtures shall be located within Council's property. All acoustic and other boundary fences as well as any lighting shall be the responsibility of and managed by the applicant/operator at all times.
- 3.13 Locations and details of handrails, lighting, fencing in public area are to be provided to Council with the Construction Certificate for consideration and approval.
- 3.14 Establishment and ongoing landscape (hard and soft) maintenance responsibilities shall be carried out and any associated costs are to be borne by the applicant. Plan of on going Management of the landscaping details are to be submitted to Council for consideration and approval **prior to the release of any Construction Certificate.**
- 3.15 The structure of the intersection of the east-west internal road and the access to parking areas (just east of KFC) is weak due to existing built forms, landscaping and other infrastructure (loading access driveways). The applicant is to provide additional landscaping and upgrade these areas. Details are to be provided to Council with the Construction Certificate for consideration and approval.
- 3.16 Provision of informal mass plantings of native and exotic trees in mulch within the bare area behind petrol station, shade tree planting in Luttrell St parking areas (town terrace) and tree planting in western Glenmore Parkway roundabout (currently spatially very weak). Additional street trees is to be planted along the front boundary of all street frontages as shown in red on the approved plan to compensate for those removed from the site. Details are to be provided to Council with the Construction Certificate for consideration and approval.
- 3.17 The applicant is to provide a 10km/h shared zones for all traffic on Town Terrace and the access road.
- 3.18 The speed humps for Town Terrace between Glenmore Parkway and the shopping precinct, as well as thresholds and pedestrian crossings are to be installed as raised crossings and thresholds / humps.
- 3.19 The applicant is to provide a minimum 2m width within the northern approach splitter island (roundabout intersection of Glenmore Parkway and Camellia

Avenue) to accommodate future pedestrian and cycle trips into the Town Centre.

- 3.20 The applicant is to increase the width of the northern approach splitter island (roundabout intersection of Glenmore Parkway and Camellia Avenue) to accommodate future pedestrian and cycle trips into the Town Centre.
- 3.21 The applicant is to provide a central marked pedestrian crossing and eliminate any design features in the proposed town square area that will encourage pedestrians to cross diagonally at the square. In this regard any proposed elements in the square such as planter boxes / bollards etc must be positioned in a way that discourages diagonal pedestrian movement. Detailed design is to be prepared and determined by the consultant and submitted to Council for consideration and approval.
- 3.22 The applicant is to provide a pedestrian refuge (minimum 2m width) within the existing splitter island (eastern approach) at the Glenmore Parkway and Luttrell Street intersection to facilitate existing pedestrian desire lines to the north.
- 3.23 Appropriate sight lines must be maintained from the proposed driveways in accordance with AS 2890.1(2004) including minimum 2.5 sight distance triangles to pedestrians. Furthermore all landscaping surrounding pedestrian desire lines and pedestrian crossings are not to obscure sight distances.
- 3.24 The existing solid brick fence located along the rear of the basketball court is to be removed and replaced with metal palisade fence of similar in design as other existing fence. The fence shall be of same height as the existing brick fence and is to continue up to the external wall of existing building. This work will be carried out at the applicant's cost. All this work is to be completed prior to the release of the occupation certificate.
- 3.25 All work and costs associated with the removal or relocation of any services within or along the public road including the footpath area for this development will be responsibility of the applicant.
- 3.26 All entering and exiting truck movements must be made in a forward direction with ample internal storage provided for any queuing and loading activities.
- 3.27 Appropriate bicycle lockers, storage facilities and securing rails must be provided within the T.C. and its perimeter. Details are to be submitted to Council for consideration and approval prior to the release of any Construction Certificate.
- 3.28 A detailed Security Management Plan for the whole development site shall be prepared and submitted to Council for consideration and approval along with the Construction Certificate. This Plan shall be prepared in consultant with Council's Community Safety Officer and NSW Police. The followings should be considered indicated in this management plan:
  - Provision of CCTV cameras and identify their locations to indicate that coverage will be in the most suitable areas of the shopping centre and surrounds and in particular where there are potential entrapment areas, loading docks, long corridors and pathways of this development site.

- To indicate whether the screens will be monitored at all times or intermittently. If cameras are to be monitored at all times, a security officer should be rostered on duty for this purpose.
- Monitoring stations should be in secure locations that are accessible to authorised personnel only.
- The cameras shall be located in vandal proof domes, which will assist in deterring cameras from being damaged or tampered with. Cameras should be of a high resolution to enable clear images and facial recognition in the event that footage is required by the police.
- Policies should be developed to outline procedures for the retrieval and release of CCTV footage, ensuring compliance with relevant privacy legislation.
- Under no circumstances should technical information relating to the CCTV Program including the number of authorised staff, camera capability etc, be provided to any unauthorised person.
- Standard operating procedures should be developed to ensure the system is operated in accordance with stated aims and objectives and in accordance with relevant legislation.
- 'Dummy' cameras should not be used.
- Details of the security staff and their numbers including their hours of duty to patrol the shopping centre shall be indicated in this plan. Given that the proposed development is anticipated to increase the scale and patronage at the shopping centre, it is recommended that the security staffing levels be increased. Additional security staff would be required for any special events and during busy trading periods (e.g. periods leading Christmas and Easter trading).
- The applicant is to provide appropriate and adequate lighting in the corridors, entrapment areas, loading docks and pedestrian pathways of this development site.

The approved SMP shall be fully complied with at all times. The applicant/operator of the Centre shall make arrangements to have 3 monthly meetings with Council officers and NSW Police to discuss on going security of the development site and within. Any directions given by them for improvement to security of the development shall be implemented within 90 days.

- 3.29 The applicant is to provide boom gates, roller shutters and ticketing/security machines at all vehicular entrances to this site. Accesses to the roof area and Undercroft parking areas should be restricted to customers after hours of operation of the shops.
- 3.30 All surfaces of the undercroft parking areas is to be painted in light coloured paint or finished in light grey concrete to reflect as much light as possible.
- 3.31 Where stairwells are provided, open style or transparent materials are encouraged on doors and/or walls.
- 3.32 Appropriate lighting under the shop canopy is to be provided. All lighting should be vandal resistant. Lighting should take into account all vegetation and landscaping that may act as an entrapment spot.

3.33 Any required substation area shall be located within the subject property and must be screened properly. Any screen is to be designed in a manner that is compatible and consistent with the rest of the development. Details are to be submitted to Council for consideration and approval prior to the issue of **the construction certificate**.

3.34 **Prior to the issue of a Construction Certificate**, a Construction Management Plan (CMP) for the site shall be prepared in consultation with Glenmore Park residents and existing business operators and Council's Traffic Section and submitted to Penrith City Council for consideration and approval. Council's approval of the (CMP) should be provided to the Certifying Authority as part of the Construction Certificate application. The CMP is to:

- detail the Staged Construction of the development including the parking strategy during the construction period of each stages which is to address parking provisions for the customers in both phases, schedule collection time, customer collection points, any signage and
- address all environmental aspects of the development's construction and operational phases, and
- show on the plan any proposed parking areas for the customers and pick up and drop off points in the new building and at the existing centre and in particular how people with a disability are transported, and
- provide details as to how many parking spaces and pedestrian access are provided during all construction phases, and
- detail how customers will be serviced and transported from the car parking areas to the existing shopping facilities during all construction phases, and

The CMP should include but is not limited to the following:

- . soil and water management
- . dust suppression
- . litter control
- Noise control

The approved CMP shall be complied with at times.

3.35 The applicant is to carry out all works recommended in the recommendation of ESD Initiative Report prepared by Waterman dated 12 November 2010. Documentary evidence of these works and actions being complied with are to be submitted to Council **prior to the issue of Occupation Certificate**.

3.36 **Prior to the issue of a Construction Certificate** a Roads Act application, including payment of application and inspection fees shall be lodged with Penrith City Council, as the Roads Authority, for the following works:

- a) Provision of a heavy-duty vehicular crossing/s.
- b) Provision of private drainage connections to Council's road drainage system.
- c) Removal of redundant vehicular crossings and reinstatement of kerb and gutter.

- d) Opening the road reserve for the provision of services including stormwater.
- e) Placing of hoardings, containers, waste skips, etc. in the road reserve.
- f) Replacement of damaged kerb and gutter for the full property frontage.
- g) Provision of footpath paving along all frontage of the subject site.

All works within the road reserve shall be carried out in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

Penrith City Council (being the Roads Authority under the Roads Act) shall approve the works completed on or over the road reserve. Contact Council's City Works Department on (02) 4732 7777 to arrange an inspection of the works (and payment of inspection fees, if required).

- 3.37 After completion of all civil works, works-as-executed drawings and compliance documentation shall be submitted to the Principal Certifying Authority in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

(b) An original set of works-as-executed drawings and copies of compliance documentation shall also be submitted to Penrith City Council with notification of the issue

- 3.38 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that all vehicular access, circulation, manoeuvring, pedestrian and parking areas associated with the subject development must be constructed in accordance with AS 2890.1, AS2890.2, AS2890.6 and Penrith City Council's Development Control Plan. **Prior to the issue of the Construction Certificate** the applicant must provide such documentary evidence as maybe required to satisfy the Principle Certifying Authority that compliance with this condition will be achieved.

- 3.39 All trees that are to be planted along the boundary and public spaces of the property should be of such species that have high canopy in order to maintain passive surveillance of the area. Details are to be submitted to Council **with the Construction Certificate for consideration and approval.**

- 3.40 In order to delineate and make clear the separation between the east west link road and the Town Square area, the applicant is to use different types of paving within the Central part of the Town Centre. Details are to be provided to Council for consideration and approval with the Construction Certificate.

- 3.41 The applicant is to construct 24 parking spaces on the eastern side of the Luttrell Street and north of the existing parking spaces within the Council's land as shown on the submitted plans by the applicant. All costs associated with the construction of these car parking spaces, line marking, sign posting are to be at no cost to Council. Detailed engineering designs of this area shall be submitted to Council for consideration and approval with the Construction Certificate.

- 3.42 The proposed bin storage area location for the Community and Youth Centre is not suitable and is to be located to another appropriate location in close proximity to the Community and Youth Centre building. The new location of the bin storage area and its design including its dimensions shall be prepared in consultation with Penrith City Council staff. Details are to be provided to Council for consideration and **approval with the Construction Certificate**.
- 3.43 The acoustic wall proposed along the Glenmore Parkway boundary is to be of high standard design and painted with graffiti proof paints.
- 3.44 Prior to the issuing of the Construction Certificate, a detailed assessment of the noise emissions associated with the mechanical plant and equipment for the development is to be provided to Council for consideration and approval. If Council is not the certifying authority for this development, the report is required to be provided to Penrith City Council for approval. The assessment is to include the type and location of all mechanical plant and equipment, and provide suitable data and information on the noise impacts associated with this plant and equipment. All mechanical plant and equipment is to comply with the noise criteria outlined in the "Glenmore Park Town Centre: Development Application Noise Emission Assessment" (Report Reference: 2010951.1/2610A/R1/MAS)" prepared by Acoustic Logic dated 26 October 2010.
- 3.45 Compliance testing **is to be carried out ninety (90) days after the date of consent** by a suitable qualified acoustic consultant at a number of surrounding receivers to ensure that noise levels from the development, including the loading docks and mechanical plant and equipment, meets the noise emissions criteria set in the "Glenmore Park Town Centre: Development Application Noise Emission Assessment" (Report Reference: 2010951.1/2610A/R1/MAS)" prepared by Acoustic Logic dated 26 October 2010. A Compliance Report on this testing is to be prepared using the test data and it is to determine whether the noise emissions criteria for the development is being complied with and whether any further works are required to address any issues.

This Report is to be prepared and provided to Council **within sixty days of the testing**. The Report is to be approved by Council, with any recommendations being implemented in accordance with the approved Report within twenty-one days from the direction of Council unless otherwise specified by Council. If Council is not the certifying authority for this development, the report is required to be provided to Penrith City Council for approval.

- 3.46 The loading docks area including deliveries, garbage compacting and garbage removal are only to be used between 7am and 10pm.
- 3.47 No more than two Heavy or Medium Rigid Trucks are to arrive in a fifteen (15) minute period to a particular loading dock. No more than one semi-trailer is to arrive in a fifteen (15) minute period to a particular loading dock.



- 3.48 All works and storage areas where spillages are likely to occur shall be bunded. The size of the area to be bunded shall be calculated as being equal to 10% of the total volume of containers stored, or 110% of the largest container stored, whichever is the greater.
- 3.49 Any Construction Certificate/s issued by the Certifying Authority shall include but not be limited to the following works:
- Stormwater drainage
  - Stormwater pre-treatment systems
  - Overland flow paths
  - Earthworks
  - Car parking
  - Retaining walls
  - Paving works
- 3.50 The proposed development and stormwater drainage system shall be designed to ensure that stormwater runoff from upstream properties is conveyed through the site without adverse impact upon the development.

The stormwater system is to be designed to ensure that there are no adverse impacts upon Council's existing drainage systems as a result of the development. Engineering plans and supporting calculations for the stormwater drainage system are to be prepared by a suitably qualified person and shall accompany the application for a Construction Certificate.

**Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that the stormwater drainage system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

- 3.51 **Prior to the issue of a Construction Certificate** the Certifying Authority shall ensure that vehicular access, circulation, manoeuvring, ramp gradients, sight distance at the street frontage and parking areas are in accordance with AS2890.1, AS2890.2, AS2890.5, AS2890.6 and Penrith City Council's Development Control Plan.

Car parking bays are to be designed to AS2890.1-2004 - User Class 3A and figure 5.2 of AS2890.1-2004.

- 3.52 Consultation is to occur with Penrith City Council's Traffic Section regarding relocation of the existing bus stop and shelter in Glenmore Parkway that currently adjoins the KFC site. An indented bus lay-by may be required for the new bus stop location. Prior to the issue of a Construction Certificate Penrith City Council is to approve of the location of the new bus stop.

## **Appendix -1 Plans and Elevations**



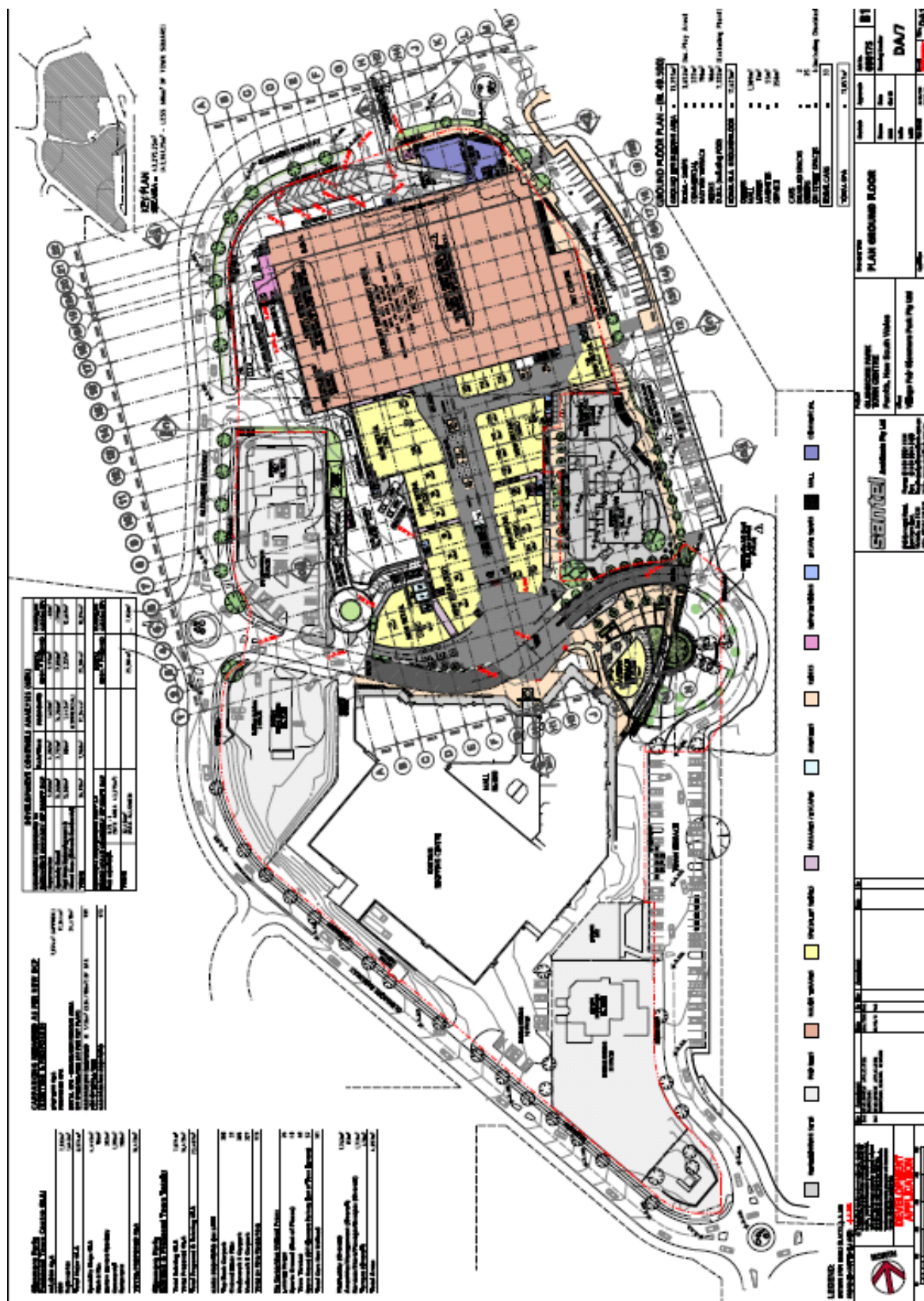






**Part Plan of Community & Youth Centre Area**

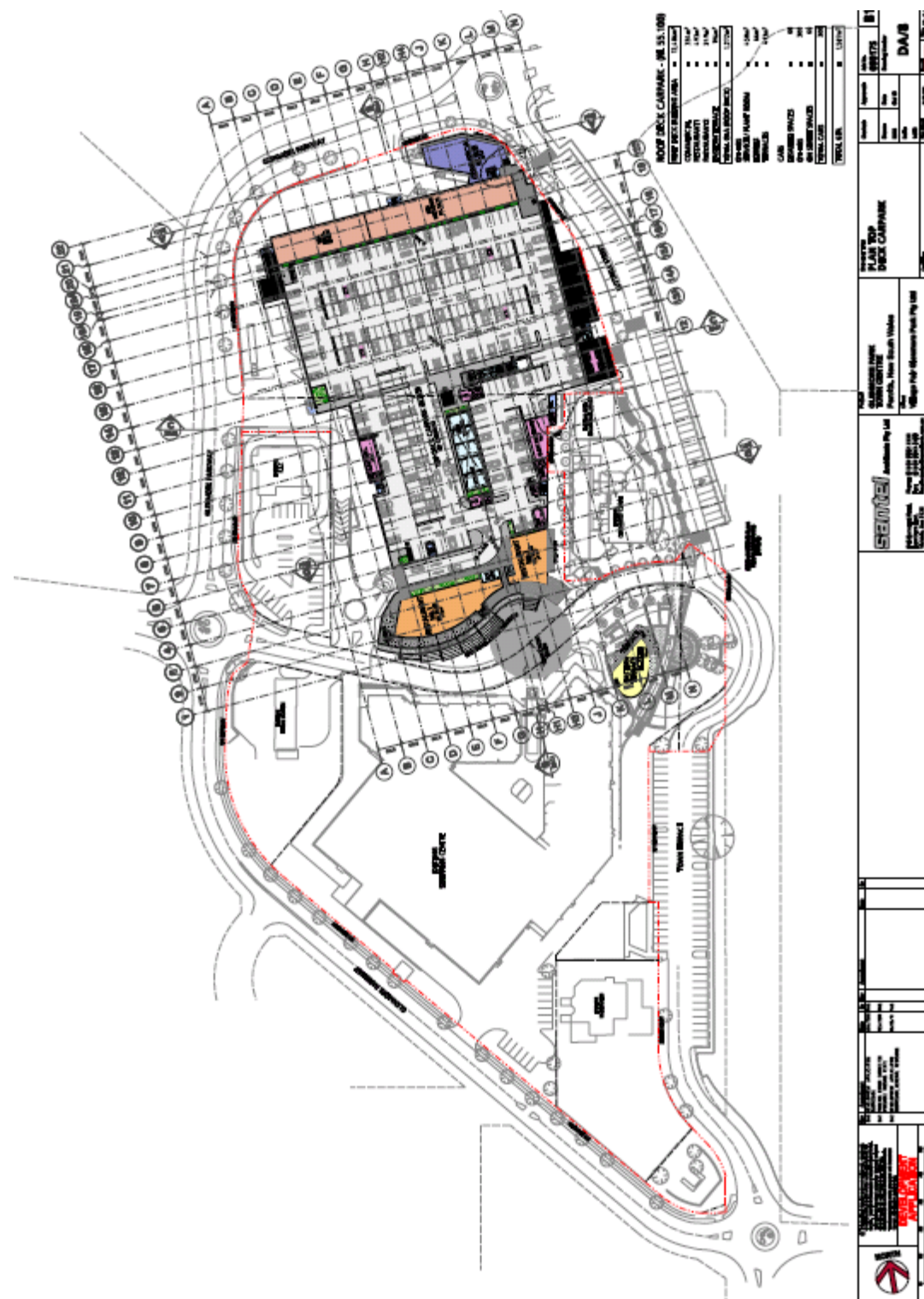
## Appendix 1



## Ground Floor Level Plan



### Top Deck Car Park Plan



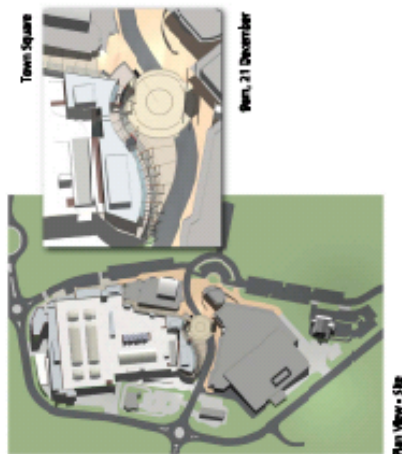
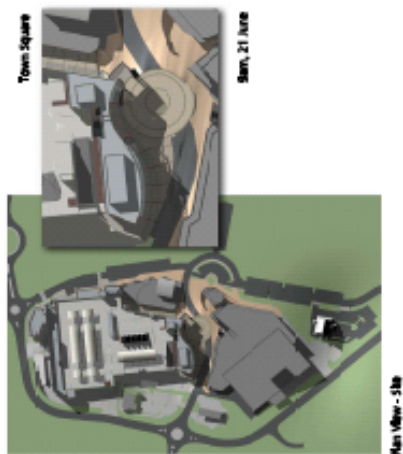






### Sections A, B , C & D

## Appendix -1

[illegible]





**LOOKING WEST ALONG MORRISON STREET TOWARDS LUTTRELL STREET SHOPS AND COMMERCIAL PRECINCT**



**LOOKING NORTH WEST ALONG LUTTRELL STREET TOWARDS COMMUNITY CENTRE AND SHOPPING CENTRE ENTRY**

**Artistic impression of the elevations as photomontage**

**Appendix - 1**



TOWN CENTRE VIEWED FROM BELLSHIRE SHOPPING CENTRE



VIEW FROM RUMBOURNE PARKWAY / LUTTRELL STREET INTERSECTION  
LOOKING TO COMMERCIAL PRECINCT AND LUTTRELL STREET / RDS



NIGHT VIEW TOWN CENTRE - LOOKING EAST TOWARDS MALL ENTRY

## **Photomontage of the Town Square and corner building** **Appendix - 1**



AERIAL PERSPECTIVE LOOKING TO WEST



AERIAL PERSPECTIVE LOOKING SOUTH WEST TOWARDS COMMUNITY CENTRE WITH TOWN CENTRE BEYOND

## Aerial Photo of the development

### Appendix 1





Nos.	Controls	Provision/comments	Compliance
<b>2</b>			
<b>2 a</b>	<b>2</b> 2(a) Development along the Main Street and the Town Square should have retail premises on the ground floor. Development along the Luttrell Street frontage should where possible be used for community services, offices and retail purposes	Retail spaces are provided to the Main Street and Town Square elevations, adaptable for cafe's etc. The Luttrell Street elevation provides for Specialty Retail shops and Commercial areas to activate Luttrell Street frontage.	Yes
<b>2 b</b>	Future land uses on the site are to complement the existing activities within the centre	The development proposes a Discount Department Store (D.D.S.), Speciality Shops, Supermarket, and other Commercial areas which will complement the existing centre and serve the Glenmore Park community.	Yes
<b>2 c</b>	The Main Street is to be primarily a pedestrian street, which allows for local access and a limited amount of short term parking for shoppers on one side.	The main Street has been designed to restrict most of the vehicular movements along Luttrell Street and Glenmore Parkway. 6 short term parking spaces have been provided within the east west main street and 14 along the frontage of Luttrell Street Shops.	Yes
<b>3a</b>	Street Setbacks and alignments		
<b>3.3a</b>	Setbacks are to be consistent with those shown on figure 3.	Generally consistent with this requirements	Yes
<b>3.3b</b>	Glenmore Parkway to have 3m setback with average of 6.m	Minor encroachment along Glenmore Parkway but this has been supported by UDRP as it contributes to the streetscape.	Yes
<b>3.3c</b>	Luttrell Street should have a variable setbacks with a zero setback to create an active edge where appropriate	This has been discussed in the report and this development has provided some zero setbacks to create active street edge.	Yes
<b>3.3d</b>	Building along main Street and in the town square should be constructed to street alignment to create an active edge	The building within the town square has been designed to have active streetscape. Building along Luttrell Street and to the north also has been constructed to street alignment.	Yes
<b>3.4</b>	Floor Space Ratio Allows up to 0.75:1	Proposes 0.56:1	Yes
<b>3.5</b>	Building Height To comply with the building height shown on figure 6	Figure 6 allows up to 14m in most area except in the central area where it should be 12m. This development generally conforms to this requirement except for one area	Yes

		where it exceeds to some extent but it contributes to improve the building design and provides active street edge.	
4.1	Interphase with residential area		
4.1a	New development of the must not significantly diminish the amenity of residents living along Glenmore Parkway	The proposed building has been well setback from the residences located along Glenmore Parkway. Acoustic fence is proposed along the northern boundary to minimise noise impact.	Yes
4.1b/c	Loading/unloading areas and Access to underground parking should be designed to minimise noise and amenity impacts on adjoining residents.	The likely noise impact to residents is mainly from the loading/unloading areas located on the north side of the site. Acoustic fence along with the restriction of delivery and pick up will ensure minimal noise impact to residents	Yes
4.2	Landscaping.	The applicant has been required to provide additional landscaping with appropriate species in different areas.	Yes. Conditioned
5.1	Weather protection and under awning lighting	Weather protection has been provided along the Luttrell Street and along the Town Square facades as well as under awning lightings.	yes
5.2	Pedestrian access and mobility	This has been considered in the development and some areas have been required to widen to allow for improved access for the pedestrian coming to the Centre.	Yes, conditioned.
5.3	Permeability Through site links provide access connections between the long sides of street blocks for pedestrian and vehicular access at street level. These links provide an important permeability function in form of shared zone, arcades and pedestrian ways.	The town centre through site links has provided in general an integrated pedestrian network providing choice of routes at ground level for pedestrians and where level change is unavoidable, ramps and/or mechanised access such as lifts, travelators etc connecting to undercroft carparks, has been provided..	Yes
5.4	Active Street frontages and address	Active street frontages have been provided with in the east west link road and Town Square and along Luttrell Street frontage.	Yes.
6	Car Parking and Access Fig 11	Vehicular access points are located in area as to Fig 11. Car access from east west link road. Service point is from Glenmore Parkway.	Yes.
6.2	East West road should be shared pedestrian and vehicles zone.	This has been provided as such.	Yes.



6.3	On-site parking	The development provides a total of 1062 spaces which is short by 65 spaces. This however is considered to be acceptable for such development based on similar developments in other areas.	Yes. Discussed in the report.
6.3f	Dedicated car space for the Community & Youth Centre	4 spaces have been allocated within the new building for C & Y Centre. A condition has been imposed to provide 5 spaces in close proximity and accessible from the C & Y Centre.	Yes, conditioned.
7	Design Principles		
	The ability of development to optimise thermal performance, thermal comfort and day lighting will contribute to the energy efficiency of the buildings, provide increased amenity to occupants and reduce greenhouse emissions.	ESD Report recommended several measures be implemented to improve the energy saving function of the development. These include artificial lighting, use of water saving fixtures and roof water collection tanks to use for irrigation and utilities.	Ye. Subject to conditions requiring implementation of the recommendations in the report.
8	<b>Waste Managements</b>		
	Waste management refers to all stages of development from demolition to design, construction and occupation.	This has been examined by both Council's Waste management officer and Environmental Officers. Waste management has been satisfied except for the CYC. Conditions have been imposed with respect to the demolition wastes.	Yes. Subject to conditions.
8.1	CPTED	This has been discussed in the report. SMP has been required.	Yes subject to conditions.
9	Others		
9.1	Town Square	This has been discussed in the report and found to be satisfactorily addressed and provided.	Yes
9.2	<b>Community Centre Building.</b>		
	The space between the Community Centre and any new development should be treated as usable public walkway/pathway space with provision for adequate landscaping and passive surveillance from the retail centre.	This has been considered and provided. A 8m required separation has been achieved between the CYC and new Building. Landscaping are proposed and paving are to be continued to the pathway adjacent to basketball.	Yes. With conditions.