

JRPP No.	2013SYW117
DA No.	DA13/1386
Proposed Development	Demolition of Existing Structures and the Staged Re-development of Cranebrook Village Shopping Centre with Associated Car Parking, Landscaping, Signage, Drainage and Earthworks
Applicant:	Cranebrook Village Pty Ltd
Property Description	Cranebrook Village Shopping Centre
Property Address	Lot 1525 DP 788416 & Lot 1 DP 1154439 & Lot 2 DP 1154439 (No. 80-98) Borrowdale Way Cranebrook
Date Received	22 November 2013
Report by	Karl Berzin – Consultant Environmental Planner
Category of Development	Advertised Development
Recommendation	Approval

Assessment Report

Executive Summary

Development Application 13/1386 was lodged with Penrith City Council on 22 November 2013 by Cranebrook Village Pty Ltd for the demolition of existing structures and the staged redevelopment of Cranebrook Village Shopping Centre with associated car parking, landscaping, signage, drainage and earthworks.

It is proposed to demolish the existing shopping centre, place of worship and associated car parking areas in addition to the removal of selected vegetation. A new shopping centre is proposed to be constructed in stages. The staging of the development will provide continued access to retail outlets on the site for the local community. Once the new shopping centre is completed, vehicular access to the Centre will be via both Borrowdale Way and Laycock Street with all deliveries via Borrowdale Way.

The subject land is located within the residential suburb of Cranebrook approximately four kilometres to the north-east of the Penrith Central Business District. It is situated on the eastern side of Laycock Street occupying the majority of the land between Borrowdale Way and Hosking Street intersections and extending eastwards towards Callisto Drive. The site is comprised of three (3) allotments known as Lots 1 and 2 DP 1154439 and Lot 1525 DP 788416, Nos.52-54 Laycock Street and Nos.80-98 Borrowdale Way, Cranebrook.

The proposed development is a permissible use under the current environmental planning instrument (Interim Development Order No.83 – Penrith) as well as draft Penrith LEP 2010 (Stage 2) which zones the land as a local commercial centre (B2).

The proposal generally complies with the requirements of Penrith Development Control Plan 2006.

Traffic and parking issues have been satisfactorily addressed both in the design of the overall development as well as during the staging of the development.

Conditions of consent are recommended to be imposed including to improve the quality of landscaping on the site, control anti-social behaviour, improve security on the site and manage acoustic impacts of the development with recommendations for a 12 month trial period with respect to loading dock operation.

The development application was notified to adjoining landowners and an advertisement was placed in the local paper. The period of notification was from 9 December 2013 to 24 January 2014. A total of 2 submissions were received to the proposal and the concerns raised are addressed within the body of this report.

The development application was referred to internal and external stakeholders including the NSW Police and NSW Roads and Maritime Services (RMS). The RMS and NSW Police have no objections to the proposal subject to conditions of consent.

The proposed development has been assessed against the relevant heads of consideration contained in Section 79C of the *Environmental Planning and Assessment Act 1979* and has been found to be satisfactory. The site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of the Joint Regional Planning Panel's support.

The Proposed Development

It is proposed to demolish the existing shopping centre, the place of worship and associated car parking areas as well as the removal of selected vegetation. A new shopping centre is proposed to be constructed including car parking, fencing and associated landscaping. Once the new shopping centre is completed, vehicular access to the Centre will be via both Borrowdale Way and Laycock Street with all deliveries via Borrowdale Way. Plans and elevations of the proposed development are shown in Appendix 3. The external walls of the building will be constructed of precast concrete panels and glazed shopfront panels with decorative metal and timber look finishes. A detailed materials palette is shown in Appendix 3.

The development will be undertaken in a number of stages. Details of the staging are provided in Appendix 4. In summary, the development will occur as follows:

1. Hoard off and demolish existing Laycock Street car park and old hardware building.
2. Build new 110 space car park with entry off Laycock Street.
3. Fence off existing car park off Borrowdale Way, construct temporary car parking and commence construction of new supermarket.
4. Open temporary car park (214 spaces) for public use and complete supermarket.
5. Open supermarket for trading.
6. Close down existing shopping centre, install hoarding and demolish the old shopping centre.
7. Construct new car parking area (163 spaces) over the old shopping centre footprint.
8. Hoard off the area to the immediate west of the newly constructed supermarket and commence construction of Aldi Supermarket, specialty shops and associated amenities.

9. Complete all landscaping including the village green and ramped access for pedestrians from Hosking Street.

The slope of the land will require the reshaping of the site, some minor cut and fill on the site and the subsequent construction of retaining walls.

The proposed shopping centre will have a Gross Leasable Floor area (GLFA) of 6,204m² and a Gross Floor Area (GFA) of 6,729.4m². A schedule of areas and calculations is provided in Table 1.

Description	Area (m ²)
Retail	
Supermarket	3800
Aldi Supermarket	1518
Specialty Tenancies and Cafe	886
Mall Areas	
Mall and trolley area	374.5
Amenities	56.4
Corridors	94.5
Gross Floor area	6729.4
Gross Leasable Floor Area	6204
Site area	19896
Floor Space Ratio	0.33:1

Table 1 Proposed Floor Areas

At the completion of the development it is proposed to provide two hundred and fifty two (252) car parking spaces.

The proposal involves the installation of a pylon sign, an entry sign and signage on the building facade as indicated on the architectural drawings.

- Pylon Sign (Borrowdale Way frontage) - 11.8 metres x 3.55 metres (containing name of Centre and Tenancies);
- Entry Sign (Laycock Street frontage) - 5.89 metres x 3.55 metres (containing name of Centre and major tenant); and
- Building Facade - Various locations.

An easement (1 metre wide or equivalent 'right of access') is proposed on the adjoining property to the east (Lot 1527 DP 288416) to allow for access and maintenance of the western wall of the proposed supermarket building. Lot 1527 is owned by Penrith City Council.

The shopping centre will generally operate from 7.00am - 11.00pm, seven days a week. The loading dock which is located on the Borrowdale Way frontage will operate between 7.00am to 10.00pm. All truck/service deliveries to the site will be via Borrowdale Way. All waste will be stored adjacent to the loading dock and collected by a commercial contractor.

The proponent is also seeking development consent for the occupation of the shopping centre by the following land uses to ensure that these uses do not require

the submission of a separate development application for the first use of the complex:

- Supermarket (x2);
- Cafe;
- Healthcare Premise (Pharmacy/Doctors Surgery);
- Butcher;
- Fruit and Vegetables Store;
- Newsagency;
- Post Office;
- Automatic Teller Machine (ATM);
- Fashion & Clothing Store;
- Discount store (\$2 shop);
- Liquor Store; and
- Real Estate Office.

Site and Surrounds

The subject land is located within the residential suburb of Cranebrook approximately four kilometres to the north-east of the Penrith Central Business District. It is situated on the eastern side of Laycock Street occupying the majority of the land between Borrowdale Way and Hosking Street intersections and extending eastwards towards Callisto Drive. The site is comprised of three (3) allotments known as Lots 1 and 2 DP 1154439 and Lot 1525 DP 788416, Nos.52-54 Laycock Street and Nos.80-98 Borrowdale Way, Cranebrook. The location of the subject land is shown in Appendix 1.

The subject land has an irregular shape with approximate frontages of 5 metres to Laycock Street; 200metres to Borrowdale Way; and 55metres to Hosking Street. It has an area of 1.989hectares (19,896m²) and there is an electricity easement (1.0m - 2.75m wide) for underground mains adjoining the Borrowdale Way frontage. Established landscaping and some remnant trees are scattered throughout the site but concentrated around the perimeter of the site and within the car park. The natural topography of site has previously been altered with the construction of the shopping centre however it generally experiences a reasonably steep fall towards the south-east. A survey drawing is shown in Appendix 2.

The existing shopping centre was constructed in the 1980s and forms part of a community precinct (community hall, community health centre, childcare centre, and Barnardo's Family Centre) which services the surrounding residential area. Immediately to the south is Cranebrook High School and to the east are a series of public reserves and playgrounds. Residential properties occupy the lands to the north and the west.

The subject land currently contains two single storey brick buildings and associated car parking areas. The main building comprises the Cranebrook Shopping Centre (Lot 1) fronting Borrowdale Way. The second building is a place of public worship 'Empower Church' (Lot 1525) (formerly a hardware store) fronting Laycock Street. Cranebrook Shopping Centre contains an IGA supermarket (1,498m²) and eleven (11) specialty shops/offices (940m²) together with approximately 380m² of mall, amenities and facilities areas; and one hundred and sixty eight (168) car spaces.

The second building is a place of public worship known as the 'Empower Church' (Lot 1525) (formerly a hardware store) fronting Laycock Street. The Empower Church has a floor area of 358m² and parking for thirteen (13) vehicles.

The site has combined floor area of 3,176m² and one hundred and eighty one (181) car spaces.

Planning Assessment

The development has been assessed in accordance with the matters for consideration under Section 23G and 79C of the Environmental Planning and Assessment Act 1979 as follows:

1. Section 23G - Joint Regional Planning Panels

Under Section 23G of the Environmental Planning and Assessment Act 1979, the functions of Council are conferred to a regional panel if stipulated under an environmental planning instrument.

In this case, Section 3 of Schedule 4A of the Environmental Planning & Assessment Act 1979 delegates the function of 'consent authority' for development with a capital investment value in excess of \$5 million where Council has a vested interest to a regional panel.

As a result the Development Application has been referred to the Joint Regional Planning Panel for determination.

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

Sydney Regional Environmental Plan No 20 – Hawkesbury/Nepean River Catchment

Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (No. 2 – 1997) (REP 20) integrates planning with catchment management to protect the Hawkesbury-Nepean river system, requiring the impact of future land use to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture and urban and rural-residential development. It controls development that has the potential to impact on the river environment. The REP is supported by an Action Plan, which includes actions necessary to improve existing conditions.

The development proposal has been assessed and subject to conditions of development consent, found to be in accordance with the general planning considerations set out in Clause 5 of the REP and the relevant specific planning policies and related recommended strategies set out in Clause 6.

State Environmental Planning Policy (State and Regional Development) 2011

The aim of this policy is to identify development that is state significant and confer functions on Joint Regional Planning Panel to determine certain development applications.

State Environmental Planning Policy (Infrastructure) 2007

Clause 104 of the abovementioned SEPP requires Council to consult with the RMS as the size of the proposed retail floor space has the potential to generate significant volumes of traffic. More specifically sub-clause (3) is as follows:

Before determining a development application for development to which this clause applies, the consent authority must:

- *give written notice of the application to the RTA within 7 days after the application is made, and*
- *take into consideration:*
 - (i) any submission that the RTA provides in response to that notice within 21 days after the notice was given (unless, before the 21 days have passed, the RTA advises that it will not be making a submission), and*
 - (ii) the accessibility of the site concerned, including:*
 - (A) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and*
 - (B) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and*
 - (iii) any potential traffic safety, road congestion or parking implications of the development.*

The matter was referred to the RMS and they have advised that they have no objections or comments in regard to the proposed development.

State Environmental Planning Policy No 55 – Remediation of Land

State Environmental Planning Policy No. 55 - Remediation of Land applies to the proposal. The objectives of SEPP 55 are:

- to provide for a state wide planning approach to the remediation of contaminated land.
- 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.

The proposed shopping centre will be located on an area of the site that has previously been developed for use as a car parking area for the shopping centre. The proposal involves the continuation of the current land use and minimal excavation. As a risk of contamination is considered unlikely, the proposal is considered to have satisfied the requirements of the SEPP.

State Environmental Planning Policy No. 64 (Advertising Signage)

This SEPP applies because of the proposed signage which is considered to be “business identification signage”. The proposal complies with the requirements of SEPP No. 64 – Schedule 1 as outlined below:-

Schedule 1	
1. Character of the area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is compatible and consistent with community expectations of the site. The proposed signage will be in character with the surrounding area and will maintain a design that is within the expectation of Council.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is considered to be satisfactory as there is no theme for signage in the locality.
2. Special areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed pylon sign and entry sign adjoin residential areas. The proposed pylon has a height of 11.6 metres. This height is well above Council's development control in DCP 2006 of 7.0 metres and is well in excess of the maximum height of a typical two storey dwelling house in the locality. The height of the pylon sign should be reduced to a maximum height of 7.0 metres. This aspect can be covered as a condition of development consent. In terms of residential amenity there is no objection to the internal illumination of these signs as long as they comply with the relevant Australian Standard. Again this issue can be covered as a condition of development consent.
3. Views and vistas	
Does the proposal obscure or compromise important views?	The proposed sign would not obscure or compromise any views and is in keeping with the size and scale of the proposed development. The maximum height of the main identification sign should be reduced to 7.0 metres.
Does the proposal dominate the skyline and reduce the quality of vistas?	The large pylon sign, when reduced in size, would not dominate the skyline or diminish existing vistas.
Does the proposal respect the viewing	The proposed design will be consistent

rights of other advertisers?	in bulk and scale to adjoining properties and will not compromise existing or future signs.
4. Streetscape, Setting or Landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signage ensures compatibility in respect to the existing buildings. The proposal is considered to have an unlikely adverse impact upon the immediate streetscape given the high level of use on the site and constant exposure to the public domain.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposal does not detract from the streetscape and ensures a uniform design of which is high quality.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal intends to provide business identification for the approved uses on the site. The proposal is considered to provide a clear identity to the site and provide a sense of place.
Does the proposal screen unsightliness?	The use on the site is not considered to be unsightly.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposal, when restricted to a maximum height of 7.0 metres, will not protrude above existing buildings, structures or the like.
5. Site And Building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The dimensions of the building signage are appropriate given the scale of the proposed building.
Does the proposal respect important features of the site or building, or both?	The proposal is considered not to detract from proposed features on the site.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposal is considered to be contemporary in design and provides a compatible relationship between all buildings within the vicinity of the site.
6. Associated Devices and Logos with Advertisements and Advertising Structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The backlit and internally lit signs have lighting devices incorporated into the sign design.
7. Illumination	
Would illumination result in unacceptable glare?	The signs are dark resulting in minimal glare.

Would illumination affect safety for pedestrians, vehicles or aircraft?	The lighting would not impact on pedestrian or aircraft safety.
Would illumination detract from the amenity of any residence or other form of accommodation?	The nearest resident would be located approximately 25m to the north of the proposed signage. The physical separation and the nature of the pylon sign (dark in colour) would negate any potential conflicts.
Can the intensity of the illumination be adjusted, if necessary?	Yes
Is the illumination subject to a curfew?	The illumination is of minor nature.
8. Safety	
Would the proposal reduce the safety for any public road?	The proposal would not reduce the safety of the internal road network.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposal would not cause any adverse impacts to pedestrians or bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	No sightlines will be altered as a result of the proposal as the signs are located in appropriate locations.

Penrith Interim Development Order No. 83

Clause 3 of IDO 83 states as follows:

“Subject to this Order, interim development may be carried out only with the consent of the Council and the concurrence of the Commission for any purpose other than the purposes of caravan parks; offensive or hazardous industries; institutions; mines or roadside stalls”.

The proposal being the redevelopment of the Cranebrook Shopping Centre is considered to be interim development under the provisions of the IDO. Given the above clause, concurrence will be required from the Director General of NSW Planning and Infrastructure prior to issue of any development consent.

Clause 16 of the IDO is relevant to the assessment of this application. Clause 16 states that:

In respect of any application for the consent of the Council:

- (a) to the erection of a building (including a fence) the carrying out of work or to the use of land within view of or adjacent to any road or public reserve, the Council shall take into consideration the probable aesthetic appearance of that development or work when used for the proposed purpose and viewed from that road, public reserve or, proposed public reserve; or
- (b) to the erection or use of a place of assembly or to the carrying out of any other development likely to cause increased vehicular traffic on any road in the locality, the Council shall take into consideration whether, having regard to the proposed use of any such building or development:

- (i) adequate vehicular exits and entrances to the site have been provided so that vehicles using the entrances and exits will not endanger persons and vehicles using any road;
- (ii) space, sufficient to provide for the parking or standing of so many vehicles as the Council may determine, is provided on the site or on land adjoining the site not being a public road;
- (iii) any representations made by the Traffic Authority of New South Wales have been met; and
- (iv) adequate space has been provided within the site of the building or development for the loading, unloading and fuelling of vehicles and for the picking up and setting down of passengers.

The design and external finishes of the proposed development are satisfactory in terms of aesthetic appearance. The matter has been referred to the RMS who raise no objection to the proposal. The traffic report accompanying the development application has demonstrated that sufficient parking has been provided on site and that customer and service vehicles can enter and leave the site in a safe manner. The traffic and servicing impacts associated with the development are acceptable. The issue of parking provision will be discussed in more detail in a latter section of this report.

As a result the key considerations of the IDO are considered to have been adequately addressed by the proposed development.

3. Section 79C(1)(a)(ii) – Any Draft Environmental Planning Instruments

a) Draft State Environmental Planning Policy (Competition) 2010

The Draft Competition State Environmental Planning Policy (Competition) 2010 ('Draft SEPP Competition') aims to:

- (a) to promote economic growth and competition, and
- (b) to remove anti-competitive barriers in environmental planning and assessment.

The site location and planning controls allow for retail development on the site. It is considered that the proposal, which retains the existing shops, will have minimal impact on the commercial viability of any individual business or on any local facilities within the vicinity. As the proposal involves the redevelopment of an existing shopping centre and the staging allows for continuation of trade, it is considered the proposal is consistent with the provisions of Draft SEPP Competition.

b) Draft Penrith Local Environmental Plan 2010 (Stage 2).

The subject land is zoned B2 - Local Centre under the provisions of Draft Penrith Local Environmental Plan 2010 (Stage 2). The objectives of the B2 zone are as follows:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area
- To encourage employment opportunities in accessible locations.

- To maximise public transport patronage and encourage walking and cycling.
- To provide retail facilities for the local community commensurate with the centre's role in the local and regional retail hierarchy.
- To ensure future housing does not detract from the economic and employment functions of a Centre.
- To ensure new development reflects the desired future character described by relevant development control plans.

The proposed development complies with these objectives.

Commercial premises are permissible with consent. The proposed development conforms to the definition of "commercial premises".

Under the draft LEP there are no floor space ratios applying to the site. The maximum height of any building on the site is restricted to 15 metres under the draft LEP. The proposal complies with the maximum height restriction.

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

Penrith Development Control Plan 2010

Penrith Development Control Plan 2006 applies to the site as it applies to all land to which Penrith LEP 2010 does not apply. Part 2 (City Wide General Controls) is relevant to the consideration of this application and is addressed below:

Penrith DCP Controls	Comment
PART 2 - City Wide General Controls	
2.1 Contaminated Land	There is little likelihood of the subject land being contaminated. The site has been used as a shopping centre for approximately 30 years. Conditions of consent can be imposed regarding the monitoring of contaminants during construction.

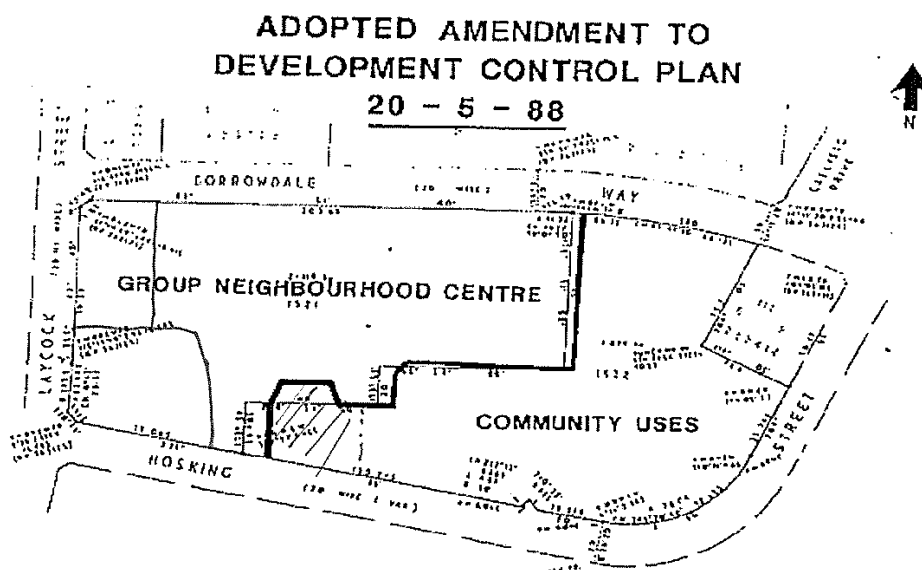
Penrith DCP Controls	Comment
2.2 Crime Prevention Through Environmental Design	<p>The site has not been identified as a hot-spot area for criminal activity by the Bureau of Crime Statistics Research, however it should be noted that the information provided by BOCSAR is compiled of incidents recorded by police.</p> <p>Penrith Police have advised that the shopping centre has the potential to attract local youths and become a focus for unsocial behaviour.</p> <p>Council's Community Safety Coordinator has reviewed the DA documentation and is satisfied that the design of this development has taken into consideration the CPTED requirements put forward by local police and Council's DCP.</p> <p>In terms of surveillance the design provides clear sightlines between public and private spaces. The landscaped area along boundaries incorporates open areas minimising hiding spots. The degree and type of landscaping can be covered as a condition of development consent.</p> <p>CCTV is proposed and this can be enforced as a condition of development consent.</p> <p>The shopping centre will be clearly identified and appropriate signage will be installed to identify various areas. The provision of fencing and landscaping will direct pedestrians to access points.</p>
2.3 Engineering Works	Detailed engineering plans have been submitted and are considered to be satisfactory to Council's engineers.
2.4 Erosion and Sediment Control	An Erosion and Sediment control plan has been lodged with the DA documentation and this aspect can be covered as a condition of development consent.
2.5 Heritage Management	The subject land does not contain an item of environmental heritage nor are there any items in close proximity to the site.

Penrith DCP Controls	Comment
2.6 Landscaping	<p>The applicant has advised as follows:</p> <p>“Due to extensive earthworks required throughout entire site, many of the existing trees will require removal from the existing car park. However, existing trees will be retained where possible. Our landscape strategy is to provide a coherent, practical and functional design consistent with the modern appearance of the new proposed retail centre.</p> <p>As a part of this strategy more than 100 new trees will be planted throughout the site to provide shade and to create a pleasant and inviting environment. Indigenous, preferably local, native trees will be used throughout the car parks and street perimeters to provide shade, windbreaks and visual appeal. In addition, the proposed species are suitable for car parks, being able to withstand compaction of soil and low risk of dropping branches.</p> <p>The understorey accompanying these trees will also have dry tolerant characteristics, will be native and hardy and some may have succulent style. All planting within the new shopping centre confirms to Landscape Requirements as outlined in Penrith City Council DCP 2010.”</p> <p>Council's landscape architect has advised that the landscape plan is rudimentary and more detailed information and plans will need to be provided prior to the issue of the Construction Certificate. More detail shall be provided for the village green, circulation areas south of the village green, northern and north-eastern boundary presentation and tree planting methods in the car parks.</p>
2.6 Landscaping <i>continued</i>	<p>Another concern relates to protecting existing trees that are not required to be removed, during the construction stage. These concerns can be covered as conditions of development consent.</p>
2.7 Notification and Advertising	<p>The proposal has been notified and advertised in accordance with Council's policy.</p>

Penrith DCP Controls	Comment
2.8 Significant Trees and Gardens	There are no trees on the site that have a special significance. All trees and landscaping that will be retained will be protected through conditions of development consent.
2.9 Waste Planning	The applicant has provided a waste Management plan that satisfactorily addresses waste management during both the construction and operational stages.
2.10 Flood Liable Land	The subject land is not flood liable.
2.11 Car Parking	The proponent is proposing two hundred and fifty two (252) car parking spaces to service the completed development. Council's DCP requires the provision of 442 spaces based on the floor space of the development. Council's Traffic Engineer has reviewed the applicant's traffic report and concurs with the traffic consultant that the proposal should be assessed against the RMS current guidelines for shopping centres (TDT2013-04a) dated August 2013. Based on the peak Saturday period the fully developed shopping centre would require 229 spaces. In this instance it is proposed to provide 252 car parking spaces which is 23 spaces in excess of what is required. The applicant has also provided information in regard to the staging of the shopping centre development and sufficient parking is available for each stage of the redevelopment.
2.12 On-site Sewage Management	The site is connected to the sewer and a condition of consent will be applied requiring the applicant to obtain a Section 73 Certificate from Sydney Water.
2.13 Tree Preservation	Discussed in previous sections.

Penrith DCP Controls	Comment
PART 3 - City Wide Specific Land Uses	
3.1 Advertising Signs	The DCP does not permit the erection of an advertising pylon sign which exceeds a maximum height of 7.0m. While taller signs (up to 12.0m) have been permitted along major transport thoroughfares, the subject site is surrounded by residential development and sensitive land uses and the provision of the proposed 11.8m high pylon sign is not considered an appropriate outcome within the streetscape. As a result the height of the pylon signs is recommended to be restricted to a maximum height of 7.0m in accordance with the requirements of Development Control Plan 2006.

Section 6.4 of DCP 2006 also contains a plan that shows the subject land to be defined as a Group Neighbourhood Centre as outlined below.



A group neighbourhood centre includes all neighbourhood scale business activities normally associated with a neighbourhood business centre e.g. Shops, offices, service stations etc.

The proposal therefore complies with this chapter of the DCP.

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

Subject to the imposition of conditions of consent, Council's Building Surveyor has raised no objection to the proposed development regarding fire safety considerations as prescribed under the *Environmental Planning and Assessment Regulation 2000*.

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

Environmental Impacts

Noise Pollution

Council has had concerns regarding the noise impacts associated with the use of the loading dock, both for the supermarkets as well the specialty shops and the applicant's provision of noise control measures to ameliorate the noise impacts to residential properties to the north of the subject land.

The noise report prepared by Marshall Day Acoustics "*Cranebrook Village Shopping Centre Redevelopment Environmental Noise Assessment RP 001 R01 2013378SY*" Dated 22 November 2013 makes recommendations for the mitigation of noise emissions relating to the operation of the shopping centre. The report summarises that excluding noise emissions from delivery vehicles, the calculated noise levels when attenuated by recommended measures (acoustic boundary wall 3.5 metres in height to surrounding waste and loading area) will comply with the Industrial Noise Policy criteria. The predicted noise generated from delivery vehicle movements entering and manoeuvring within the loading area will exceed the industrial noise policy criteria by 9dB in the day and by 13dB in the evening.

These predictions are based on a worst case scenario of 1 heavy vehicle and 2 small trucks manoeuvring within the loading docks in any one 15 minute period. It is expected a total of 18 delivery trucks will service the establishment daily from 7:00am to 10:00 pm Monday – Saturday 8:00 am to 10:00 pm. When the noise generated from manoeuvring and entering onsite is excluded the dock's operational noise emissions comply with the Industrial Noise Policy. The report has indicated that because delivery vehicles will only enter and manoeuvre onsite for a period no longer than a minute, these calculations should be excluded.

An exceedance of 13dB in the evening (after 8.00pm) for a minute is an unacceptable noise emission given the closest receivers are residential properties 20 metres away. The traffic report provided by Transport and Traffic Planning Associates "*Cranebrook Village Shopping Centre Proposed Development Assessment of Traffic and Parking Implications*" Reference 13132 dated November 2013 Revision D indicates that there will be a total of 18 deliveries to the site occurring between 7am to 1pm. Based on the findings of the traffic report and the predicted delivery vehicle noise emissions provided in the noise report it is recommended the development be conditioned to restrict deliveries and waste collection between the hours of 7:00am to 8:00pm Monday to Saturday and 8:00am to 8:00pm Sundays. The condition will also be based on a trial period of 12 months so that Council can monitor the acoustic impact of delivery trucks on adjoining residents on the opposite side of Borrowdale Way between the hours of 7.00am and 8.00am. If the noise impacts are found to be unacceptable during this trial period the hours of operation will be restricted to 8:00am to 8:00pm Monday to Saturday and 8:00am to 8:00pm Sundays.

Given the above, the operation of any cardboard compacting equipment or similar equipment shall be restricted to 8.00am to 5:00pm, 7 days a week.

The noise report identifies that mechanical plant serving the site has not been finalised and noise from mechanical plant / services have not been included in the cumulative noise levels. However an upper noise limit of the allowable noise level contribution from mechanical services has been provided. A condition (No. 26) is recommended to be imposed requiring of any mechanical services / plant installed to

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comply with the specified maximum allowable noise level for mechanical services as indicated in Table 10 of the report.

Water Pollution

The Sediment and Erosion Control Plan prepared by i2c Architects 13709_DA_SE01 Revision 2 September 2013 indicates that the following sediment and erosion control measures will be utilised during the construction of the development specified for this application.

- Installation of filter rolls, hay bales and surface inlet sediment traps throughout the site and to existing stormwater pits.
- Installation of stabilised site access including a vehicle shaker grid.
- Installation of 2 sedimentation basins
- Installation of sediment fencing around the perimeter of the site.

These measures are acceptable and will be covered as a condition of development consent.

The site is substantially developed and covered with hard stand areas. The redevelopment of the site will increase the hardstand areas marginally. Council's engineers have advised that the applicant's stormwater treatment is acceptable and that sufficient on-site detention of stormwater has been provided. Council's engineers have provided conditions to minimise water pollution from the site when the use is operational.

Air Pollution

The proposed development is not likely to cause air pollution once operational. Appropriate dust suppression methods during the construction phase are not outlined within the Statement of Environmental Effects (SEE). This aspect is recommended to be covered by a condition of development consent.

Context and Setting

The proposed development is for the upgrading of an existing facility which has served the local community for over thirty years. The size of the proposed buildings is commensurate with the existing buildings and the land use conforms with Council's long term planning intent for the locality.

Building and Site Design

The proponent attended Council's Urban Design Review Panel (UDRP) in August 2013 with a preliminary design. The panel advised the proponent as follows:

- The supermarket / development should be relocated further west to delete the landscape separation (as proposed by the applicant). This will result in a zero lot line which is supportable;
- The village green should be enlarged and embellished to be used as an enhanced gathering point and passive recreation area;
- The building should be amended to provide a clear line of sight and pedestrian connection between Borrowdale Way and Hosking Street. This would require a minor re-alignment to the eastern elevation noting this may be partially achieved by relocating the development west with a zero lot line;

- The pedestrian connection (north – south) in front of the development should be widened to be a more functional / pedestrian friendly space. This could replace the 12 spaces adjacent to the indicated Aldi Supermarket (to be replaced with parallel parking);
- The mall entry should be widened with greater activation / shop frontage to the car park and southern community facilities;
- The loading dock as currently proposed is not supported. While a dock in this location may be required due to floor space and access constraints, the extent of loading dock (being 50% of the frontage) should be reduced. The ALDI supermarket could be extended north to provide a building edge (and partial shield to residential properties). The loading docks could also potentially be consolidated into one dock or reduced in area, with dense landscaping along the road frontage. This requires further discussion;
- The outcomes / recommendations of the acoustic report will be paramount in reviewing the appropriateness of the loading dock location, size and acoustic wall requirements; and
- The site provides extensive tree planting which will be removed by the proposed works. The plans should ensure retention of some significant areas of vegetation, minimising the extent of car parking areas without landscape breaks.

The plans lodged with the development application have been designed to respond to many of the comments raised by the Urban Design Review Panel. The location of the loading dock has remained on the Borrowdale Way frontage mainly due to slope constraints and existing use issues on other frontages. Borrowdale Ave has been supported by the local community group as the most appropriate road to service the site. The landscaping plans lodged with the application are schematic at best and more detail needs to be provided in regard to the provision of groundcovers, shrubs and trees on the Borrowdale Way frontage that will be used to screen the 3.5 metre acoustic wall. This aspect is recommended to be covered by a condition of development consent (No. 81).

The main supermarket building and specialty stores are all low scale, and as such are sympathetic to the surrounding residential and community uses. The eastern and parts of the southern facade of the development will consist of concrete panels that have been painted with colours that interest to the development. Landscaping is also proposed on the southern boundary to help screen the development from adjoining community land uses to the south.

Landscape Design

The application has been accompanied by a concept landscape plan which provides schematic landscaping throughout the site. Council's landscape architect has responded as follows:

The Landscape Plan submitted is considered a preliminary landscape concept plan and requires further embellished detail for assessment. There is also insufficient detail in the landscape plan to fully interpret materials, changes in level, park furniture and planting. Given the community nature and residential context of the place, the visual presentation and use of the public domain is of significant importance to the success of the whole development.

Passive surveillance of the village green and other public domain areas is also critical for it to not degenerate into littered anti-social and intimidating spaces.

It is therefore recommended that detailed documentation is to be provided to Penrith City Council for approval prior to the issue of the Construction Certificate. Particular landscape detail is to be provided for the village green, circulation areas south of the village green, northern and north-east boundary presentation, and tree planting methods in the car park.

An Arborist Report / Tree Management Plan (prepared by a suitably qualified arborist) are required prior to demolition detailing as a minimum tree protection measures and constraints for work around existing trees. There are several areas where the landform is modified (cut and fill) that appear to impact on the root zones of existing trees earmarked for retention, thus compromising tree health and longevity such as within the north-east corner of the site.

In the design of retaining walls, consideration is required to their visual impact and the potential for graffiti. A planting response should be investigated e.g. screening, green walls.

The narrow landscaped area between buildings and the childcare centre should be considered to be fenced off from public access as it may attract anti-social behaviour. The area should be accessible for maintenance. Other similar spaces should be checked for the like. Areas for loitering (mainly school kids) was an issue when developing designs for this space in 2004.

Parts of the village green will suffer from permanent shadow from the building and as a result turf will fail. Shadow diagrams of the building shall be considered when designing these landscaped spaces for people to meet, socialise, sit, congregate, eat, and gather for events.

It is also recommended that tree plantings in the car park are not Eucalypts, deciduous trees are carefully positioned for solar access to public spaces, the overall look is verdant (consider natives with an 'exotic'/green appearance, and consider use of exotics).

Accessibility appears to be compromised in some areas. Path widths are inadequate (1.2m) which do not allow for passing. Whilst the site landform is a constraint, ramps should be located so they are associated or better still integrated with stepped paths, to ensure inclusivity in the public domain. An example where this is not achieved is the ramp sections that divert well away from other non-accessible paths west of the village green. Furniture, including bollards, shall be selected to ensure appropriate luminance contrast as per the relevant Australian Standard and best practice. A minimum of 40% of seating provided shall have backs and armrests. Seating areas shall accommodate spaces allocated beside for wheelchairs/strollers for inclusive socialising. Universal Design principles shall apply to and be embedded in this proposal.

Irrigation to planting and turf areas is required. The success of planting is contingent upon best practice soil improvement and ground preparation, provision of water in line with a maintenance regime, and a lengthy plant establishment period that includes replacement of damaged / vandalised plants.

In keeping with the above comments the applicant will be required by Penrith City council to provide a detailed Construction Certificate level landscape plan approval prior to issue of the Construction Certificate. This aspect will be covered as a

recommended condition of development consent (No. 81) and will address the issues raised above.

Traffic and Parking

The applicant's traffic consultant has assessed the traffic generation against the recent issue of TDT2013-04a, being the contemporary RMS' calculations for traffic generating developments, dated August 2013 which is based on recent surveys of large retail shopping centres. Based on a shopping centre <20,000m² GLFA of 6.4 vehicle trips per hour/ 100m² for Fridays, and 6.9 vehicle trips per hour/100m² for Saturday, this proposal is estimated to generate between 397 and 428 vehicle trips per hour, which is an increase from the current situation. This is an expected increase given the standard of the existing shopping centre, compared to a new centre. Most of the traffic is expected to use the Laycock Street access, catering for movements to/from the south.

Although the proposal will produce a consistent increase in local traffic flow, no adverse traffic generation impacts are expected from the development and it is anticipated that the local road network will have adequate capacity to cater for this additional traffic generation. Bus transport is available in the area and the proposal does not compromise the use of the existing bus shelter.

Access to the parking area will be via Laycock Street (existing) and a new entry in Borrowdale Way (western end). New loading/servicing entry and exist points are also proposed via Borrowdale Way, providing access for semi-trailers. Two way circulation is available around the car park. A central pedestrian access corridor is provided from the Borrowdale Way pedestrian refuge and also connecting to Laycock Street. The path should be 1.5m wide to allow for accessible access and people with prams and shopping trolleys. This aspect is recommended to be conditioned (No. 66). Bus transport is available in the area.

Using the provisions of Council's DCP 2006 the proposal requires four hundred and forty two (442) car parking spaces. Two hundred and fifty two (252) spaces are proposed resulting in a shortfall of 190 spaces based on the DCP requirements. However, the Traffic Report assesses the parking against the recent issue of TDT2013-04a, being the contemporary RMS' calculations for traffic generating developments, dated August 2013, which is based on recent surveys of large retail shopping centres. Based on the peak Saturday period at a shopping centre <20,000m² GLFA of 3.7 spaces per 100m², 229 spaces would be required. In this instance, there are 252 spaces proposed which results in an excess of twenty three (23) spaces. Also within this quantum, four accessible car parking spaces are proposed. Given the number of spaces to be provided the development should be a minimum of six (6) accessible car parking spaces, this aspect is recommended to be covered by a condition of development consent (No. 6). The details shown in Appendix 4 confirm that sufficient parking will be available during the staging of the development.

Council's Traffic Engineer raises no objection to the proposal and has provided relevant conditions of development consent.

Secure and convenient bicycle parking should be provided in accordance with *AS2890.3:1993 Bicycle Parking Facilities*.

Accessibility

The Access Report accompanying the development application, prepared by Accessibility Solutions (NSW) Pty Ltd, concludes that the proposal provides equitable access for people with disabilities so as to comply with the accessibility requirements of the Building Code of Australia, Australian Standard 1428 and the primary objectives of the Commonwealth *Disability Discrimination Act 1992*. The detailed design recommendations of the Access Report shall be incorporated into the Construction Certificate plans and the works certified accordingly prior to occupation of the building. This matter can be conditioned accordingly.

The proposal was reported to Council's Access Committee at its meeting held in February 2014. At that meeting the Committee requested the following matters be considered in Council's assessment of the proposal:

- Concern about safety and the ease of access during the process of construction;
- Provision of an emergency site management plan;
- Accessibility to the supermarket during construction stage;
- Construction of the car park;
- The number of accessible parking spaces;
- Interim toilets;
- Safe access from the car park to the front entry past the driveways; and
- Location of the bus stop.

All of the above issues are addressed throughout this report and by the recommended conditions of development consent.

Waste Management

The waste management plan prepared by PGH Environmental Planning "Waste Management Plan Attachment No. 3 to Statement of Environmental Effects "Redevelopment of Cranebrook Village Shopping Centre" Report No SEE 13-04981 dated 20 November 2013 provides a management plan and site plan in regard to the demolition and construction phase.

A plan highlighting the location of the operational waste storage areas has been provided (Site Plan - Stage 2 prepared by i2c Architects N09-041 DA03 provided 24/2/2014). This plan confirms that there is a total of 3 waste areas for the development (specialty shops waste area, Aldi waste area and supermarket waste area). The plan and supporting information confirms that the waste areas will be suitably bunded, roofed, ventilated and graded to sewer (incorporated with sump and basket for debris collection) with the provision of a hot and cold hose cock. All waste areas will be serviced regularly by specialist contractors and restricted from public access. The location of a grease trap has also been provided and is proposed to be located within the car park.

The Stormwater Details Plan prepared by i2c Architects 13709_DA_C210 Revision 1 September 2013 and the OSD Section and Details Plan prepared by i2c Architects 13709_DA_C201 revision 1 September 2013 indicates that grease, oil and other wastes generated within the hardstand and car park areas will be removed from stormwater by the use of a "Maximesh Trash Rack" and oil baffles within Onsite Stormwater Detention Pits to be installed on the subject site.

These details are satisfactory and the waste management plan will be enforced as a recommended condition of development consent (No. 54).

Flora and Fauna

The subject land has been substantially cleared in the past and contains no significant remnant vegetation. The proposal will have a negligible effect on the biodiversity of the area.

Social and Economic Impacts

In 2012 Council approved a new neighbourhood shopping centre at Jordan Springs. This shopping centre is located approximately 2km by road to the east of the subject land and has retail floor space that is commensurate with the current proposal. Council engaged consultants with economic expertise to undertake a peer review of the Jordan Spring's developer's economic analysis. Council's consultants (MacroPlan Dimasi) found that:

The proposed retail development at Jordan Springs Town Centre, which is the subject of this assessment, is appropriate in terms of size, mix and timing. It should be approved in accordance with the submitted plans for Stage 1. The proposed 5,512 sqm of retail and commercial space at the Jordan Springs Town Centre is consistent with the floor space guidelines for retail and commercial development within the St Mary's Release Area –SREP 30. Stage 1 of the development is within the 7,500 sq.m floor space guidelines for the western precinct. MacroPlan Dimasi considers the trade area defined by LIQ to be reasonable and representative of the likely catchment served by the proposed development. The LIQ estimates of retail expenditure within the catchment are based upon industry standard accepted data sources and methodology.

In summary the Jordan Springs development was found to have an insignificant impact on the trade of nearby shopping centres (including the Cranebrook Shopping Centre). As the current proposal is the upgrading of an existing shopping centre it is unlikely that it will have a significant economic impact on nearby shopping centres including Jordan Springs.

In regard to the social impact of the proposal, Council's social planning co-ordinator has supported the proposal including the liquor outlet on the basis that it will be controlled by conditions issued by the NSW Casino, Liquor and Gaming Control Authority. However, any such occupation should be subject to a separate consent.

7. Section 79C(1)(c) – The Suitability of the Site for the Development

The proposal involves the re-development of the existing shopping centre and does not result in any significant impacts that cannot be ameliorated by conditions of development consent. The proposal provides an essential public service for the local community, on an established commercial site with access to existing transport links.

8. Section 79C(1)(d) – Any Submissions made in relation to the Development

i) Referrals

The application was referred to the following stakeholders and their comments have formed part of the assessment:

<i>Referral Body</i>	<i>Comments Received</i>
<i>Roads and Maritime Services</i>	No objections, no conditions.
<i>NSW Police</i>	Raised concerns regarding unsocial behaviour by youths, surveillance in general, access to parking area after hours, installation of bollards and security doors to mall area. Comments provided are recommended to be addressed by way of recommended conditions of consent.
<i>Community Safety Officer</i>	No objections, subject to conditions
<i>Building Surveyor</i>	No objections, subject to conditions
<i>Environmental Management</i>	No objections, subject to conditions
<i>Traffic Engineer</i>	No objections, subject to conditions
<i>Development Engineer</i>	No objections, subject to conditions
<i>Landscape Architect</i>	No objections, subject to conditions
<i>Public Health</i>	No objections, subject to conditions
<i>Community Development</i>	No objections, subject to conditions
<i>Parks and Recreation</i>	No objections, subject to conditions

(ii) Community Consultation

In accordance with Council's Notification DCP, the proposed development was notified to adjoining property owners, leaseholders within the existing shopping centre and placed on public exhibition from 09 December 2013 to 24 January 2014. A total of two submissions were received.

The issues raised within the received submissions are summarised below and comments provided in tabular form.

<i>Issue</i>	<i>No. of times Raised</i>	<i>Comment</i>
<i>Safety of shoppers especially the elderly or those with a disability using the walking path from Hosking Street up to the Natural Amphitheatre and Village</i>	1	The issue of improved surveillance and the safety of shoppers using the site has also been raised by the NSW Police. This aspect will be addressed by conditions of consent dealing with the type of landscaping to be used, the provision of CCTV and lighting on the site and need for a Security Management Plan which addresses proactive security measures taken by the operator of the shopping centre.
<i>Concerns with lack of provision of lighting for residents and shoppers using the site at night</i>	1	See comments above

Issue	No. of times Raised	Comment
<i>Who will be responsible for long term maintenance of the site in particular the village green area.</i>	1	All maintenance on land owned by the shopping centre developer will be the responsibility of the shopping centre. Maintenance of the access and landscaping from Hosking Street that is located on Council owned land will be Council's responsibility.
<i>Unauthorised vehicular access from the car parking areas to Hosking Street</i>	1	This aspect can be addressed by provision of appropriate bollards or barrier fencing on the edge of the car parking area to inhibit unauthorised vehicular access.
<i>Only four (4) disability car parking spaces have been provided. Given the number of car parking spaces provided on the site there should be a minimum of six (6) disability car parking spaces</i>	1	A condition of consent will be imposed requiring the provision of a minimum of six (6) disability car parking spaces.
<i>Heavy vehicles should not use Laycock Street to gain ingress or egress to the site. All service vehicles should be required to use Borrowdale Way and the Northern Road.</i>	1	Agreed. This issue will be covered as a condition of development consent.
<i>The sewer mains in Hosking Street currently fail due to invasion by tree roots and movements within the clay based soil. The new development should not make this situation any worse.</i>	1	Noted. This issue will be covered by a condition of development consent requiring the proponent to obtain a Section 73 Certificate from Sydney Water who is responsible for the efficient functioning of the sewer mains in the locality.
<i>As many mature trees as possible should be retained on the site as these trees are habitat for local bird species.</i>	1	Agreed. This aspect will be covered by a condition of development consent.
<i>The local community group requests that the village green area and the natural amphitheatre be made available through a booking process to community groups for free or for a low fee.</i>	1	This is not a DA matter. Community groups will need to liaise with the shopping centre owner to reach a satisfactory access arrangement to this part of the site.

Issue	No. of times Raised	Comment
<i>The applicant has provided a list of specialty shops that will be in the new centre. A video rental shop and a hairdresser should be added to this list.</i>	1	The first use of the specialty shops will be addressed as “complying development” through the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The mix of retail outlets is a decision for the commercial operator of the site and Council has no role in this process.
<i>There are a significant number of high school students that use the existing shopping centre as a place of truancy from school. The community and the shopping centre management should meet and work together to minimise this problem.</i>	1	Again this issue can be addressed through dialogue between the various parties and is not a matter that is part of the development assessment process.
<i>Basement parking should have been provided.</i>	1	A satisfactory number of car parking spaces have been provided “at grade” on the site. There is no need to provide basement parking.
<i>A fitness centre (gym) should be provided as one of the specialty shops.</i>	1	The first use of the specialty shops will be addressed as “complying development” through the provisions of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The mix of retail outlets is a decision for the commercial operator of the site and Council has no role in this process

The issues raised are noted and where relevant have been addressed or covered by conditions of development consent.

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

The proposed development is permissible under the current planning instrument and also is envisaged as the dominant use of the land under Council's draft planning instrument applying to the site. The proposal will re-invigorate an aging commercial building and provide modern commercial outlets for an established residential community. The proposed development will increase convenience for local residents and reduce travel times for basic goods. The staging of the development will ensure continued access to a shopping facility for local residents. The proposal is in the public interest.

Conclusion

The proposed development represents an important upgrade of an existing commercial facility that provides shopping choice for a local community. The proposal is a permissible land use and accords with Council's long term planning for the locality.

The staging of the development will provide continued access to retail outlets on the site for the local community.

Conditions of development consent have been proposed which will ensure the effective operation of the commercial site with a minimal impact on the adjoining residential development. The proposed development has been assessed against the relevant heads of consideration contained in Section 79C of the *Environmental Planning and Assessment Act 1979* and has been found to be satisfactory. The site is suitable for the proposed development and the proposal is in the public interest. The proposal is therefore worthy of the Joint Regional Planning Panel's support.

Recommendations

That:

1. That pursuant to the provisions of Interim Development Order No.83 (Penrith), the Joint Regional Planning Panel seek concurrence from the Director General of Planning & Infrastructure for the granting of development consent for DA13/1386 for the demolition of existing buildings and the redevelopment of Cranebrook Village Shopping Centre together with associated landscaping works on Lots 1 and 2 DP 1154439 and Lot 1525 DP 788416, Nos.52-54 Laycock Street and Nos.80-98 Borrowdale Way, Cranebrook.
2. That upon receipt of the aforementioned concurrence, DA13/1386, for the demolition of existing buildings and the redevelopment of Cranebrook Village Shopping Centre together with associated landscaping works on Lots 1 and 2 DP 1154439 and Lot 1525 DP 788416, Nos.52-54 Laycock Street and Nos.80-98 Borrowdale Way, Cranebrook be approved subject to the conditions outlined below.
3. Those that made submissions are advised of the determination.

CONDITIONS OF CONSENT

GENERAL MATTERS

1. The development must be implemented substantially in accordance with the following Plans:

Project No.	Plan No.	Description	Prepared by	Dated
N09-041	DA00A	Cover Sheet	i2C Architects	08/11/13
N09-041	DA01A	Existing Site Plan	i2C Architects	08/11/13
N09-041	DA02A	Site Plan Stage 1	i2C Architects	08/11/13
N09-041	DA03A	Site Plan Stage 2	i2C Architects	08/11/13
N09-041	DA04A	Ground Floor Plan	I2C Architects	08/11/13
N09-041	DA05A	Roof Plan	I2C Architects	08/11/13
N09-041	DA06A	Elevations	I2C Architects	08/11/13
N09-041	DA07A	Sections	I2C Architects	08/11/13
N09-041	DA08A	Perspectives	I2C Architects	08/11/13
N09-041	DA09A	Notification Plan	I2C Architects	08/11/13
	SKDA01D	Overall Landscaping Plan	Umbaco Landscape Architects	November 2013

In addition to the application form, the Statement of Environmental Effects for the Redevelopment of the Cranebrook Village Shopping Centre prepared by PGH Environmental Planning, dated 20th November 2013, the staging letter and accompanying plans from Cranebrook Village Pty Ltd dated 13/03/14 and any supporting information received with the application, except as may be amended in red on the attached plans and by the following conditions.

2. The development shall not be used or occupied until an Occupation Certificate has been issued.
3. The operating hours of the shopping centre are from 7:00 am to 10:00 pm 7 days a week. The operating hours of delivery and service vehicles to and from the development are limited to 7:00 am to 8:00pm Monday to Saturday and 8:00am to 8:00pm Sundays and Public Holidays unless as otherwise restricted by conditions in this consent.
4. No motor vehicles are to be displayed for sale on the subject premises.
5. A Construction Certificate shall be obtained prior to commencement of any building works.
6. A minimum of six (6) accessible parking spaces shall be provided on the site near the entrance to the shopping centre.

7. In addition to Council's street sweeping and cleansing operations, the owner/manager of the building shall ensure that the footpath , gutter , building entry and surrounds are kept clean and clear of litters at all times.
8. A public address system or sound amplifying equipment shall not, without the consent of Council, be installed in or upon the premises so as to cause or permit the emission of sound onto any public place or nearby residential area.
9. All wastewater and stormwater treatment devices (including all drainage systems, sumps and traps) must be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.
10. Staff toilets are to be supplied with a hand wash basin/s that is supplied with a constant supply of warm potable water (40 degrees Celcius), soap and disposable paper towels or mechanical hand dryer.
11. The entrances to the shopping complex are to be fitted with device/s to prevent the entry of pests including flies.
12. The following safety and security requirements are to be complied with:
 - a. Pedestrian pathways, lane ways and access routes in outdoor public spaces should be lit to the minimum Australian Standard of AS 1158. Lighting should be consistent in order to reduce the contrast between shadows and illuminated areas. Lighting should be designed in accordance with AS4282 – Control of the obtrusive effects of outdoor lighting.
 - b. Lighting should take into account all vegetation and landscaping that may act as an entrapment spot.
 - c. Lighting should be designed so that it is 'vandal-tough' or difficult for vandals to break.
 - d. All lighting should be maintained and kept in a clean condition with all broken or burnt out globes to be replaced quickly.
 - e. Avoid medium height vegetation with concentrated top to bottom foliage.
 - f. Trees with dense low growth foliage should be spaces or crown raised to avoid a continuous barrier.
 - g. Avoid vegetation that impedes the effectiveness of public and private space lighting.
 - h. Use "green screens" (wall hugging vegetation that cannot be hidden behind) if screening large expanses of fencing to minimise graffiti.
 - i. Anti-motor vehicle theft signage is to be displayed in visible locations within the car park.

- j. Any outdoor furniture should utilise vandal-resistant treatments where possible and should be constructed of sturdy materials to minimise opportunities for malicious damage, graffiti, vandalism and theft. Graffiti resistant coatings must be applied to any surfaces subject to graffiti to assist with removal.
 - k. The finishes of all structures and buildings are to be maintained at all times and any graffiti or vandalism immediately removed/repaired (within 48 hours).
13. The pylon sign is restricted to a maximum height of 7.0m in accordance with the signage requirements within Part 3, Section 3.1 – Advertising Signs outlined within Penrith Development Control Plan 2006.

DEMOLITION

14. All demolition works are to be conducted in accordance with the provisions of AS 2601-1991 "The Demolition of Structures". Prior to demolition, all services shall be suitably disconnected and capped off or sealed to the satisfaction of the relevant service authority requirements.

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.

15. You should read Council's Fact Sheet titled "Handling and Disposal of Fibrous Cement Products" before any demolition works commence on the site.

Prior to commencement of demolition works on site, a portaloo with appropriate washing facilities shall be located on the site and the Principal Certifying Authority is to be satisfied that:

Measures are in place so as to comply with the WorkCover Authority's "Short Guide to Working with Asbestos Cement" and
The person employed to undertake the works is a licensed asbestos removal contractor and is holder of a current WorkCover Asbestos Licence.

Any demolition works involving the removal of all asbestos shall only be carried out by a licensed asbestos removal contractor who has a current WorkCover Asbestos Licence.

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.

16. Dust suppression techniques are to be employed during demolition and construction to reduce any potential nuisances to surrounding properties.
17. Mud and soil from vehicular movements to and from the site must not be deposited on the road.
18. Demolition works will 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 demolition work is permitted on Sundays and Public Holidays.
- In the event that the demolition relates to works inside the building 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 provisions of the Protection of the Environment Operations Act, 1997 in regulating offensive noise also apply to all construction works.

19. A baby care room shall be provided and maintained in accordance with Penrith City Council's Baby Care Rooms Development Control Plan 2002. Details are to be submitted to Penrith City Council as part of the Construction Certificate application.
20. To ensure compliance with Local Government Act, 1973, Section 124, Order 8, the street/shop number shall be prominently displayed at the front of each of the tenancies.

Environmental Matters

21. Erosion and sediment control measures shall be installed prior to the commencement of works on site including approved clearing of site vegetation. 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 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 land until the land that was subject to the works, have been stabilised and grass cover established.

22. All land that has been disturbed by earthworks is to be spray grassed or similarly treated to establish a grass cover.
23. 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.

24. 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.
25. 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.

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.

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.

26. Noise levels from the premises shall not exceed the relevant noise criteria detailed in Cranebrook Village Shopping Centre Development prepared by Marshall Day Acoustics dated 22 November 2013. 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.

In addition to the above requirements, any noise levels from mechanical equipment or plant installed to or within the premises must comply with the specified maximum allowable noise level for mechanical services as indicated in table 10 of the Acoustic Report prepared by Marshall Day Acoustics dated 22 November 2013.

27. 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 noise.
28. A plan detailing spill prevention, contingency and emergency clean-up procedures for the development shall be submitted for approval prior to construction works commencing. The approved procedures plan shall be implemented in the event of a spill or emergency.

29. Waste oil shall be stored in a covered and bunded area and regularly removed to a waste oil recycle operation.
30. 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. All bunded areas shall be graded to a blind sump so as to facilitate emptying and cleaning. Details are to accompany the application for a Construction Certificate.
31. 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.
32. Stormwater runoff from parking and open areas shall be directed to the stormwater drainage system. The Stormwater pre-treatment devices specified in the Stormwater Details Plan prepared by i2c Architects 13709_DA_C210 Revision 1 September 2013 and OSD Section and Details Plan prepared by i2c Architects 13709_DA_C201 Revision 1 September 2013 shall be used to remove litter and sediment.
33. 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.

34. 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. The Validation Certificate shall:
- a. state the legal property description of the fill material source site,
 - b. 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,
 - c. clearly indicate the legal property description of the fill material source site,
 - d. provide details of the volume of fill material to be used in the filling operations,
 - e. 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
- f. (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:

- a. Supervise the filling works,
- b. (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,
- c. Certify by way of a Compliance Certificate or other 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 Compliance Certificate or other documentation shall be submitted to Council and any Principal Certifying Authority.

The contact details of any appropriately qualified person/s engaged for the works shall be provided with the Notice of Commencement.

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.

{Note: Penrith Contaminated Land Development Control Plan defines an appropriately qualified person as “a person who, in the opinion of Council, has a demonstrated experience, or access to experience in hydrology, environmental chemistry, soilscience, eco-toxicology, sampling and analytical procedures, risk evaluation and remediation technologies. In addition, the person will be required to have appropriate professional indemnity and public risk insurance.”}

35. The roller doors located within the Waste Storage and Dock area shall operate silently and be appropriately maintained.
36. 12 Months after the issue of the Occupation Certificate , an Acoustic Compliance Report is to be submitted to and approved by Council. The report is to be prepared by a suitability qualified Acoustic Consultant and is to address, but is not limited to, all noise generating activities on the site and the level of compliance with the noise criteria set within the Cranebrook Village Shopping Centre Redevelopment Environmental Noise Assessment RP 001 R01 2013378SY Dated 22 November 2013.
37. The operation of any cardboard compacting equipment or similar equipment within the waste management / dock area shall be restricted to between the hours of 8:00am to 5:00pm 7 days a week.
38. All loading/unloading of delivery vehicles shall take place in the approved dock area and under no circumstances are vehicles to stand on Borrowdale Way for the purpose of loading/unloading.

39. The construction and operation of the premises shall comply with the NSW Smoke-free Environment Act 2000 and Smoke-free Environment Regulation 2000.

BCA Issues

40. 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.
41. A fire safety list of essential fire or other safety measures shall be submitted to Penrith City Council prior to the issue of the Construction Certificate. The fire safety list shall specify all measures (both current and proposed) that are required for the building so as to ensure the safety of persons in the building in the event of fire. The fire safety list must distinguish between:
- a. the measures that are currently implemented in the building premises,
 - b. and the measures that are to be proposed to be implemented in the building premises, and must specify the minimum standard of performance for each measure.
42. 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.
43. 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 community. Compliance with the performance requirements can only be achieved by:
- 44.
- (a) complying with the deemed to satisfy provisions, or
 - (b) 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
- a combination of (a) and (b).

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

Health Matters

45. Prior to occupation of a tenancy within the building, a separate Development Application or Complying Development certificate is to be obtained to use each tenancy within the building/complex. This condition does not apply to the Supermarket.

46. The construction, fit out and finishes of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, and AS4674-2004 Design, Construction and Fitout of Food Premises.

47. Air-handling systems, hot-water systems, humidifying systems, warm-water systems and water-cooling systems must be installed in accordance with AS/NZS 3666.1:2011 Air-handling and water systems of buildings—Microbial control—Design, installation and commissioning, as applicable to the specific system. An air- handling system must be fitted with supply air filters.

The regulated system shall be thoroughly flushed before being brought into service and shall be located in a position to ensure that the exhaust discharge from the tower is away from occupied areas, air intake and building openings.

48. Prior to commencing outdoor dining or trading, the operator of the business shall obtain an Outdoor Eating & Trading Licence in accordance with Council's Outdoor Eating & Trading Development Control Plan. An application form can be obtained by contacting Council on (02) 4732 7777 or from Council's website www.penrithcity.nsw.gov.au.

49. Any cooling towers and warm water systems are to be registered with Penrith City Council by completing the registration form for regulated systems. This form is to be returned to Council prior to the issuing of the occupation certificate and operation of the system if applicable.

50. The occupier of any premises at which a water-cooling system or warm-water system is intended to be installed must notify Council using the NSW Ministry of Health Notification Form available from www.health.nsw.gov.au:

- if the system is installed before he or she becomes the occupier, within one month after he or she becomes the occupier, or
- if the system is installed after he or she becomes the occupier, within one month after the system is installed.
- The occupier of the premises must notify Council within 7 days of any change of details.

51. All garbage must be stored in accordance with the requirements of the Food Safety Standards of the Australian and New Zealand Food Standards Code and the

Protection of the Environment Operations Act 1997 to prevent the harbourage of vermin or generation of odours.

Construction

52. 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.

53. 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 owner of 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, 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.

54. The approved waste management plan must be implemented on-site and adhered to throughout all stages of the development including demolition, with supporting documentation / receipts retained in order to verify the recycling and disposal of materials in accordance with the approved plan.
55. Detailed engineering plans and specifications relating to the work shall be submitted for consideration and approval prior to the issue of a Construction Certificate.
56. Glass installations within the building shall comply with AS 1288 and the Building Code of Australia. On completion of the glass installation, a report shall be submitted certifying compliance with AS 1288.
57. 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 do not involve the use of equipment that emits noise are 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.

Roads Act Requirements

58. A security door shall be provided on both ends of the internal corridor linking the retail floor space of the shopping centre to the loading dock
59. The pedestrian paths are to be 1.5m wide to allow for accessible access and people with prams and shopping trolleys.
60. Prior to the issue of an Occupation Certificate, and to maintain sight distances around the new loading entry and exit, "No Stopping" restrictions are to be implemented on the southern side of Borrowdale Way, between the existing zone at the pedestrian refuge in Borrowdale Way and the eastern site boundary. This is to be approved by Council's Local Traffic Committee prior to implementation and installed at no cost to Council.
61. Retailing, including island kiosks, is prohibited in the corridor areas of the shopping centre.
62. Prior to the issue of an Occupation Certificate, secure bicycle parking is to be provided in at convenient location(s) in accordance with AS2890.3:1993 Bicycle Parking Facilities.

Engineering

63. 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.

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).

64. On-site detention shall be provided generally in accordance with the concept plan/s lodged for development approval, prepared by (Henry & Hymas), reference number (13709), revision (B), dated (Sept 2013).

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.

Engineering plans and supporting calculations for the on-site detention 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 on-site detention system has been designed in accordance with Penrith City Council's Design Guidelines and Construction Specification for Civil Works.

65. 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.

66. 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, AS 2890.2, AS 2890.6 and Penrith City Council's Development Control Plan.
67. Inter-allotment drainage shall be provided for all lots that are unable to be drained by gravity to the street system. Inter-allotment drainage is to be constructed with a maximum pit spacing of 40m. A stub connection shall be provided for lots without a pit with location details to be provided on the works as executed drawings.
68. 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.

Drainage pipe connection from private property to Council's drainage pit shall be reinforced concrete or FRC.

69. 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.
70. 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.

71. Prior to the issue of select (an Occupation) Certificate, the Principal Certifying Authority shall ensure that the:

- a) On-site detention system/s
- b) 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.

72. Prior to the issue of an Occupation Certificate, a restriction as to user and positive covenant relating to the:

- a) On-site detention system/s
- b) 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.

Landscaping

73. All landscape works are to be constructed in accordance with the a landscape plan as required by a condition of this development consent, approved by Council prior to the issue of a Construction Certificate and Sections F5 "Planting Techniques", F8 "Quality Assurance Standards", F9 "Site Management Plan" of Penrith Council's Landscape Development Control Plan.

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.

74. The approved landscaping for the site must be constructed by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to construct category 3 landscape works.

75. The following series of reports relating to landscaping are to be submitted to the nominated consent authority 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. The report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works

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.

This report is to be prepared by a landscape professional listed in Council's Approved Landscape Consultants Register as suitable to design category 3 landscape works.

iii Final Site Arborist's Report (significant tree protection)

This report is to be submitted to Penrith City Council 2 years after the Occupation Certificate was issued. This report is to be prepared by a consulting arborist listed in Council's Approved Landscape Consultants Register. At Council's discretion this period may be reduced under circumstances where the Site Arborist is able to guarantee the health and ongoing survival of the trees.

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:

(a) The landscaping on site has matured and is in accordance with the original landscape approval.

(b) 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.

76. 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 Landscape Development Control Plan.
77. All landscape works are to meet industry best practice and the following relevant Australian Standards:
 - AS 4419 Soils for Landscaping and Garden Use,
 - AS 4454 Composts, Soil Conditioners and Mulches, and
 - AS 4373 Pruning of Amenity Trees.
78. All trees that are required to be retained as part of the development are to be protected in accordance with the minimum tree protection standards prescribed in section F4 of Councils Landscape Development Control Plan yet based on treatments proposed in the Arborist Report.
79. No trees are to be removed, ringbarked, cut, topped or lopped or wilfully destroyed (other than those within the proposed building footprint or as shown on the approved plans) without the prior consent of Penrith City Council and in accordance with Council's Tree Preservation Order and Policy.
80. The trees identified for retention on the approved Plans shall be retained and duly protected during the construction of the development. Tree protection measures shall:
 - be installed before any works can commence on site including the clearing of site vegetation, and
 - comply with the standards prescribed by the Tree Management Plan, and
 - be certified by the author of the Tree Management Plan (TMP) before any works can commence on site. The certification is to be a Compliance Certificate or other written document certifying that the tree protection measures have been installed in accordance with the recommendations in the approved TMP. The Compliance Certificate or other suitable documentation shall be submitted to the Principal Certifying Authority a minimum 2 days prior to the commencement of site works. A copy of the Compliance Certificate or written documentation is to be submitted to Council with the "Notice of Commencement".
81. Detailed landscape documentation is to be submitted for approval by Council officers prior to issue of a Construction Certificate. Particular landscape detail is to be provided for the village green, circulation areas south of the village green, northern and north-east boundary presentation, and tree planting methods in the car park.
82. A Tree Management Plan, shall prepared by a suitably qualified arborist that is approved by Council officers. The plan shall be submitted to Council and

approved by Council prior to demolition and earthworks (includes tree protection measures) being undertaken on the site.

83. Prior to the commencement of any earthworks or construction 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.

84. The following security measures are to be implemented:

- a) Bollards shall be placed at regular intervals in front of glazing in retail spaces to reduce the risk of 'ram raids' and unauthorised vehicle access.
- b) CCTV shall be installed to cover all shopping centre entrances/exits, walkways, loading dock and service areas, entrances to amenities, and fire escapes. The CCTV should be of sufficient quality to enable facial recognition in the event that footage is required by NSW Police.
- c) All Car Parks shall be locked outside of normal operating hours, with boom gates installed at all entry points to restrict vehicle and pedestrian access afterhours and minimise opportunities for vehicles to loiter in the car park.
- d) Designated car parking spaces must be reserved for Emergency Services personnel (Police, Fire, Ambulance) for ease of access in the case of an emergency. These spaces must be strategically located in close proximity to key entry points.
- e) The following requirements shall be observed with respect to lighting:
 - o All entrances and exits to the centre shall be well lit.
 - o Car park areas shall be well lit in accordance with Australian Standards, to improve visibility for users and staff.
 - o All lighting shall be vandal resistant.
 - o Lighting shall be consistent to reduce contrast between shadows and illuminated areas.
 - o Light spillage shall be contained within the property boundary and no light shall be projected upwards.

- f) Shopping trolleys must be secured inside retail premises after hours to prevent theft and/or vandalism. Consideration should be given to coin-operated trolleys or similar systems which reduce opportunities for theft or dumping of trolleys.
 - g) A Security Management Plan shall be provided to Council prior to occupation of the building to provide details regarding:
 - CCTV (including details of camera type, locations and procedures for storage of footage)
 - Use of Security Personnel (including staffing levels and frequency of patrols).
 - Responses to incidents/emergencies
 - Management of vandalism, graffiti and strategies to deter loitering and antisocial activity, particularly after hours.
85. A security door shall be installed at the perimeter of businesses to clearly define the boundaries and restrict access afterhours.
86. An additional trolley bay of similar dimensions to the approved bay, shall be provided in the northern part of the car park. The trolley bays shall be designed to operate on a coin lock system to minimise theft of trolleys.
87. Time frame for completion of development
Upon issue of a Final Certificate of Occupation for the eastern most supermarket, the remainder of the development shall be completed within a period of two years.
88. The hours of operation of the loading dock shall be restricted for a trial period of twelve months. Prior to the expiration of the trial period the proponent shall make application for the continuation of the approved hours of operation. If no approval is obtained from Council for the continuation of the operating hours of the loading dock as specified in this consent or no application is made, prior to the expiration of the trial period, the hours operation of the loading dock shall be restricted to between 8.00am to 8.00pm seven days a week.