

<b>JRPP Ref. No.:</b>	2014SYW084
<b>DA No.:</b>	DA14/0765
<b>APPLICANT:</b>	Village Fair Glenmore Park Pty Ltd C/- Mullane Planning Consultants P/L
<b>PROPERTY OWNER:</b>	Village Fair Glenmore Park Pty Ltd
<b>PROPOSED DEVELOPMENT:</b>	Stage 2 of Glenmore Park Town Centre including Major Supermarket, Minor Supermarket, Commercial Floor Space, Speciality Shops, Retail Kiosks & Associated Car Parking
<b>PROPERTY ADDRESS:</b>	1-11 Town Terrace, Glenmore Park
<b>PROPERTY DESCRIPTION:</b>	Lot 2 DP 865459
<b>DATE RECEIVED:</b>	27 June 2014
<b>ASSESSING OFFICER:</b>	Pukar Pradhan, Senior Environmental Planner
<b>CATEGORY OF DEVELOPMENT:</b>	Capital Investment Value > \$20 Million = \$25 Million

## Assessment Report

### Executive Summary

Council is in receipt of a development application for the construction of a shopping centre building which will form Stage 2 of the existing Glenmore Park Town Centre. This building is proposed to comprise of a Coles supermarket, an Aldi supermarket, speciality shops, a café, commercial tenancies, two levels of parking and associated landscaping. The building is to be constructed on the vacant site located at the northern part of the town centre. The site is currently zoned *B2 Local Centre* under Penrith Local Environmental Plan 2010 (Amendment No. 4). However, the development application was lodged prior to the gazettal of this LEP amendment when the site was zoned 2 (*Urban Zone*) under Penrith Local Environmental Plan No. 188. The proposed development is permissible with consent under both of these planning instruments.

Section 6.11 of Penrith Development Control Plan 2006 is applicable to this site. The proposed development being stage 2 of the shopping centre is generally consistent with the DCP and in keeping with the current and future growth and development of Glenmore Park Estate.

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

- Architectural presentation (bulk, scale and design);
- Location of the Town Square;
- Parking, traffic and pedestrian pathways;
- Economic and social impacts;
- Public interest.

These matters are discussed in detail in the report.

The 'capital investment value' (CIV) of the proposal is \$25 million. Having regard to the CIV being in excess of \$20 million, the proposed development is to be determined by the Joint Regional Planning Panel – Sydney West Region pursuant to Part 3 - Regional Development of the State Environmental Planning Policy (Major Development) 2005.

Council has had numerous meetings with the applicant and their team in an effort to achieve a high standard of design outcome for this development. As a result of these meetings, the applicant has amended the design of the facades. The proposed design, considering the development constraint imposed by the existing parking lease agreement, is now reflective of other similar established shopping centres. The overall bulk, scale and design of the building are now on balance considered to be acceptable.

There were two submissions received during the exhibition period and concerns raised are not considered to warrant refusal of the application.

The assessment of the application has demonstrated a positive benefit in regard to social and economic impacts to the residents of Glenmore Park and Penrith as a whole. The proposal is therefore recommended for approval, subject to the imposition of standard and special conditions.

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

- Appendix 1 – Location Plan;
- Appendix 2 – Site & Floor Plans;
- Appendix 3 – Elevations & Sections;
- Appendix 4 – 3D Perspectives Plan;
- Appendix 5 – Landscape Plan;
- Appendix 6 – DCP Compliance Table;
- Appendix 7 – Recommended Conditions of Consent.

## **Background**

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

The Sydney West Joint Regional Planning Panel (JRPP) on 2nd June 2011 granted approval (DA10/1305) for the extension to Glenmore Shopping Centre Stage 2 which comprised a Discount Department Stores, a Supermarket, 25 Speciality shops at ground level, 2 retail outlets, 3 restaurants, commercial area, Town Square, 3 level parking spaces including roof area and associated landscaping. That development was to be constructed over the vacant site and the existing car park area.

The granting of consent to the earlier Development Application marked an important commercial offering for the local community of Glenmore Park. That DA was considered to provide important public benefits enabled the entire shopping centre to work cohesively. The Glenmore Park Shopping Centre Stage 2 development has been the subject of discussion between the owner Village Fair Glenmore Park Pty Ltd and Council for several years since the approval of that application to enable this development to proceed generally in accordance with the approved plan.

The applicant has indicated that the previously approved development (that included the development of the existing car park area and the vacant land) could not proceed due to one of the main tenants pulling out and hence, could not proceed with that development. The applicant contends that due to this, the global financial crisis that occurred few years back and the car park leasing issue, that development which was to cost \$ 37.527 million has not proceeded.

Since the lodgement of this new development application, Council has expressed the preference for a development that would include development of the existing car park area and extensive efforts were made by Council with the applicant in trying to achieve a desired and improved urban design outcome of the shopping centre that would be more consistent with the DCP requirements. However, one of the key issues with the proposed design has been the existing lease agreement between the landowner and Woolworths which requires the existing at grade carpark to remain mostly unchanged and available for the term of the lease. The applicant has submitted a legal opinion supporting that the owner is bound by this and this advice has been generally accepted by Council's Legal Officer. Council has acknowledged that the earlier DA could not proceed due to numerous commercial and legal impediments.

This has resulted in revising the overall design philosophy for the design proposed to be limited to only the northern portion of the vacant part of the shopping centre site. The other key issue which is impacted by this restriction is the appropriateness of the built form response and configuration of the proposed development to the existing Stage 1 development and adjoining residential properties.

Council has had numerous meetings with the applicant and their team in an effort to achieve a high standard design outcome for this development and improve traffic implications. The applicant has now finally submitted a revised smaller scale version of the development which is of an acceptable design.

## **Site and Surrounds**

The Shopping Centre site is located 1.5km from the Mulgoa Road entrance and 3.10km from the Northern Road entrance to Glenmore Park Estate. The Glenmore Park Shopping Centre site is an elongated parcel running north-south and is surrounded by the Glenmore Parkway to the north, west and south and Luttrell Street to the east. The site falls from the west side to the eastern side by approximately 7m-8m. The total area of the site is 4.56 Ha. The proposal is to be located on the vacant northern part of the whole site which has a total site area of 1.078 hectares.

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

### *Stage 1 Existing Sites*

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



**Figure 1 – Stage 1 Existing Site Area & Stage 2 Extension Site Area**

#### *Stage 2 – Extension Site*

- Lot 2 DP 1022720 having total area of 1.087 Ha.

The site currently contains the following:

- Woolworths Supermarket;
- Several specialty shops;
- Medical centre;
- Several real estate agency offices;
- Eastern terrace;
- KFC Restaurant;
- McDonalds' Restaurant;
- ANZ Building;
- Service Station;
- At grade parking having 283 parking spaces;
- A total floor area of 7971sqm.

An existing car park area at ground level containing 283 parking spaces is located to the north of existing shopping centre building. The large vacant land to the north of the parking forms part of this development site. This land contains several trees which are proposed to be removed as part of this development proposal. Council's Community and Youth Centre building including a half sized basketball court are located to the east of the parking area. There is an east-west link road linking Luttrell Street and the Glenmore Parkway located in the central part of this site separating the existing shopping centre and the at ground parking spaces (see Figure 1). The proposed development is to be located on the north side of the existing car parking area and to the north of the existing shopping centre building.

## Proposed Development

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

- A large supermarket;
- A small supermarket;
- 6 retail outlets at ground level/ Undercroft – level 2;
- 5 commercial Units at under croft level 1;
- 17 specialty/retail outlets at the main large supermarket level;
- 2 Restaurants are expected within these outlet spaces;
- 415 additional parking spaces to cater for the extension of the shopping centre;
- Temporary new town square (Eastern Terrace) is proposed located in the eastern terrace area and close to the central part entrance to east west link road and between of the existing and proposed new Shopping Centre building (see Appendix 1).

Table 1 below details the floor space generated by the proposed development.

	<b><i>Coles &amp; Specialty Shop Level</i></b>	<b><i>Floor Space (sqm)</i></b>
1	Main Supermarket	4,050.00
2	17 Specialty shops	2,102.00
3	1 commercial Unit	382.00
4	4 Kiosks	62.00
5	Passage/thoroughfare	908.00
	<b><i>Total area</i></b>	<b><i>7,504.00</i></b>
	<b><i>Undercroft Level 1</i></b>	<b><i>Floor Space (sqm)</i></b>
1	5 commercial Units	457.00
2	Amenities/service and Lobby area	660.00
3	212 car parking spaces	
	<b><i>Total area</i></b>	<b><i>1,117.0</i></b>

	<b><i>Undercroft Level 2 / Ground Level</i></b>	<b><i>Floor Space (sqm)</i></b>
1	Discount Department Store (DDS)	1,553.00
2	6 specialty shops	472.00
3	179 car parking spaces	
4	24 on street parking spaces	
	<b><i>Total Area</i></b>	<b><i>2,025.00</i></b>
	<b>Overall Building GFA Area</b>	<b>10,646.00</b>

Key aspects are:

- Construction of a large building.
- Three delivery entrance/access for larger vehicles from the northern and western sides of the site from Glenmore Parkway,
- One vehicular access to the proposed new building from Luttrell Street and one from Glenmore Parkway.
- A total of 391 car spaces over 2 levels including 5 new accessible and 13 seniors parking spaces and 24 on street parking (total of 415 spaces);

- Associated landscaping and some improvements to pathways and speed control measures along Luttrell Street.

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

The application is accompanied by the following:

- Statement of Environment Effects prepared by Mullane Planning Consultancy;
- ESD Report prepared by Waterman dated May 2014;
- CPTED Statement prepared by Benier Francis dated May 2014;
- Environmental Noise Impact Assessment prepared by Acoustic Logic dated 29/05/2014;
- Traffic and Transport Assessment prepared by Cardno dated 29 May 2014;
- Tree Report prepared by Treescan dated May 2010;
- Economic Impact Assessment prepared by MacroPlan Dismai dated May 2014;
- Waste Management Plan – Construction & Post Development prepared by Waste Audit and Consultancy Services dated November 2010;
- Geotechnical Investigation Report and Phase 1 prepared by Douglas Partners dated June 2009;
- Signage Strategy Report prepared by Santel Architects dated 10 November 2010 and amended by Benier Francis on May 2014.

## **Planning Assessment**

The proposed development has been assessed in accordance with the matters for consideration under Section 23G and Section 79C of the Environmental Planning and Assessment Act 1979. The following key issues have emerged as part of this assessment process.

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

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

The Capital Investment Value (CIV) of the development is \$25 million and pursuant to the Planning Circular PS 09-016 by Department of Planning if the Capital investment value (CIV) of the development is over \$20 million, then the approval body is Joint Regional Planning Panel (JRPP).

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

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

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

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

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

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

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

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

The application and accompanying Transport Impact Assessment was referred to the RMS and Council's Transportation Planners for examination and comments. SRDAC have provided their response letter dated 19 August 2014 as follows:

- The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.
- The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.
- The car parking provision is to be to Council's satisfaction.
- Require the applicant to provide a Construction Management Plan detailing construction vehicle routes, number of trucks, hours of operation to Council's satisfaction.

The above matters form part of the recommended conditions of consent (see Special Conditions 125, 126 and 127).

The existing parking spaces on site and proposed parking spaces as well as the parking requirement under Section 2.11 of Penrith DCP 2006 and RMS guidelines are shown below.

<b>Existing Facilities</b>	<b>Floor Area</b>	<b>Rates</b>	<b>Parking Requirements</b>	<b>Parking Proposed</b>
Supermarket	4282m <sup>2</sup>	1/10m <sup>2</sup>	428 spaces	
Retail/shops outlets	1680m <sup>2</sup>	1/26m <sup>2</sup>	65 spaces	
Commercial	527m <sup>2</sup>	1/40m <sup>2</sup>	13 spaces	
Restaurants KFC & McDonalds	665m <sup>2</sup>	1/5.5m <sup>2</sup> or 1 per 4 seats = 300m <sup>2</sup> seating area	55 spaces	
Sub Total	7154	Based on Council's DCP	561 spaces	283+79 = 362

<b>Proposed Facilities</b>	<b>Floor Area</b>	<b>Rates</b>	<b>Parking Requirements</b>	<b>Parking Proposed</b>
Coles Supermarket	4,050m <sup>2</sup>	1/10m <sup>2</sup>	405 spaces	8 spaces
Aldi Supermarket	1,553m <sup>2</sup>	1/10m <sup>2</sup>	155 spaces	31 spaces
Retail/shops Outlets	2574m <sup>2</sup>	1/26m <sup>2</sup>	99 spaces	UC1 - 212spaces
Commercial area	457m <sup>2</sup>	1/40m <sup>2</sup>	11 spaces	UC2 - 179 spaces
Kiosks	62m <sup>2</sup>	1/26m <sup>2</sup>	2.38 spaces	
Sub Total	8696 m <sup>2</sup>		672 spaces	430 spaces
<b>Total Overall</b>	<b>15,850m<sup>2</sup></b>		<b>1233 spaces</b>	<b>792 spaces (and including other 179 Luttrell street) = 971 spaces</b>

The submitted Transport Impact Assessment Report by Cardno (dated 29/02/2014) and revised by Benier Francis on September 2014 has been examined by Council's Traffic Engineer. The reports states that:

- A total of 391 car parking spaces are proposed within the new two-level car park, with the new links to the existing at-grade car park proposed to reconfigure the existing car park to retain the same number of spaces in this area. A total of 11 accessible spaces are proposed.

- *Works on Luttrell Street are also proposed to introduce 24 new angled parking bays on the eastern side and seven (7) parallel spaces on the western side, adjacent the sports fields to service the Town Centre and Community Uses as a whole (31 spaces in total).*
- *A further eight (8) courier and service vehicle spaces are proposed within the Coles Loading Dock.*
- *Across the whole of the Town Centre, the proposal will increase parking by a total of 430 spaces.*
- *A total of 15 double sided bicycle racks are provided on the site, located conveniently adjacent the new main entry to the shopping centre expansion, and accommodating a total of 30 bicycles.*

Parking counts on different days and times in 2014 indicated that the peak demand was on Thursday 12pm when 330 spaces were occupied and Saturday at 11am when a total of 372 spaces were occupied. It was also noted that only 65% of the existing parking spaces were being used at peak hours. There is also a higher demand for parking during sports days.

The parking requirements under the RMS's "Guide to Traffic Generating Developments" for shopping centres of similar size (i.e. shopping centres having floor space area between 20,000sqm and 30,000sqm) are 4.3 spaces per 100sqm of gross floor area. In accordance to the RMS Guidelines this development will require  $(18417/100 \times 4.3)$  792 parking spaces. The proposal including of existing parking provides for 791 on-site parking spaces and is deficient by 1 space. This variation is supported for the following reasons:

- It is noted that there are an additional 179 public parking spaces proposed on both sides of Luttrell Street and around sports fields. Taking account of all these spaces, the proposal will result in having a total of 971 parking spaces available for the whole development and during sports days. This amount is greater than what is required by the RMS. Therefore it is compliant with the RMS's "Guide to Traffic Generating Developments".
- Past experience of similar shopping centres show that many customers will be coming to the centre and visit different shops, other facilities available in the building and supermarkets whilst parking under the same building, The actual parking requirements of parking spaces thus will overlap and resulting in less requirements.
- As this shopping centre is located in close proximity to residential developments it is also envisaged that many residents/customers will be walking to the shopping centre rather than driving. Notwithstanding the shortage of onsite parking there are 179 public parking spaces along Luttrell Street for public use which are generally available when there are no sport activities running.
- There is a possibility for overflow of parking provision into the shopping centre due to the proximity of sporting facilities, but would be only for a short period of time on Thursday or Training nights and Saturday matches. The additional 415 parking spaces provided by this development would assist to provide these spaces.

In view of the above, the requirement by the DCP of 1228 on-site parking spaces is considered to be excessive for this shopping centre. As the development provides a total of 784 parking spaces and an overall 963 parking spaces in close proximity of the Centre (which is 164 spaces over the requirement of the RMS), it is considered that on-site parking will be satisfactory.

Special Condition 114 has been recommended requiring the applicant to construct these 24 parking spaces at no cost to Council, and Council's Engineer have imposed appropriate

standard conditions to ensure that the parking spaces are constructed in accordance with Council's Design Guidelines & Construction Specification for Civic Works.

Concerns raised by Council's Traffic Engineer relates to the number of vehicle access points proposed and the likely traffic impacts from the heavy truck movements to the traffic movement and pedestrian safety along Glenmore Parkway. In order to minimise traffic impacts, the applicant will be required to construct a median island along Glenmore Parkway and within the site in order to improve traffic and pedestrian safety by carrying out the following works:

- *The proposed pedestrian marked footcrossing immediately adjacent to the roundabout, on Glenmore Parkway, is to be amended on the plans to a show pedestrian refuge only (i.e. without pedestrian crossing "zebra" linemarking). The pedestrian refuge must be configured to standard to facilitate the future installation of pedestrian crossing "zebra" linemarking and associated signage at a later date if/when it can be demonstrated that pedestrian warrants are met as required by Roads and Maritime Services. The pedestrian refuge will require approval from Council's Local Traffic Committee.*
- *To mitigate conflict points and to protect through-traffic movements along Glenmore Parkway, all vehicle movements to/from Glenmore Parkway shall be restricted to left in/left out only. As such, the layout plan shall be amended to include:*
  - i. A concrete median island (0.9m width and approximately 170.0m length) on Glenmore Parkway, including swept path diagrams showing a 19.0m articulated vehicle entering and exiting loading areas (with adequate driveway widths and/or any required road widening), to preclude right-turn movements for the length of the median;*
  - ii. The median shall be constructed to be a 300mm (height) straight-kerb (non-mountable kerb) and to be tapered back into the existing splitter island at the western end of the roundabout at the intersection of Glenmore Parkway and Luttrell Street;*
  - iii. The median shall extend along the entire frontage of the site on Glenmore Parkway, to a point approximately 5.0m south of the proposed southernmost Coles loading dock driveway (near KFC), with consultation to be undertaken by the developer with affected residents at number 380 Glenmore Parkway;*
  - iv. The kerb return, at the access driveway to the lower level customer car park (at the north of the site), to be designed so that it is physically impossible to turn right onto Glenmore Parkway should an errant driver attempt to do so;*
  - v. Provision of a westbound left-in deceleration lane off the collector road environment, of approximately 20.0m, on approach to the access driveway to the lower level customer car park (at the north of the site). The plan must clearly identify this access driveway as an "entry only" driveway;*
  - vi. The kerb returns, at both the entry and exit driveways associated with the Coles loading area, to be designed so that it is physically impossible to turn right onto Glenmore Parkway;*
  - vii. Median island centres (inside of kerb) are to be finished / coloured / stencilled to be consistent with the existing roundabout splitter islands on Glenmore Parkway.*

*viii. All vehicles and parking movements are in accordance with the provisions of AS 2890.1 and 2 and AS 2890.1(2004).*

The above matters have been either indicated on the amended new plans and those not addressed in the plans have been recommended in Special Condition 93.

The increase in traffic movements as a result of the development is likely to produce a consistent increase in local traffic flow, however no major traffic generation impacts are expected from the development as the local road network and surrounding intersection treatments have adequate capacity to cater for this increase. The number of truck movements is stated to be no greater than 6 per day. A condition has been recommended that all truck movements are limited to daytime between 7am and 9pm only (see Conditions 78 and 130). Once the above matters are provided for this development it is considered that this development is unlikely to have detrimental impact on the local traffic of the area and provide safe pedestrian access from and to this site.

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

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

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

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

The site is noted to have been vacant for many years and the surrounding area was used either for rural grazing or agriculture and then in recent (20 years) for residential use.

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

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

The application was accompanied by a Contamination Assessment' prepared by Douglas Partners dated June 2009. In Section 7 of the 'Report on Phase 1, it is stated that *“Based on a review of available site history and relevant information, the overall potential for contamination at the site is assessed to be low but it recommends that some intrusive investigation should be undertaken to ensure that contaminants are not present e.g. asbestos-cement fragments (fibro) on the vacant site”*.

This report was examined by Council's Environmental Officer and they have recommended that a detailed Site Investigation would be required to be carried out as recommended in the Contamination Assessment Report prior to any construction works being carried out on site and construction certificate being issued to ensure that the site is free of contamination. This work should be undertaken that considers the requirements of the DECCW/EPA Guidelines. If remediation works are found to be required then a separate development application is to be submitted to Council for the remediation of land, as per Sydney Regional Environmental Plan No. 20 prior to any further construction work being carried out.

As the applicant has not carried out this investigation yet, it is recommended that they carry out this contamination investigation of the site prior to commencement of any construction works and submit to Council written documentary evidence prepared by a qualified person to indicate that the site is free of any contamination prior to the release of any Construction Certificate. The above has been recommended in Special Condition 74.

The provisions of SEPP 55 have therefore been satisfied.

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

The proposed signage involves:

- Major building identification signs to identify the building from a distance.
- Minor building identification signs to identify the building at vehicular and pedestrian entries.
- Major tenant signs to identify the two major tenants.
- Consolidated specialty signage panels to identify a group of specialty shop businesses.
- Tenancy signs to identify individual tenants at shopfronts.
- Vehicular directional signs to direct vehicular traffic approaching the site to car parks. These will be incorporated into the broader area-wide traffic and car parking strategy.
- Car park entrance signs to identify entrances to car parks.
- Signage types and functions; e.g. car park entrance sign may include a minor building
- Identification sign, a major tenant sign and a "P" for parking identification, and a consolidated specialty shop panel.

The SEPP applies to all signage which is visible from any public place or public reserve. Most signage proposed will be visible from the public reserve. It does not regulate the content of signs and does not require consent for a change in the content of signage. Clause 8 of the SEPP indicates that proposed signage must be consistent with the objectives of the SEPP and satisfy the assessment criteria in Schedule 1.

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

The proposed signage complies with the above criteria as the signage is considered:

- To be compatible and appropriate for the centre;
- Not expected to detract from the amenity or visual quality of the neighbourhood;
- Not to disrupt any views, skylines or vistas, or other advertisers;
- That the scale proportion and form is appropriate to the streetscape;

- The illuminated logo signage and way-finding to the entrances of the shopping centre, the pylon sign are reasonable provided that they are not of any flashing or bright lights to avoid glare to nearby residences;
- The Glenmore Park signage is proposed around the building, along the elevations. The proportion of the signage is suitable to the scale of the shopping centre and appropriate to its refurbishment;
- Special Condition 79 requires that signage does not include flashing and/or bright lights in order to minimise any impact on to the residential dwellings nearby;
- The indicative signs are not considered to be a distraction or hazard to safety of traffic, pedestrians or cyclists.

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

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

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

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

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

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

Council's Water Management Officer has also examined the application and considers that the proposed stormwater treatment measures comply with the requirements of the Water Sensitive Urban Design (WSUD) Policy and has no objections to the proposed application subject to imposition of several recommended conditions.

Subject to Standard Condition 11 requiring the development to provide erosion and sediment control measures prior to the commencement of works on site, the proposal will be consistent with the Policy, particularly in relation to total catchment management and water quality in the metropolitan area.

## Penrith Local Environmental Plan No. 188

The application was lodged prior to the gazettal of the current LEP 2010 (Amendment No. 4), and hence, the savings provision under Clause 1.8A of this LEP applies to this development.

The application has therefore been assessed under the planning instrument Local Environmental Plan No. 188 (LEP) which was applicable at that time of DA lodgement. The land was zoned 2 (*Urban Zone*) pursuant to LEP 188 at the time of lodgement. The proposed extension to an existing shopping centre is not listed as a prohibited use in the land use table and hence is permissible in the zone with consent.

The objectives of this zone 2 (*Urban Zone*) are:

- (a) to provide a flexible framework for the promotion of growth and development in the South Penrith Urban Release Area;*
- (b) to enable the council to provide more detailed guidelines about preferred land use distribution and development issues in a development control plan; and*
- (c) to ensure that development is carried out in a manner which achieves appropriate provision of or funding for major infrastructure works that are a necessary prerequisite for urban development generally in the area.*

The proposed expansion to the existing Glenmore Park Shopping Centre responds to the changing needs of the existing Local Centre as a result of the Glenmore Park Residential Estate Stage I.

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

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

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

*Clause 12 Land use arrangement states that:*

- (1) Subject to this clause, the council shall not consent to any development on land to which this plan applies unless the type and location of development is **generally** in accordance with any development control plan applying to the land.*
- (2) Notwithstanding subclause (1), the council may consent to development which is not in accordance with a development control plan where it is of the opinion that the development otherwise satisfies the objectives of that plan.*

Penrith Development Control Plan 2006 (DCP 2006) was the relevant plan applicable to the land zoned under LEP 188 and as this land was zoned 2 (*Urban Zone*) at the time of its lodgement, the application has been assessed under the requirements of DCP 2006. A compliance table is attached with the report (Appendix 6). As mentioned earlier, the proposal

is generally consistent with the objectives of the LEP 188 and is generally consistent with DCP 2006.

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

Penrith Local Environmental Plan 2010 (Amendment No. 4) was a draft planning instrument at the time of lodgement of this application. The proposal is permissible under this instrument and is consistent with the aims and objectives of the plan.

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

As mentioned earlier, DCP 2006 is the relevant DCP applicable to land zoned under LEP 188.

#### **Penrith Development Control Plan 2006**

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

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

The proposal was referred to Council's Community Safety Officer and NSW Police for comment. They have advised the following to in order to minimise potential danger to customers:

- To avoid any entrapment areas.
- To further ensure and discourage criminal and anti-social behaviour, the recordable video surveillance system in the existing centre would be extended to include the new centre. Security patrols would also cover the new centre.
- The external loading facilities are not proposed to be fenced and security cameras would be installed in clearly visible locations to deter anti-social behaviour and crime. Management would also use regular security patrols.
- Concealed corners in the corridors have generally been avoided to prevent people from hiding behind them. The exception is the escape corridor in the east side of the Mall, leading to the escape stair. Considering the door to this corridor would be alarmed it would not offer allow possible offenders to hide inside.
- Lighting and CCTV to be provided within the building's car parking areas and behind the community and youth centre building in order to provide enhanced visibility and discourage anti-social behaviour and criminal activities.
- Security patrols would be engaged to cover the new centre.
- Any boundary fences to be constructed are to be of see-through metal type to provide passive surveillance.

The applicant has been required to:

- provide a detailed security management plan for the development be prepared and submitted to Council and NSW Police for consideration and approval. That Plan must consider providing adequate security staff, CCTV and proper lightings provision in all necessary areas like the loading docks, long corridors and entrapment areas as a condition of consent.
- Provide boom gates and security ticketing/card machines at all vehicular entrances. All access gates to the building/car parking areas should be closed after 10pm.

Council's Community Safety Officer has raised no objection to the development provided that the above matters have been either addressed and several additional conditions being included in the consent. These conditions have been incorporated in recommended Special Condition 99.

Once the above matters have been addressed and provided on ground, the design of the new centre building, with inclusion of hard and soft landscaping, is likely to discourage anti-social behaviour and minimises the opportunity for criminal activities in and around the new centre.

### **Landscape**

As part of the development application, a concept landscape plan was prepared by Wallbrink Landscape Architecture. The proposal provides for new street planting along the eastern, northern and western boundaries and new footpath paving behind the Community and Youth Centre and improvements and new tree planting within the Eastern Terrace area with a mix of street trees, feature trees, shrubs and ground covers of various species and decorative pavement area and some street furniture. An acoustic wall and plant treatment along the northern boundary.

The landscape plan was forwarded to Council's Landscape Architect for comment who has advised that the plan submitted has been improved however, they have advised that additional landscaping and other design features can be improved with appropriate species and decorative footpath pavements treatments to improve the streetscape and the amenity of the area. They recommend the followings that would contribute to improving the development:

- Street tree species should be *Lophostemon confertus* and their planting size should be in minimum 75 litre pots.
- All street trees at the park interface (Luttrell Street east) must have tree guards to minimise vandalism.
- Revised positions of street trees on Luttrell St west to ensure minimal conflict with awnings and street lighting and their spacing should be regular where possible.
- All street trees shall not compromise the effectiveness of street lighting
- All acoustic and visual screen treatments (e.g. walls) facing public roads shall be designed in a coordinated suite to unify the streetscape and improve the visual amenity. They shall incorporate repetition of materials, colours, finishes etc. These treatments shall be extended as a recurring visual theme to other street frontages and addresses (e.g. from the Luttrell/Glenmore Parkway roundabout initial arrival area to the KFC garden bed) to unify the streetscape and present in an aesthetically pleasing yet urban sense.
- Design of these treatments must address the potential for graffiti. Treatments may incorporate planted areas to the outside (roadside) e.g. shrubs. The treatments shall be high quality and urban in character
- At the interface with the park (Luttrell St east), provide cross sections, detailed levels, materials and finishes to demonstrate safety, accessibility (logical and complying) and an appropriate positive visual impact.
- The pedestrian crossing proposed along the Town Terrace and the new development shall have a clear visual differentiation from the footpath and road appearance to ensure pedestrians are fully aware they are crossing a vehicular road.

- Relocate bicycle racks to ensure there is no conflict to pedestrian access and desire lines.

The above matters have been recommended in Special Conditions 80 to 90 inclusive.

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

The Tree report was examined by Council's Tree Preservation Officer and advised that as the site is zoned to allow for commercial building it is recommended that the applicant provide new trees additional trees in other appropriate locations of the site to replace those removed.

### ***Waste Planning***

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

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

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

The garbage storage area for the Community and Youth Centre in its existing location can still be accessible with this development proposal. The applicant has been required to maintain this service as existing (see Special Condition 75 & 115).

### ***Car Parking***

This has been discussed earlier in the report. The proposal will maintain most of the 283 existing parking spaces at ground level for use during construction phase. There will however be reconfiguration of 26 parking spaces located at the northern end of the existing parking area to provide a new driveway and parking spaces. However, it will be for temporary period only until the new 26 spaces are constructed along the northern end of the existing parking area. The development will still provide 283 parking spaces within the existing parking area for customers to use.

As outlined in the earlier part of the report, the development will provide additional 423 parking spaces on top of 283 spaces and this is considered satisfactory and satisfies the intent of the car parking requirements contained within this part of DCP 2006.

One of the main concerns during the construction of this development is with the availability of parking spaces for the customers. The applicant has indicated that the construction would be carried out with minimal disruption to the existing parking area. The applicant has been required to provide a detailed construction management plan which includes parking

provisions for the customers during construction phase, schedule of time and dust and noise impacts. Special Condition 1008 has been recommended to require this matter.

### ***Glenmore Park Local Centre***

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

The objectives of 6.11 Glenmore Park Local Centre are as follows:

- (i) Providing locations for a range of retailing and community activities to serve the whole Glenmore Park community's needs;*

The proposed development includes two Supermarkets, additional retail outlets, commercial floor space, possible café and a restaurant and improvement to East Terrace for the residents of Glenmore Park that is designed to meet the needs of the Glenmore Park Community.

- (ii) Providing for the possibility of an increased variety of housing types;*

There is no proposal for any housing in Stage II of the Town Centre, at this time, however there had been some discussions to include some residential dwellings in the future.

- (iii) Integrating passive and active open spaces, designated in Glenmore Park Structure Plan, into the design of the Centre;*

The design of Stage 2 has focussed on and provided temporary Town Square type of area by revitalising/redesigning the existing Eastern Terrace area located in the central eastern area fronting the playing fields just south of Town Terrace east west link road.

- (iv) Integrating proposed pedestrian and bicycle systems with the design of the Centre;*

The design of this development has considered and provided safe pedestrian system from around the site. The development has provided connection from the skate park with a road crossing and active street frontage along Luttrell Street that leads them to the Supermarket and beyond to the existing shopping centre. This development incorporates and provides footpaths around this site. It has made provision for bike racks within the development and some racks located within the pathway have been recommended to be relocated (see special condition 89 for safety of pedestrian. Luttrell Street and surrounding street's footpaths link to pedestrian systems which lead to the East Terrace and Stage I thereby satisfying this objective.

- (v) Reinforcing the village and hamlet concepts in the Glenmore Park Structure Plan with community and retail facilities, which reflect its community 'hierarchy';*

The Penrith Urban Study and draft Penrith Urban Strategy analysed Penrith's centres in accordance with the centres hierarchy identified by the state government. Glenmore Park was classified as a "Village" in Penrith City Centre's Hierarchy Interim Policy which was adopted by Council 26 March 2007. The Penrith Urban Strategy investigated the centres hierarchy to reflect their future role and function to meet the dwelling target and projections. The revised hierarchy reaffirmed Glenmore Park as a "Village" now and until 2031. This Strategy also encourages new retail developments in existing centres and enables centres to grow.

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

*(vi) Encouraging the development of building forms that reinforce a "village" environment;*

A "village" is considered to reflect an environment that is, a physical environment where people gather and tend to know each other and feel comfortable in that physical environment. The sense of community spirit which exists in Glenmore Park is driven by factors such as children's sport area, Churches, Schools located in close proximity to this site. This proposal once completed will provide a large common usable "Eastern Terrace" area where public gathering and small functions can take place.

*(vii) Creating a basis for the evolution and management of the Centre.*

A Management Plan was submitted with the application that was examined by Council's Community Safety Officer and the Police. There is some fine tuning required with this plan in order to ensure that there are no potential dangers to customers visiting the site. The applicant will need to further address these matters for the centre and will be required to submit a new management plan to Council for consideration and approval prior to the release of the construction certificate. This management plan will be prepared in consultation with the Police and Council staff. This has been recommended as a condition (see special condition 99) in the consent.

The objectives of the DCP are therefore satisfied by the proposal.

*Principal Development Controls*

Detailed compliance with the DCP is shown in the table at Appendix 6. Some of the key development controls that are more relevant to the development assessment are discussed below.

*Bulk, Scale and Design*

The submitted design was examined by the Urban Design Review Panel (UDRP). They have raised concerns of the design having too many blank walls along north, west and southern elevations and that there was no consideration given to include residential components along the northern facing elevation. They have required the applicant to address the following:

- Improvements to the Luttrell Street elevation by minimising large blank areas, providing entry statement above the main vehicle entry point along Luttrell Street;
- Improvements to the northern and western elevations to avoid large blank areas;
- Provide additional raised pedestrian crossing along Luttrell Street for safe crossing;
- Improvements to the Eastern Terrace area by using appropriate type of paving and street furniture and lighting to improve its outlook;
- Providing details of the outdoor furniture and street lighting;
- Providing appropriate additional landscaping along the northern boundary as noise buffer.

After several meetings with the applicant, the final design reflects contemporary architecture and has incorporated a mix of vertical and horizontal lines, incorporated stairwells with different external colour to provide a break to long blank wall appearance along the elevations and proposes to use soft pastel earthy external colours in order to improve its design. The proposed screen planting along the boundary also screens the large blank elevations along the western and northern elevations resulting in an overall improved design of the development.

The elevations facing the existing at ground parking areas and playing fields incorporates large glass glazing with decorative metal fenestrations that are in a contemporary architectural design that provides a positive aesthetic and also provides an active street frontage along Luttrell Street as envisaged by DCP.

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

The submitted coloured elevation has not considered the use of the existing external sandstone material used for the existing building and walls along the Luttrell Street elevations. It is considered highly appropriate to continue this theme along that elevation of new building. Special Condition 80 has been recommended requiring the applicant to use sandstone along the lower portion of the elevation to maintain and enhance the elevation along Luttrell Street.

#### *Building Height*

The DCP allows up to 14m high in the area north of the east west spine road. The overall building height has been maintained at 12m to a maximum of 14m in the lift shaft area from the existing natural ground level.

This has also been examined by Council's Urban Design Review Panel and it was considered acceptable as it also provides a positive statement.

#### *Pedestrian Access and Mobility*

This shopping centre is located within walking distance from many residences. It is therefore important to ensure that there is reasonable and safe footpath access to the shopping centre.

A central pedestrian path between the two shopping centre buildings will be the main pedestrian route through the Local Centre. A pedestrian pathway which links with the rear of the Community and Youth Centre and via a pathway from Luttrell Street, the skate park and sports field. Pedestrian movements from the carpark area and Luttrell Street entrance can use the travelators and lifts connecting to the central pedestrian path and the mall from each level of the building.

As discussed in the earlier parts of the report, the development incorporates lifts and travelators, pathways and different type of paving around the development site, raised crossings along the street, raised vehicular crossing access. It is considered that, this development will provide adequate safe pedestrian pathways, road crossings and decorative pavements within the development and surround for the Local Centre.

The DCP requires consideration of provision to connect the proposed and existing shopping centre building where basement parking is proposed. The existing building does not have a

basement and the new development does not propose an underground connection. The applicant has made a submission to indicate that the intent of this has been achieved by providing an at grade accessible pathway from one building to another, by providing a lift close to the entrance of the new building and an additional lift at the other end of the new building and several travelators that are easily accessible for a people with a disability visiting either of the buildings.

The intent of this requirement to provide a connection from one building to another has therefore been met by this development.

#### *Town Square/Centre*

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

This development has not proposed a Town Square however, it will embellish and improve the Eastern Terrace area which is on the southern side of east-west link road to be used for gathering and community events. The area is located east of an existing alfresco café area and looking over to the playing fields. It provides ample passive surveillance that would be conducive to customers and is sufficiently wide to create good amenity of that area.

The submitted plans does not provide sufficient details and design of street furniture or paving within this area and as it is prudent to have good design of street furniture, and accessible pathways the applicant has been required to provide these details with the Construction Certificate for Council to consider and approve (see Special Condition 82). This Eastern Terrace area can be used for community events appropriate for shopping centres.

It is considered that this space will be conducive to the public as a place of gathering that will encourage interaction between the residents of the area which is highly desirable for Glenmore Park.

#### *Floor Space Ratio (FSR)*

The DCP stipulates that any development over the whole site should not be greater than 0.75:1. The total site area is 45,600sqm which will allow 32,200sqm of floor area excluding carpark and service, access corridor area. This development incorporates a total floor area of 18,466sqm that excludes car parking area and service areas. This equates to about 0.41:1 which is far less that the maximum allowed FSR.

#### *Energy Efficiency*

The application was accompanied by an ESD Statement prepared by Stanton Architects dated 2010 and updated by Benier Francis in 2014. The report indicates that:

- *The design philosophy applied to the Glenmore Park Town Centre has attempted to provide a building that harnesses both environmentally sustainable design techniques as well as sensible engineering design principles, resulting in a centre that is more energy efficient than comparable facilities.*
- *The building design will attempt to make substantial reductions to both the bulk energy usage and water consumption of the facility, whilst still ensuring that the final results as*

*perceived by the end user are not significantly reduced over that provided in like facilities via conventional and more energy intensive methods.*

They have recommended the following for inclusion in the development:

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

In order to achieve a high standard of energy efficient development the above matters have been required to be implemented in this development as a condition of consent (see Special Condition 109).

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

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

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

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

### **Built and Natural Environment**

The site falls from the west to the north east corner by about 7m. The proposal seeks to take advantage of the site to incorporating undercroft parking levels and maintaining the building height to only 10 metres when viewed from the western and southern side of this site. This has given the opportunity to orientate the building so that it has an outlook to the sport field.

## **Drainage**

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

The applicant was requested to provide amended drainage plan to show the pit invert levels, pipe sizes and pipe gradients, overland flow paths and finished surface levels on the drainage plan. The applicant has agreed to provide this detail with the Construction Certificate documentation, hence recommended is a condition (see Special Condition 73) relating to the above information as well as the driveway construction details, on-site parking dimensions, turning of vehicles and reinstatement of any of the council's property or kerbs as a result of the construction of this development.

## **Social Impacts**

The development will provide employment opportunity and market/shop choices which will benefit all Penrith residents.

The areas between the new building and the Community and youth Centre (CYC) required a great deal of consideration to make this area active as possible. In this respect the applicant has provided a continual covered walkway connecting the existing shopping area to the new building which provides passive surveillance and use to encourage activities within this area. With the inclusion of row of trees and decorative paving within this area, this area is expected to be conducive to and attractive for the use by the public.

The existing 4 spaces of CYC would be retained provide only pedestrian access way behind the Community & Youth Centre (CYC) and 1 garage parking space located within the building for this centre. It is therefore reasonable to require the applicant to maintain the 4 parking spaces for the use by the Community & Youth Centre (CYC) as existing. Special Condition 75 has been recommended to provide 4 nominated and signposted parking spaces only to be used by the CYC.

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

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

Improvements to east terrace area will provide the residents of Glenmore Park to use this area to their benefit for social interaction. Appropriate conditions have been recommended to provide good street furniture and lighting in this area to ensure that the recommendations of the report are adopted in the construction of the proposal (see Special Condition 82).

## Economic Impacts

The development application has been accompanied by an Economic Impact Assessment prepared by MacroPlan. The report describes that:

*The nature of the expansion at Glenmore Park SC will be focused primarily on an additional supermarket Coles store, an Aldi supermarket and several specialty shops and some commercial units. The proposed expansion reinforces the retail hierarchy across Penrith City, by providing additional supermarkets at an existing Village centre, without reducing the level of service provision anywhere else, nor preventing any future retail centres from establishing across the LGA.*

*The existing retail offer in the main trade area, including the likes Wallacia, Silverdale and Warragamba, performs an important local role and function serving the immediate top-up convenience needs of local residents but also providing a range of specialty shops and services including general stores, small supermarkets, cafes, take-away shops, and other non-food retail tenancies.*

*The role and function of these centres will be maintained even with the proposed supermarket because most of the tenancies are entirely complementary and because they will continue to perform a local top-up/convenience role and serve their immediate local catchments.*

*There is no allowance in the Penrith retail hierarchy for centres ranging in size between 7,500 and 45,000 sq.m (i.e. between Town Centre and Village status). The proposed expansion of Glenmore Park will result in a retail centre of about 18,446sq.m. of which some 14,275 sq.m will be retail space, making it much smaller than the designated scale for Town Centre (about one third the size), but larger than a Village Centre. The centre would much more closely resemble a 'Village', than a 'Town Centre' as both are defined under the centre hierarchy.*

*The likely impacts on the retail facilities at both Southlands and Wallacia, are minimal. We make the point that any competitive impact is therefore much more likely to be felt by the larger retail facilities within Penrith, in particular Westfield Penrith, and that this is also not likely to be significant.*

*In summary, the proposed development would maintain the centre's role in the local and regional hierarchy.*

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

- *Improvement in the range of retail facilities;*
- *Providing residents with a range of alternative shopping destinations;*
- *Reduced travel times;*
- *The creation of additional employment;*
- *Revitalisation of the centre.*
- *Significant stimulus to local employment within the area.*
- *Additional jobs that will be created result from the expansion of Glenmore Park Town Centre are a direct economic benefit.*

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

Council engaged the services of Hill PDA Consulting to undertake an independent/peer review and provide an expert opinion as to whether this development would result in economic dis-benefit to other operating shopping centres in Penrith, through a review the applicant's Economic Impact Assessment EIA).

The report in response summarises that:

- *The trade area, population projections, socio-demographic characteristics and per capita expenditure data used in the EIA are generally reasonable;*
- *The EIA may have overestimated the quantum of food and liquor related expenditure generated by residents in the main trade area;*
- *In our view the competitive environment analysis is broadly accurate;*
- *There is an undersupply of supermarket floorspace in the main trade area which the proposed development would assist in addressing;*
- *The bespoke gravity models prepared by Hill PDA shows low to moderate impacts Lennox Shopping Centre (-9.2%), Southlands Shopping centre (-8.4 %) and Wallacia (-7.3%) resulting from the proposed development;*
- *The change in retail mix with additional supermarkets and specialty floorspace from the proposed expansion is appropriate in this locality given the undersupply of supermarket space in the trade area;*
- *The NSW Draft Centres Policy seeks to support existing centres and allow centres to grow and expand in line with demand.*
- *In view of the above we believe that there are no reasonable grounds for refusal of the application in relation to economic impacts.*

The proposal will provide more competition and choice of shops with two additional Supermarkets, several commercial units and several specialty shops. In view of the above it is concluded that the proposed extension of the Shopping Centre would generally be able to sustain its economic viability and is unlikely to have economic dis-benefit to the other retail centres.

## **Noise Impacts**

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

As there have been no details provided as to the type of air conditioning units being used for the development it is difficult to gauge the noise impact. It is therefore recommended that the applicant provide a detailed assessment of the noise emissions associated with the mechanical plant and equipment for the development with the Construction Certificate (see Special Conditions 86).

A 2.50m high acoustic barrier fence is proposed to be constructed along the western side of the pickup/delivery access located along the north of this site in order to minimise any noise impact to the residents living across the street. The design needs to be fine-tuned to ensure it's of high aesthetic quality and graffiti proof (see Special Condition 86).

Any light poles incorporated within the landscape area should be located wholly within the subject site and should comply with the relevant standard and maintained by the applicant.

Furthermore, all acoustic and other fences will need to be wholly located within the property boundaries.

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

Council's Environment Officer was concerned that there is potential for noise impact from the vehicles parked on the undercroft 1 to the residential properties located on the northern western side of this site. It is therefore recommended that these parking spaces be closed after 9pm in order to avoid creating sleep disturbance to these residents. Delivery of trucks will be restricted to between 7am and 9pm only so that the residents are not impacted upon by truck noise after these hours. Noise generated from demolition and construction works will be limited to those approved hours of operation.

These have been incorporated into recommended conditions of consent (see conditions 6, 77 & 78).

### **Stormwater Management**

Council's Water Management Officer has examined the submitted Stormwater Quality Management Plans prepared by Lanigan Civil, sheets LC715-TP1 and LC715-TP2 issue D, dated 23 July 2015 and LC715-SK2 issue D dated 23 July 2015. The development proposes a 20KL rainwater tank and internal reuse (toilets) combined with 2 x SPEL Ecoceptors and 2 x SPEL Hydrosystem 1000s in series as part of the treatment train.

The proposed development is therefore suitable and acceptable, as it complies with all the relevant stormwater management requirements and is acceptable in relation to Council's WSUD design criteria.

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

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

The site is generally unconstrained with regard to natural hazards, including flooding or bushfire risks. The site is not listed as an item of heritage significance and is not in the vicinity of an item of heritage significance. The topography at the site is conducive to the multi-level design proposed. The site presents as suitable for a logical expansion of commercial activities.

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

The application was advertised and notified to the residents of Glenmore Park on exhibition from 14 July to 12 August 2014. There were two submissions during this period. The following matters were raised in their submissions:

- *The proposal is inconsistent with the identification of Glenmore Park as a 'local centre' in both State and Local Government planning controls.*

This has been examined by external consultant and found to be consistent with the planning controls as discussed under economic impacts.

- *The proposed development pre-empts and may inhibit planned investment and growth of Glenmore Park Stage 2.*

The proposed development provides competition in the market which will benefit the residents living in the area and beyond. The Draft Centre's Policy/ SEPP (Competition) 2010, encourages economic growth and competition. Further the impacts of a proposed commercial development on the commercial viability of other commercial developments are not matters for the consent authority.

- *The proposed residential apartment development is not a lawful application.*

A residential apartment component does not form part of this development application.

- *The proposal is inconsistent with the Penrith DCP 2006 and there is no commitment to developing a new Town Square.*

The proposal is generally consistent with the DCP with minor variations, however, on balance it is considered that the overall design and commercial benefit it will bring to the area is positive and hence is worthy of support. The development does include improvements to east terrace area which is used as a communal centre and provides a place for gathering for the public. The proposal has been assessed to be generally consistent with the DCP and meet its objectives for Glenmore Park Local Centre.

Glenmore Park Shopping Centre will need to respond to population growth, demand for retail and commercial services over-time and funding. With a trade area of over 33,000 persons currently, suggests that the MTA could support up to 3 full line supermarkets. The expansion of Glenmore Park Shopping Centre would facilitate in meeting market demand.

- *There is no design element that effectively integrates this site with the existing centre.*

A covered walkway attempts to guide and integrate the existing and new development until future development of the existing parking area.

- *The proposal is a significant overdevelopment of retail floor space onto one stand-alone site that will operate in direct competition with the existing Glenmore Park shopping centre.*

The proposal complies with the maximum allowed FSR of 0.75:1 (proposes only 0.41:1) as discussed earlier in the report.

- *The design as proposed will result in the disruption of the existing shopping centre – in particular the existing car parking area and the number of car parking spaces available – due to the construction phase occurring over an extended period of time. It is requested that Council require the submission of a Detailed Traffic and Parking Management Plan to form part of the DA.*

A detailed traffic management plan has been required to be submitted prior to any commencement of construction works which is to be approved by Council. The existing parking provision is proposed to be maintained.

- *The design of the development has too long elevations and insufficient landscaping to soften the visual impacts.*

Several meeting with the applicant have been undertaken and the design embellished with landscaping (subject to conditions) to be of an acceptable form and design compatible with the locality.

- *Concern is raised about the location of Glenmore Parkway access to car park level UC1 due to its location close to the bend in the road to the west and the limited sight lines available.*

Council's Traffic Engineer and RMS has examined the application and found that with imposition of several conditions this proposal is unlikely to have traffic or parking impacts.

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

The proposed extension of the shopping centre is a substantial improvement for the community by providing additional shopping facilities to the residents of Glenmore Park. This is likely to provide positive economic benefit to the public from the point of view of employment and social attraction to the Centre.

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

## **Section 94 Contributions**

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

## **Conclusion**

The applicant has demonstrated that the proposed extension of the Glenmore Park Shopping Centre reasonably satisfies the requirements of LEP 188 and the requirements of DCP 2006. The overall building has been design in contemporary architecture which is considered to be of an acceptable bulk, scale and design for the area. The applicant has now provided simple mixed vertical and horizontal forms and perimeter landscaping to avoid a blank visual appearance of the development when viewed from the streets. The overall

design is on balance considered to be acceptable and is worthy of support. The development in relation to access requirements can satisfy the requirements of the Disability Discrimination Act.

The Roads and Maritime Services and Council's Transportation Planner have considered the proposal in detail with respect to the traffic impacts and parking and were found to be acceptable subject to a conditions including limiting the hours of heavy trucks to day time only.

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

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

## **Recommendation**

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That:

1. Development Application DA14/0765 for Stage 2 of Glenmore Park Town Centre including Major Supermarket, Minor Supermarket, Commercial Floor Space, Speciality Shops, Retail Kiosks & Associated Car Parking at Lot 2 DP 865459, 1-11 Town Terrace, Glenmore Park be approved subject to the recommended conditions of consent at Appendix 7.
2. Those making submissions are notified of the determination.

## **Appendices**

Appendix 1 – Location Plan  
Appendix 2 – Site & Floor Plans  
Appendix 3 – Elevations & Sections  
Appendix 4 – 3D Perspectives Plan  
Appendix 5 – Landscape Plan  
Appendix 6 – DCP Compliance Table  
Appendix 7 – Recommended Conditions of Consent